



Public Document Pack

# DEVELOPMENT CONTROL AGENDA

**THURSDAY 28 MAY 2015 AT 7.00 PM**

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 Collins (Chair)  
Councillor Guest (Vice-Chairman)  
Councillor Birnie  
Councillor Clark  
Councillor Conway  
Councillor Maddern

Councillor Matthews  
Councillor Riddick  
Councillor Ritchie  
Councillor Sutton  
Councillor Whitman  
Councillor Wyatt-Lowe

For further information, please contact or

## **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 complete the pink interest sheet which will be made available at the meeting and then hand this to the Committee Clerk at the meeting

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

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

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

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

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

## 5. INDEX OF PLANNING APPLICATIONS

## INDEX TO PLANNING APPLICATIONS

Item No	Application No.	Description and Address	P g e n o
5. 01	4/00424/15/MOA	CONSTRUCTION OF CLASS A1 RETAIL DEVELOPMENT (TO INCLUDE CONVENIENCE AND COMPARISON RETAIL FLOORPLACE AND ANCILLARY CAFE) AND CLASS A3 DRIVE-THRU CAFE/RESTAURANT UNIT (WITH ANCILLARY TAKEAWAY) TOGETHER WITH ACCESS, CAR PARKING, SERVICE YARD AND ASSOCIATED WORKS JARMAN PARK, JARMAN WAY, HEMEL HEMPSTEAD	6
5. 02	4/03584/14/MOA	OUTLINE APPLICATION FOR THE CONSTRUCTION OF 50 ONE BEDROOM FLATS WITH CAR PARKING AND VEHICULAR ACCESS. LAND AT APSLEY MILLS ADJ. THE COTTAGE, LONDON ROAD, APSLEY, HEMEL HEMPSTEAD	57
5. 03	4/01632/15/ROC	VARIATION OF CONDITION 5 (CILL HEIGHTS) ATTACHED TO PLANNING PERMISSION 4/00024/14/FUL (CONSTRUCTION OF FOUR SEMI-DETACHED HOUSES) LAND AT 15 AND R/O 14, STATION ROAD, TRING, HP23 5NG	86
5. 04	4/01633/15/ROC	VARIATION OF CONDITION 2 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION 4/00024/14/FUL (CONSTRUCTION OF FOUR SEMI-DETACHED HOUSES) LAND AT 15 AND R/O 14, STATION ROAD, TRING, HP23 5NG	94
5. 05	4/01653/15/FUL	CONSTRUCTION OF TWO SEMI DETACHED HOUSES LAND TO THE REAR OF 17 STATION ROAD, TRING, HP235NG	10 3
5. 06	4/00987/15/FHA	PART SINGLE, PART TWO STOREY FRONT SIDE AND REAR EXTENSION WITH FRONT PORCH EXTENSION. LOFT CONVERSION WITH REAR DORMER AND EXTENSION OF EXISTING RAISED PATIO 37 HAZEL ROAD, BERKHAMSTED, HP4 2JN	11 8
5. 07	4/00578/15/FUL	NEW DETACHED DWELLING AND GARAGE WITH VEHICULAR ACCESS FROM ST JOHNS WELL COURT 328 HIGH STREET, BERKHAMSTED, HP4 1HT	12 6
5. 08	4/03763/14/MFA	CHANGE OF USE OF FOUR LONG TERM VACANT RETAIL UNITS AT PODIUM LEVEL OF BLOCKS C AND D TO A TOTAL OF 15 ONE AND TWO BEDROOM CLASS C3 APARTMENTS IMAGE DEVELOPMENT, LEIGHTON BUZZARD ROAD, HEMEL HEMPSTEAD	14 6
5. 09	4/00513/15/FUL	CONVERSION OF BUILDING FROM B1(C) TO A RESIDENTIAL DWELLING (C3) WITH REPLACEMENT WINDOW WITH A NEW DOOR (NORTHWEST ELEVATION) LOWER FARM END, LUTON ROAD, MARKYATE, ST. ALBANS, AL3 8PZ	16 6
5. 10	4/00586/15/RET	RETENTION OF RAISED DRIVEWAY WITH A RETAINING WALL 22 MANORVILLE ROAD, HEMEL HEMPSTEAD, HP3	17 9



6. **4/00424/15/MOA - JARMAN PARK, JARMAN WAY, HEMEL HEMPSTEAD** (Pages 1 - 54)
7. **4/03584/14/MOA - APSLEY MILLS ADJ. THE COTTAGE, LONDON ROAD, APSLEY, HEMEL HEMPSTEAD** (Pages 55 - 84)
8. **4/01632/15/ROC - 15 AND R/O 14, STATION ROAD, TRING, HP23 5NG** (Pages 85 - 94)
9. **4/01633/15/ROC - 15 AND R/O 14, STATION ROAD, TRING, HP23 5NG** (Pages 95 - 104)
10. **4/01653/15/FUL - 17 STATION ROAD, TRING, HP235NG** (Pages 105 - 120)
11. **4/00987/15/FHA - 37 HAZEL ROAD, BERKHAMSTED, HP4 2JN** (Pages 121 - 128)
12. **4/00578/15/FUL - 328 HIGH STREET, BERKHAMSTED, HP4 1HT** (Pages 129 - 148)
13. **4/03763/14/MFA - IMAGE DEVELOPMENT, LEIGHTON BUZZARD ROAD, HEMEL HEMPSTEAD** (Pages 149 - 170)
14. **4/00513/15/FUL - LOWER FARM END, LUTON ROAD, MARKYATE, ST. ALBANS, AL3 8PZ** (Pages 171 - 184)
15. **4/00586/15/RET - 22 MANORVILLE ROAD, HEMEL HEMPSTEAD, HP3 0AP** (Pages 185 - 192)
16. **4/00661/15/FHA - BANK MILL WHARF, 2 BANK MILL LANE, BERKHAMSTED, HP4 2NT** (Pages 193 - 202)
17. **4/00662/15/LBC - BANK MILL WHARF, 2 BANK MILL LANE, BERKHAMSTED, HP4 2NT** (Pages 203 - 212)
18. **4/00756/15/FUL - SARACENS HEAD, 47 HIGH STREET, KINGS LANGLEY, WD4 9HU** (Pages 213 - 224)
19. **4/00757/15/LBC - SARACENS HEAD, 47 HIGH STREET, KINGS LANGLEY, WD4 9HU** (Pages 225 - 232)
20. **4/00909/15/FHA - 7 SHELDON WAY, BERKHAMSTED, HP4 1FG** (Pages 233 - 244)
21. **EXCLUSION OF THE PUBLIC**

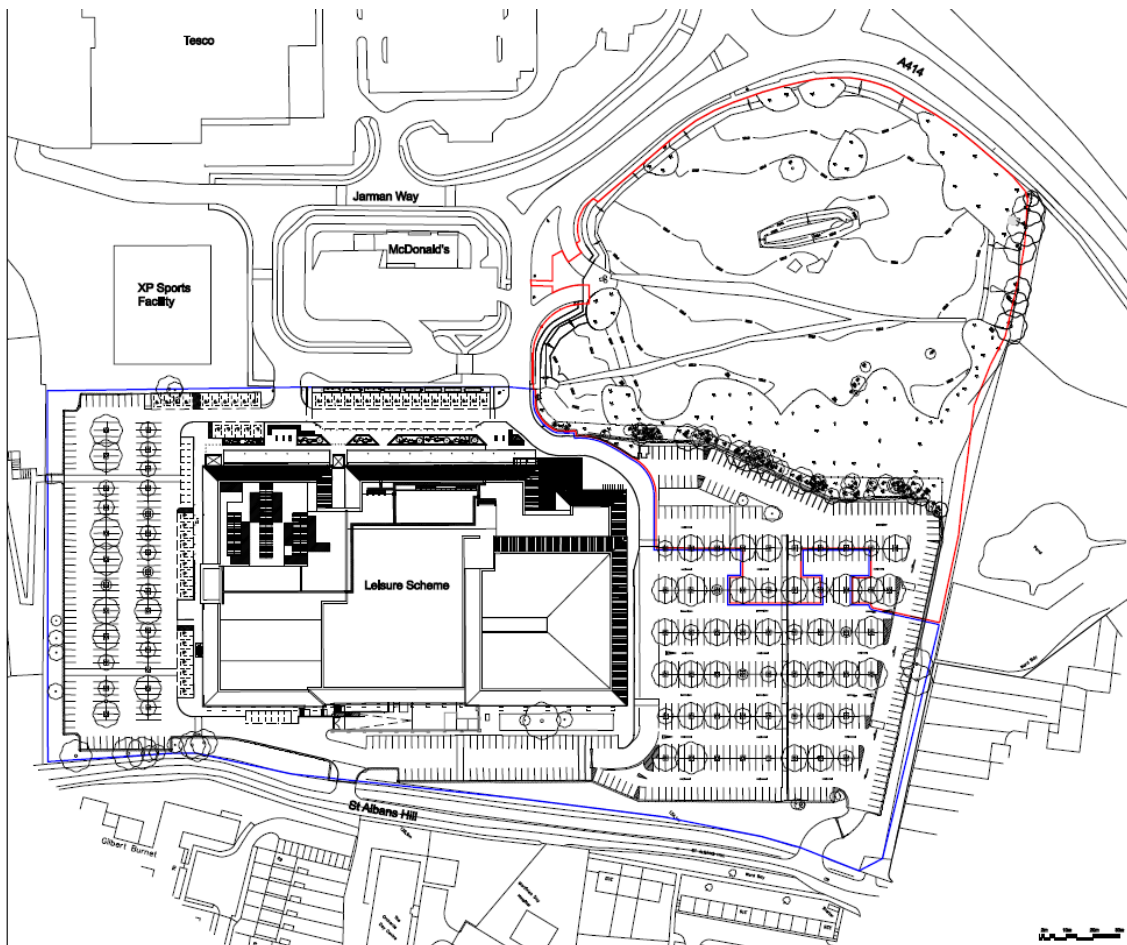
## **7. EXCLUSION OF PUBLIC**

To consider passing a resolution in the following terms: That, under s.100A (4) of the Local Government Act 1972 Schedule 12A Part 1, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded during the items in Part II of the Agenda for this meeting, because it is likely, in view of the nature of the business to be transacted, that if members of the public were present during these items there would be disclosure to them of exempt information relating to:

## 5. PLANNING APPLICATIONS

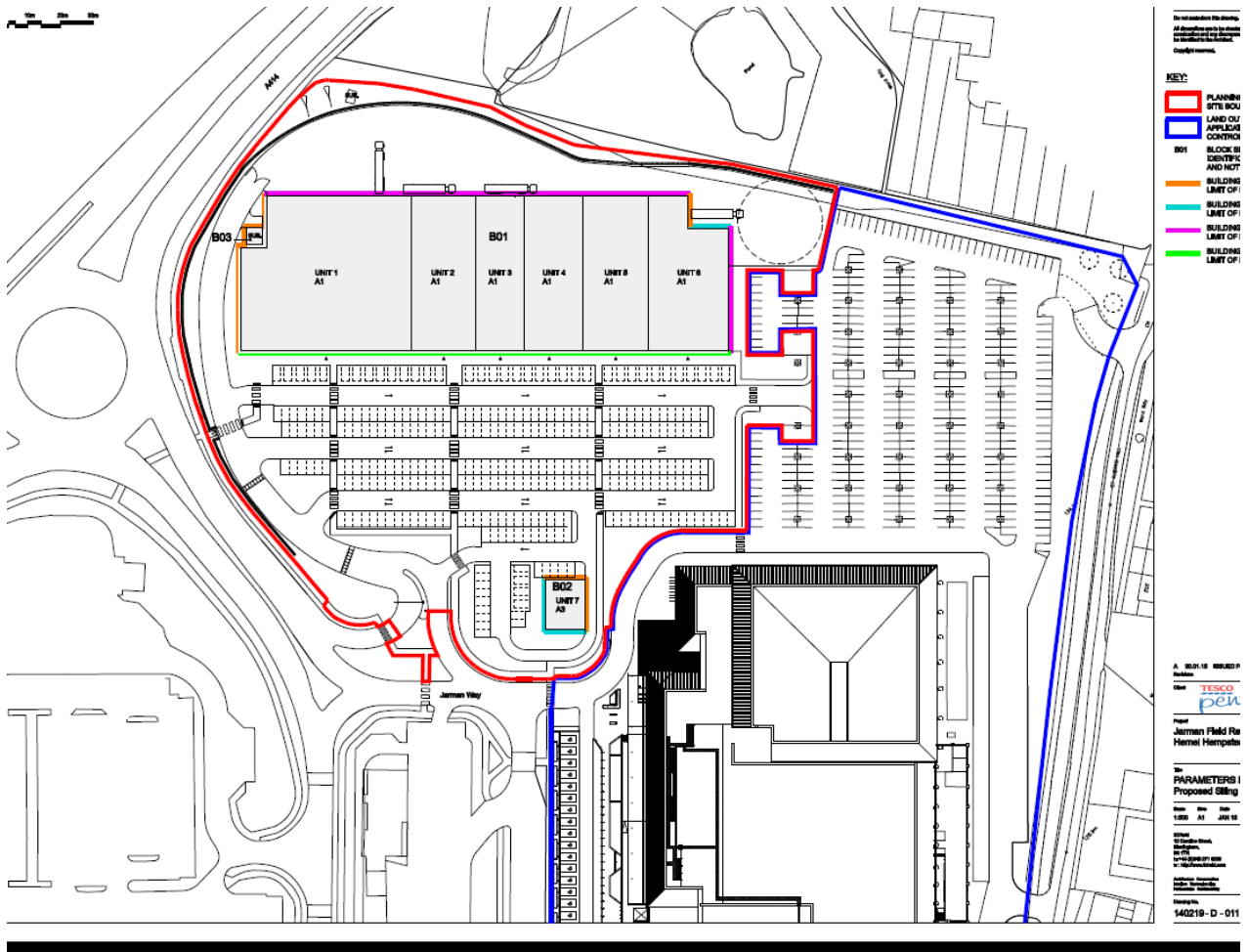
### ITEM 5.01

**4/00424/15/MOA - CONSTRUCTION OF CLASS A1 RETAIL DEVELOPMENT (TO INCLUDE CONVENIENCE AND COMPARISON RETAIL FLOORPLACE AND ANCILLARY CAFE) AND CLASS A3 DRIVE-THRU CAFE/RESTAURANT UNIT (WITH ANCILLARY TAKEAWAY) TOGETHER WITH ACCESS, CAR PARKING, SERVICE YARD AND ASSOCIATED WORKS  
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## **5. PLANNING APPLICATIONS**

**4/00424/15/MOA - CONSTRUCTION OF CLASS A1 RETAIL DEVELOPMENT (TO INCLUDE CONVENIENCE AND COMPARISON RETAIL FLOORPLACE AND ANCILLARY CAFE) AND CLASS A3 DRIVE-THRU CAFE/RESTAURANT UNIT (WITH ANCILLARY TAKEAWAY) TOGETHER WITH ACCESS, CAR PARKING, SERVICE YARD AND ASSOCIATED WORKS**

**JARMAN PARK, JARMAN WAY, HEMEL HEMPSTEAD**

**APPLICANT: Ediston Properties Ltd on behalf of Tesco Pensions Trustees Ltd**

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[Case Officer - Fiona Bogle]

### **Summary**

The application is recommended for approval subject to conditions and a S106 Agreement to secure contributions towards highway works and a Travel Plan. If the committee accept the recommendation the application must be referred to the Secretary of State for Communities and Local Government (SoS) as a Departure from the Development Plan for consideration to "call-in" the application.

### **Summary of reasons to grant**

The application submitted seeks outline planning permission for a retail park building of 10,305 sqm comprising 6 Class A1 retail units and a small drive thru cafe/takeaway on vacant land at Jarman Park, Jarman Way. There is an extant planning permission for 6700sqm of retailing on this land (4/00377/10VOT). The permission restricts the sale and display of clothing, footwear, books, toys or food. Since the grant of that permission, Jarman Park has been redefined in the adopted Dacorum Local Planning Framework Core Strategy from a local centre to an out of town centre. The application seeks an open Class A1 permission primarily comprising comparison goods stores but also some convenience shopping goods. Such an "open" permission would, it is concluded, have a significant impact on the viability and vitality of Hemel Hempstead Town Centre. It is considered, however, that a permission that restricts clothing and footwear could be tolerated. Planning permission is therefore recommended on this basis and subject to other conditions and S106 Agreement.

### **Description**

The application site is approximately 2.02ha in area and is located within Jarman Park (JP), an out of centre leisure and retail facility off the St Albans Road (A414). The site occupies the eastern side of Jarman Park (JP) bounded by St Albans Road and Jarman Way (JW). Tesco superstore, McDonald's Drive thru, The XC centre and the cinema and leisure building occupy the remaining land with the sports pitches and ski centre beyond. The site originally was a sewage farm dating back to the 1900s and later was occupied as a landfill site for domestic refuse in the 1950-70s.

Access to JP along Jarman Way (JW) is off a three arm roundabout on St Albans Road (A414) which is a dual carriageway linking the town centre to Junction 8 on the M1. JW is the established internal circulatory distribution road serving the whole Park and providing access to each site. The application site has an established,

unused and approved access/exit linking it to the distribution road. Concrete bollards act as barriers preventing vehicular traffic from using this link. Along the A414, vehicular access to the site is cordoned off by unattractive and dilapidated wooden sleepers. A pedestrian footpath runs along the A414, immediately abutting the north boundary of the site, and this links into the pedestrian routes in the Park.

The application site is generally open, falling slightly away from the highway and is somewhat unkempt and overgrown. There are artificial embankments along the northern, western and eastern boundaries of the site (except the rear) which provide some automatic screening, particularly from the A414. On the rear southern boundary there is a dense line of planting which screens the cinema and leisure complex car park immediately to the south. To the west, the site is generally open and despite a low level embankment along this boundary there is little natural screening.

## **Proposal**

The application seeks outline planning permission with all matters reserved, for the erection of a building for A1 retail use including both comparison and convenience floorspace and for a separate small A3 cafe/restaurant drive-thru (with ancillary takeaway) unit together with access, car parking, service yard and associated works.

The total A1 floorspace would be 10305 sqm split between convenience and comparison floorspace as follows:

Convenience - food Gross floorspace = 1505sqm, net 822 sq.m

Comparison -non-food Gross = 8800sqm, net 8000sq.m

The A3 cafe unit would have a floorspace of 185sqm.

The application has been accompanied by a range of plans and documents some of which have been updated during the course of the application including:

- Design and Access Statement
- Planning and Retail Statement
- Transport Assessment
- Travel Plan
- Land Contamination Report (Outline Remediation Strategy)
- Flood Risk Assessment
- Sustainability Statement

## **Planning History**

### **Background**

An outline application at Jarmans Fields was made by Ladbroke Group Properties Ltd for a mixed recreation, leisure and commercial development incorporating a leisure and recreation centre, hotel, superstore, restaurant, petrol filling station, field events arena, children's play area and associated highway works under planning

application 4/0625/89.

This planning application was 'called in' by the Secretary of State in August 1990 "because of the scale of the proposal, the associated highway issues and implications in relation to policies contained within the approved County Structure Plan and adopted Local Plan."

Following a Public Inquiry (12th-28th February 1991), the Secretary of State, as recommended by the Inspector, granted outline planning permission on the 9th October 1991.

Reserved matters details were submitted for all parts of the site bar the hotel element. The hotel has never been constructed and its permission has long expired. Its location now forms the application site for this current proposal for retail warehousing.

### **Recent relevant history**

Planning permission was first granted for retail warehousing and associated car parking, access, service yard and landscaping in May 2007 (ref: 4/00455/07/MFA). This permission was subject to a planning obligation to secure a financial highway contribution. In December 2007 permission was granted for a variation to condition 18 relating CCTV provision (4/02362/07/ROC). This permission was subject to a deed of variation to the original Section 106 Agreement to reflect the new application. On 19 August 2010 planning permission was granted (4/00377/10/VOT) for variation of condition 1 of planning permission 4/02632/07/ROC under temporary powers put in place to extend the time period for developments to allow a further 5 years for commencement of development to reflect the economic downturn at that time. This permission will expire on 18 August 2015.

4/00455/07/MFA Retail Warehousing and associated car parking, access, service yard and landscaping

Granted 24/05/07

4/02362/07/ROC Variation of condition 18 of planning permission 4/0455/07MFA

Granted 24/12/07

4/00377/10/VOT Variation of Condition 1 of planning permission 4/2632/07ROC

Granted 19/08/10

### **Referral to Committee**

The application is referred to the Development Control Committee to comply with the Council's constitution on the Scheme of Delegation.

### **Policies**

NPPF paras. 24, 26, 27

## Core Strategy

Policies NP1, CS1, CS2, CS4, CS8, CS9, CS10, CS12, CS13, CS16, CS25, CS29, CS31, CS32, CS33 and CS35,

## Saved DBLP Policies

Policies 10, 12, 13, 51, 100 and 113

## Hemel Hempstead Place Strategy

Hemel Hempstead Town Centre MasterPlan

Site Allocations Pre-Submission DPD (sept 2014)

## Summary of Representations

### Strategic Planning and Regeneration

#### *Relevant Policies:*

The NPPF promotes a town-centre approach to retail development, for decision making paragraphs 24, 26 and 27 are most relevant.

Paragraph 24 requires the application of a sequential test to planning applications which expects main town centre uses to be located in town centres, then in edge of centre locations. It states that out of centre sites should only be considered if suitable town centre or edge of centre sites are not available, and then in considering out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.

Paragraph 26 of the NPPF requires applications for retail development in excess of 2,500 sq m that are *outside of town centres which are not in accordance with an up to date Local Plan* to include an assessment of:

- *The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and,*
- *The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made.*

Paragraph 27 of the NPPF states that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

Core Strategy Policy CS16 states that *the main retail hierarchy will be strengthened by encouraging appropriate new retail development.* It states that *new retail development will be assessed in terms of its location, scale and impact and that it will be permitted if it accords with the retail hierarchy and conforms to the sequential approach.* With regard to out-of-centre development, the policy states that *new retail floorspace will only be permitted...if the proposal complies with the sequential*



*approach and demonstrates a positive overall outcome in terms of the impact assessment.*

In their Planning and Retail statement the applicant asserts that Jarman Fields is identified as a Local Centre in the Local Plan (2004). However, the Council would disagree with this statement because, the Core Strategy (2013), supersedes some of the Local Plan policies, including that which identified Jarman Fields as a Local Centre (Policy 39 of the Local Plan is superseded by Policy CS16 of the Core Strategy). The Core Strategy (page 81) designates Jarman Fields as an out-of-centre retail and leisure location where food retailing, bulky non-food goods and leisure uses are acceptable. The supporting text (para 13.7) states that within out-of-centre retail locations *significant new retail development or changes to the types of goods that are currently sold will not be allowed...in order to protect the retail hierarchy*. With reference to Jarman Fields, paragraph 13.8 of the Core Strategy states that *significant new retail development above that already permitted will be resisted*. Furthermore, it states that *the future use of this area will be closely linked to the planned regeneration of Hemel Hempstead town centre* and that whilst the precise mix and quantum of uses may change over time, the role of the site *should remain complementary to the role of the town centre and continue to support the retail hierarchy*.

Within chapter 4 of the Core Strategy, 'regenerating Hemel Hempstead town centre' is given as challenge 3 facing the future of the borough and therefore, consideration should also be given to the Hemel Hempstead Place Strategy in the Core Strategy and the associated Hemel Hempstead Town Centre Masterplan, which details the Council's regeneration aspirations and plans.

The Hemel Hempstead Place Strategy prioritises the regeneration of Hemel Hempstead town centre, Maylands business park, the neighbourhood centres and green spaces. The town centre vision, which is set out on page 142 of the Core Strategy, aspires to a vibrant town centre where people will want to shop, work, learn and visit, and where the Marlowes Shopping Zone is busy.

The Hemel Hempstead Town Centre Masterplan seeks to realise the aforementioned town centre vision by guiding the delivery of the planned regeneration according to the seven identified character zones.

The Site Allocations Pre-Submission DPD was published in September 2014 and is a material consideration in the determination of the application. Jarman Fields designation as an out-of-centre retail and leisure location is reiterated in table 1 and the application site is designated as Shopping Proposal site S/1, where the planning requirements are for 6,700 sqm (gross) of non-food retail warehousing floorspace.

### *Key Issues*

#### Conformity with national and local policies

In order to demonstrate compliance with national planning policies, the applicant must demonstrate compliance with the sequential approach and that no significant adverse impacts on either investment in Hemel Hempstead town centre or on its

vitality and viability. Both of these factors are addressed in the applicants' Planning and Retail Statement (PRS), the outcome of which has been assessed by consultants, Peter Brett and Associates (PBA), and is discussed below.

In terms of local policy, the proposal is not in accordance with the local plan. As outlined above, the application site is clearly an out-of-centre location, and therefore, under policy CS16 the applicant must demonstrate compliance with the sequential approach and a positive overall impact in terms of the impact assessment. These are discussed below.

With regards to the background text of the Core Strategy, further conflicts arise, specifically:

- The application proposes significantly more retail floorspace than that already permitted at Jarman Fields; and
- The proposal may lead to a situation where Jarman Fields competes with, rather than complements, the role of the town centre.

The application proposes 10,305sqm (gross) of retail floorspace, which is an increase of more than 50% of what is already permitted.

The applicant has not offered any strong assurances within their PRS that the retail offer at the proposal will complement the role of the town centre as required by the Core Strategy. The proposal is for unrestricted, warehouse-style, comparison-led retail floorspace which is likely to be attractive to the type of fashion retailers typically found in town centres. This, together with the restaurant and leisure offer at Jarman Park gives rise to serious concerns that the location as a whole would become a major shopping destination that would compete with the town centre.

Furthermore, there is strong concern over the possibility that the type of retailers attracted to the proposed development would include a number of the fashion anchor stores already present in Hemel Hempstead town centre. Key fashion anchor stores in Hemel Hempstead town centre include brands which are known to operate in out-of-centre locations. It is possible that one or more of these may relocate from Hemel Hempstead town centre to the proposed development.

#### Compliance with the sequential approach

Section 6 of the applicant's PRS includes a sequential analysis which considers the availability of sequentially favourable sites. Within this section, the applicant asserts that a sequential assessment is not required as it is in a Local Centre where planning permission already exists for retail development. However, as already discussed, Officers disagree with this assertion, and consider that the application must demonstrate compliance with the sequential approach.

Notwithstanding this disagreement, the applicant has submitted a sequential assessment, which has been critiqued by PBA. In accordance with PBA's conclusions it is considered that in order to demonstrate compliance with the sequential approach, further evidence about the availability of sites in the Gade zone is required.

## Impact assessment

Section 5 of the applicant's PRS provides an assessment of the likely impacts on Hemel Hempstead town centre in accordance with the criteria listed under Paragraph 26 of the NPPF, which has been evaluated by PBA. The conclusion of the applicant's impact assessment states that:

*'it is clear that the application scheme will not result in a significant adverse impact on the vitality and viability of Hemel Hempstead town centre.'*

And, with regards to the investment planned by the Council through the Hemel Evolution programme:

*'We do not consider the proposal will result in a significant adverse impact on this planned investment programme.'*

There are serious concerns about the validity of the above statements, and it is considered that there may be significant adverse impacts on Hemel Hempstead town centre if the proposal were to go ahead. The report by PBA also concludes that there the proposal may have a significant harmful impact on Hemel Hempstead town centre.

The main concerns relate to the impact of the comparison retail element of the proposal, which is the focus of these comments. The applicant's PRS assesses 3 potential scenarios with regards to the impact on Hemel Hempstead town centre:

- the main forecast assumes that 45% of the proposal's turnover will be drawn from Hemel Hempstead town centre and predicts a negative impact of 6.5% on spending within the town centre;
- the second forecast assumes that 55% of the proposal's turnover will be drawn from the town centre and predicts a negative impact of 8% on spending within the town centre;
- the third scenario assumes that 65% of the proposal's turnover will be drawn from the town centre and predicts a negative impact of 9.4% on spending within the town centre.

Without knowledge of the likely operators of the units in the proposed development, it is difficult to assess which of the scenarios is most likely, however, PBA advise that the impact of the proposed development will be at the top end of sensitivities modelled by the applicant, that is, towards a loss of 9.4% of spending within the Town centre. Their report further advises that allowing unrestricted comparison retail provides the opportunity for retailers that would otherwise locate in the town centre to gain out-of-centre representation. This could result in the loss of good quality fashion and department store anchors from the town centre, which in turn could adversely affect the overall health of the centre more fundamentally than the through the predicted trade diversion.

PBA's report highlights some very serious concerns about the likely impact of the proposal on the vitality and viability of Hemel Hempstead town centre; these concerns are shared by Officers. The main concern stems from the potential for

established fashion operators to leave the town centre and relocate to the proposed development. As these stores tend to be footfall generators for town centres like Hemel Hempstead, their loss would cause more harm than just the loss of turnover from the diversion of trade from those shops, it could mean a more profound loss of turnover for the whole town centre.

One of the reasons the PRS judges the likely impact on the town centre to be acceptable is that their assessment of the overall health of the town centre is fairly positive, and therefore it can withstand the forecast impact of the development. However, there are some concerns about some of the statements within the PRS regarding the overall health of the town centre, that may affect the conclusions drawn therein. For instance, the PRS states that the vitality and viability of the town centre is average, and yet within the assessment in appendix 8 it scores 2.68 on the vitality and viability index where 2 is 'poor' and 3 is 'fair'. The PRS describes the retail offer as good with reasonably diverse retail mix taking in a high number of quality national multiples and specialist independent shops. However, it fails to pick up on the statement in its Appendix 8 that 'there are a notable number of low-end shops such as pawnbrokers and pound shops. A recent survey (01 May) by the Council found a total of 19 charity shops, discount stores and pawnbrokers/exchanges. Furthermore, there are not considered to be a *'high number of specialist independent shops'*.

The overall health of the town centre is considered to be quite fragile. There are a relatively high number of vacancies within the Marlowes Centre and the Riverside development, which, as managed shopping centres/developments in single ownerships, would be expected to have low levels of vacancy relative to the rest of the town centre. This combined with the relatively high number of low-end shops and the lack of specialist/ independent shops, leads to concerns about what would generate footfall in to the town centre if a few of the popular fashion stores relocated from the town centre.

The impact on the regeneration of Hemel Hempstead town centre is addressed in the applicant's PRS (para's 5.58-5.63) in terms of the impact on public and private investment. It is dismissed without much explanation: *'We do not consider the proposal will result in a significant adverse impact on this planned investment programme'*.

PBA's report agrees that the proposed development is unlikely to immediately prejudice any planned investment in the Gade/Original Marlowes zone. As the funding for the physical improvements planned (and underway) in the rest of the town centre has been committed this will not be affected by the proposed development. PBA do consider that the proposed development may pose a risk to potential future investment in the town centre as the potential loss of key town centre anchors would reduce the centre's attractiveness to investors.

*Conclusion:*

These comments have mainly focussed on the potential impact of the proposed scheme in terms of the vitality and viability of Hemel Hempstead town centre. It is considered likely that the application, in its current form, could lead to significant adverse impacts on the town centre.

It is important to recognise that Hemel Hempstead lacks a destination out-of-centre retail location, and that as this is popular way for people to shop, a significant amount of trade 'leaks' out of the borough to nearby out-of-centre destinations. It is difficult to predict whether the town could accommodate a large out-of-centre retail development without having a harmful impact on the town centre with out knowledge of the likely operators or types of goods to be sold.

One potential solution highlighted in PBA's report is the use of planning conditions which could be imposed to make the proposal acceptable. The conditions they suggest are:

- Restriction on total net sales area and gross floor area;
- Control over the proportions of net sales area devoted to the sale of convenience and comparison goods;
- Minimum unit size: imposing a lower threshold of 696 sqm gross on units;
- Range of goods: prevention of the sale of clothing and footwear;
- Revoking permitted development rights.

These conditions are considered necessary in order to protect the town centre from the potential harmful impacts of the proposed development. PBA's concluding remarks about the likely impact on Hemel Hempstead town centre include the following:

*In its current form, PBA consider that the proposed development would result in significantly adverse impacts on the vitality and viability of Hemel Hempstead town centre. Thus, it is considered that planning permission could only be granted if conditions were imposed to mitigate these impacts.*

This view is echoed by the Strategic Planning and Regeneration team, and it is considered that if Members recommend approval of the application, the conditions based on the points set out above are imposed.

## **HCC Highways**

The point of access to Jarman Park is by way of a 3-arm roundabout of the A414. The development site is then accessed off the park's internal road. The A414 is a 2-lane dual carriageway road with a 40mph speed limit in the immediate vicinity of the site. The A414 is a primary route into the town centre with small distributor roads leading off it.

### Analysis

A Transport Assessment (TA) was submitted in support of the application. This is consistent with the guidance provided in HCC design guide Roads in Hertfordshire and the National Planning Policy Framework (NPPF).

## Policy

The TA should provide evidence that the proposed development is consistent with key planning policies including (but not limited to): - National Planning Policy Framework (NPPF); - HCC Local Transport Plan (LTP3); - Roads in Hertfordshire: Design Guide (3rd Edition); - Hemel Hempstead Urban Transport Plan; and - HCC Passenger Transport in New Developments

### Trip Generation and Distribution

#### Extant Use

A trip generation assessment was included in the previous TA submitted alongside application 4/00455/07/MFA. The trip rates included within the TA were based on one site contained within the TRICS database and another provided by Hertfordshire County Council. Based on a development of 6,500sqm of retail unit the extant use is anticipated to generate 376 two-way vehicular trips in the weekday network peak hour and 579 car trips during the weekend network peak hour (12:00-13:00).

#### Proposed Use Non-food retail element

The TA for the non-food retail element has reviewed the validity of the trip rates that were agreed as part of the extant scheme. The latest TRICS database has been reviewed and the category of 'Retail Park excluding food category' has been used.

As part of this assessment the TA reviews sites on varying scales for a Saturday peak hour. The TA argues that the previous agreed two-way trip rate (8.64) for the Saturday peak is too high and suggests that the trip rate applied for the Saturday peak should be the average/default value of 5.331. However, the TRICS information contained at Appendix 3 of the TA only contains the table outputs. There is no information on what sites have been used and how they are considered to be comparable. Given that the previous application only had one comparable site further details are required.

In order to obtain a weekday peak trip rate it was previously agreed as part of the extant application that a discount factor of 35% can be applied. The TA for the proposed development seeks to do the same but it should be applied to the average rate of 5.331 and this would therefore equate to a weekday trip rate of 3.539.

This weekday trip rate cannot be agreed until further information is provided. The lower TRICS data has been already been considered. Therefore, further justification for not using the same methodology should also be provided.

#### Food retail element

The food retail element of the development comprises 1,505sqm. The TRICS database has been reviewed for the 'Retail – discount food store category' as this is considered to be the worst case scenario. Sites with a floor area between 1,000-2000sqm have been considered for both a weekday and Saturday. On a weekday within the peak hour (17:00-18:00) the site is anticipated to generate 99 two-way vehicular trips and on a Saturday (12:00-13:00) 179 two-way vehicular trips are likely to be generated. Again the data provided in Appendices 4 and 5 are the tables only and no information with regards to the location of the sites and how they are comparable have been provided. Therefore, these trip rates cannot be agreed.

The TA sets out that the sites used are standalone sites and the proposed development would be on a retail park. Therefore, there is likely to be trip linkages. A discount factor of 30% has been applied and this is based upon information the

consultants have undertaken on a retail site in Great Yarmouth. Further information as to how the proposals are comparable to the Great Yarmouth site is required before this discount factor can be agreed.

#### Drive Thru A3 unit

It is anticipated that a small drive-thru unit at 185sqm of A3 would also be provided. The TA argues that this facility would be ancillary to the retail park and would not generate traffic in its own right. Further information as to what this facility is likely to be as if a fast-food restaurant it may ultimately attract independent trips especially as Jarman Park is considered to be “residential in nature”. Therefore, further information is required before HCC can agree to the provision of no trips.

#### Comparison

The TA currently shows that the site would generate one less vehicle in the weekday peak and 15 more at the weekend peak. Until the information requested above is provided this is not agreed.

#### Impact on Highway Network

The proposed development may have an impact on the local highway network including the Jarman Park access roundabout and the Bennetts End roundabout. Traffic Data as per the previous consented development traffic surveys were undertaken at the site access roundabout. These surveys were undertaken on Friday 23rd January and Saturday 24th January 2015. The surveys were undertaken at 17:00-18:00 and 12:00-13:00, respectively.

As part of the TA assessment it compares the traffic flows recorded within the 2007 scheme with 2015. This demonstrates that the roundabout sees 325 fewer movements on a weekday and a net increase on a Saturday.

It is noted that the 2007 surveys were undertaken in June and the 2015 surveys were undertaken towards the end of January. This could ultimately account for the lower number of trips on the network. The DfT Guidance on Transport Assessment (which is now superseded but is relevant for a guide on best practice) states that “the traffic data should reflect the normal traffic flow conditions on the transport network.” June is considered to be a neutral month with normal traffic flow, whereas January is non-neutral month for many reasons. Whilst HCC would not expect surveys to be undertaken in June, a neutral month should ultimately be used for comparison.

#### Junction Impact Assessment

As part of the 2007 permission an ARCADY assessment was undertaken at Jarman Park Access Roundabout and also the Bennetts End Roundabout. It is noted that an assessment of these junctions have not been undertaken as part of the 2015 development proposals.

HCC acknowledge that as part of the 2007 proposals the Jarman Park access roundabout worked within capacity. However, the Bennetts End roundabout on the Bennetts End Road arm and particularly on the A414 eastbound arm operated significantly over capacity. The A414 eastbound arm incurred a queue of 204 vehicles.

Before HCC can agree that an impact assessment is not required, further information regarding the trip generation is necessary.

#### Road Safety

The TA does not provide any assessment of collision data within the vicinity of the site or at key junctions in the vicinity.

Personal Injury Collision data should be requested for the last five years in order to ascertain if there are any safety issues that may be exacerbated by the trips generated by the development.

#### Highway Layout Vehicle Access

The TA sets out that access is not to be determined as an access 'stub' has already been built to serve the site. Whilst, this access may have been built the development proposals and the TA should demonstrate that the access arrangements are suitable for the level of development and are in accordance with Roads in Hertfordshire (RiH).

#### Internal Layout

It is noted that the internal layout is for reserved matters. However, the layout of the internal access roads should be consistent with guidance provided in Roads in Hertfordshire.

#### Refuse Collection and Storage

Any subsequent application will need to provide information relating to the location and collection of refuse within the site. The proposed refuse storage and collection arrangements should be consistent with guidance provided in Manual for Streets (MfS).

#### Swept-Path Analysis

The layout of the site should be designed so that all vehicles should have sufficient space to manoeuvre within the site and exit the site in forward gear without creating conflict with other users. This includes space for standard delivery, servicing and refuse vehicles. Information on how the A3 unit will be serviced will also need to be included. It is noted that this application is an outline application and this information will be required to be conditioned as well as a servicing and delivery management plan.

#### Car parking

Parking is proposed to be a consideration for reserved matters. However, the number and layout of car parking spaces should be consistent with the DBC parking standards. It is noted that the parking principles are set out in the TA and that 315 spaces can be provided. Although, 168 spaces would be lost from the existing leisure park, this equates to 147 "new" spaces being provided as part of the application.

The TA sets out that once all development is complete there will be 1106 spaces available. As a result the TA contains a parking accumulation to demonstrate that there is sufficient space to accommodate all activities at the leisure park. The parking accumulation has been based on trip rate information contained in TRICS for Leisure Parks. The principle of establishing a parking accumulation is accepted but the TRICS sites used to derive it are not considered to be appropriate. Sites up to 30,000sqm and in locations such as Edinburgh and London have been used, which are not considered comparable.

#### Disabled parking

The number and layout of disabled parking spaces should be consistent with the



DBC parking standards. Disabled should be provided as close as practicable to the main entrance.

### Cycle parking

The number of cycle spaces provided should be consistent with the minimum requirements contained in the DBC Parking Standards. The layout of cycle parking spaces should be consistent with the design guidance in the DBC Parking Standards. Long-term cycle parking or storage areas for staff should be covered, safe, secure and convenient.

### Accessibility

It is agreed that as the site is part of an established leisure park, with a modern and implementable planning permission, the ability to access the site by non-car modes has been established. It is acknowledged that the TA sets out that the site can be access via bus services within a 600m walk of the site.

Cyclists can access the site from the footway/ cycleway on the A414. As part of the 2007 application a contribution of £250,000 was secured and this will be used towards sustainable travel measures.

The site is surrounded by a well-established footway network but connections to it from and through the site are weak. This is not shown on the application drawing 'Vehicular and Pedestrian Access' number 140219-D-013 A. Additional thought should be given in this application to strengthening the opportunities for access on foot. Lack of good pedestrian movement around Jarman Park is a major problem and improvements should be designed in as part of any reserved matters application to be submitted.

### Travel Plan

An application for this type and scale of development will require a Travel Plan, which should be prepared in accordance with the HCC Travel Plan Guidance for Business and Residential Development (2014). A Framework Travel Plan has been provided alongside the application but modal targets, an action plan and a monitoring strategy for visitors must be provided at the outset. Therefore, an appropriate Framework Travel Plan (including an outline of proposed targets, action plan and monitoring procedures) will need to be provided at the application stage, and (prior to the development of the site) a Full Travel Plan will need to be developed in accordance with HCC Guidance, and secured via a s106 Agreement.

### Planning Obligations / Community Infrastructure Levy (CIL) HCC's

Planning Obligation Guidance (2008) implements a two-strand approach to planning obligations in order to address the immediate impacts of the new development (first strand), and the cumulative impacts of all development on non-car networks (second strand). It is noted that a contribution of £250,000 (index-linked from 2007) was secured via the implementable planning permission (DBC application number 4/00455/07/MFA). However, it should be noted the development may generate impacts on the local highway network that may require additional mitigation. This will need to be reassessed based on the revised trip generation assessment.

### Construction

Any subsequent application is required to assess the impacts on traffic flow, safety and parking during the construction of the proposed development.

## Summary

Hertfordshire County Council (HCC) has no objection to the principle of development on the site, but there are a number of concerns related to the following aspects of the assessment of the proposed development: -

Further justification/assessment is required for the trip rate information for non-food retail, food retail and the A3 use;

Justification for the traffic surveys is required;

A policy assessment is required;

Depending on the revised trip generation assessment, a traffic impact assessment may ultimately be required;

An accident data assessment is required;

The TA needs to demonstrate that the 'access stub' is suitable for the level of development and provided in accordance with HCC standards as set out in Roads in Hertfordshire;

The parking accumulation needs to be revised based on appropriate TRICS sites;

Enhancements to pedestrian links through the site should be investigated; and

The Framework Travel Plan needs to be revised to include targets, action plan and monitoring procedures).

## **Further comments based on additional transport information and updated Framework Plan**

HCC as highway authority does not wish to restrict the grant of permission subject to the following conditions:

1) All materials and equipment to be used during the construction shall be stored within the curtilage of the site unless otherwise agreed in writing by with the highway authority prior to commencement of the development. Reason: In the interests of highway safety and free and safe flow of traffic.

2) Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway, in particular( but without prejudice to the foregoing) efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during construction of the development of cleaning the wheels of all lorries leaving the site. Reason: To minimise the impact of construction vehicles and to protect the amenity of the local area.

3) All areas for parking and storage and delivery of materials associated with the construction of this development shall be provided within the site on land which is not public highway and the use of such areas must not interfere with the use of the public highway. Reason: In the interest of highway safety and free and safe flow of traffic.

Informatives:

1. Where works are required within the public highway to facilitate the new

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

2. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence..
3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. .

#### Travel Plan

In response sent to DBC on 6/3/15 it was pointed out that an appropriate Framework Travel Plan (including an outline of proposed targets, action plan and monitoring procedures) will need to be provided at the application stage, and (prior to the development of the site) a Full Travel Plan will need to be developed in accordance with HCC Guidance, and secured via a s106 Agreement. An updated Travel Plan (TP) was submitted for HCC Highways comment.

The assessment of our business travel planning team is that while some issues have been addressed, a number of areas require further clarification and information. Although this is a Framework TP and the application is in outline, more clarity on the approach to management of the TP and monitoring in particular is needed. The interim targets should be based on 2011 census data, not 2001. Some form of customer target should be included (even if only 'action type' targets), and customer trips and mode share should nevertheless be monitored. The Travel Plan/s should be secured through a Section 106 agreement, which will include provision for a Travel Plan Monitoring contribution in line with HCC's guidance. The guidance has come in since the previous 2007 planning permission for the site was granted, which is why the travel plan requirements are now slightly different.

#### [Comments on Revised Framework Travel Plan May 2015](#)

As an interim/framework travel plan, the revised document is considered acceptable.

The Travel Plan should be secured through a section 106 agreement. This would cover key requirements including appointment of a Travel Plan coordinator/s (either site-wide or individual units), submission of Full Travel Plan/s (for whole site or individual units) for approval to HCC and annual review procedure including provision of report to HCC. The standard Travel Plan Evaluation and Support

Contribution would also be required. It is noted that the Framework TP identifies this need already in section 11.

### **Comments on Revised Transport Note**

The note is pretty self-explanatory as to why there were issues with modelling the Bennetts End Road roundabout. However, there is one point of clarification we intend to ask and that is with regards to the OS geometry. It is unclear from the Technical Note whether:

- The modelling for the Approved and Proposed scheme have used the current geometry of the junction and not the incorrect geometry from OS; or
- The modelling for the Approved scheme used the incorrect geometry from OS and the Proposed scheme has used the current geometry of the junction.

With regards to the outputs in the Technical Note the modelling confirms that in the weekday peak on the Bennetts End Road arm would have an RFC of 1.56 and a queue of 197 vehicles and on the Saturday peak this arm would have an RFC 1.60 and a queue of 207 vehicles. It is noted that this increase is not significantly different to the approved development. However, when compared to the baseline provided in the 2007 application for a weekday this arm would have an RFC of 1.360 and queue of 132 and on a Saturday peak an RFC of 0.923 and queue of 9 the proposals are considered significant. We can only compare to the 2007 application as we have no other base modelling.

We note that you set out that £250,000 was provided last time and is again considered to be sufficient. However, as previously set out the planning obligations SPD sets out that mitigation measures should be provided for the direct impact on the junction. It should again be noted that the SPD was adopted after the original planning permission and is therefore a consideration for this application given the significant increase when compared to the base modelling.

It should also be noted that, based on our SPD if we applied the £1,000 per one peak hour two-way trips, based on the 626 two-way trips the proposals would generate we would be seeking £626,000 in sustainable transport contributions. Even if you applied the original trip generation this would be £579,000. Therefore, the request of providing mitigation to the junction to bring it back to the base modelling and the provision of £250,000 plus VAT is not considered to be unreasonable.

### **Response from transport consultant**

On first point, all modelling has been based on the amended OS geometry (i.e. plan B of the note). This is the only way to fairly compare impact between schemes.

The remainder of email seems to indicate that we need to provide mitigation measures at the roundabout such that it is no worse than a 'baseline' position

(i.e. without any form of development on the site). It is fair to assume the baseline position should be that of 2015.

What I have done is run the ARCADY model already submitted to you with the 2015 survey flows; this is the baseline position. Output attached (2015 as-is). You can see that the over-capacity arms are easternmost A414 arm and Bennetts End Rd arm. (RFC's of 0.96 & 1.49 respectively)

The model already sent to you (and included within the 2015 as-is pdf) shows that these arms reach a peak RFC, in one of the 'with some development' scenarios of 1.00 & 1.60.

To bring these arms back down to the position where they are no worse than the 2015 baseline, the highways works shown on Plan 6 Rev A would be necessary. With these works in place, arm RFC's drop to 0.89 and 1.13 in any 'with development scenario', which is better than the 2015 baseline. This is shown in the PDF '2015 with improvement'.

Hence, the works mitigate all highway impact.

With regards securing these works (which are subject to your approval of course), given there is a £250,000 s106 contribution, it would be eminently sensible to simply have the cost of the highways works added to the £250k s106 offering, and the council can then use the monies as they see fit. If you can agree the appropriateness of the works I can then submit a cost breakdown of the works for approval.

### **Final comments on S106 Agreement**

The following contributions have been agreed with the applicants:

- £75,000 towards the cost of improvements to the roundabout of the St Albans Road/ Bennetts End/Longlands roundabout.
- £250,000 towards schemes and measures to public highway around the Jarman Park retail park to improve bus, pedestrian and cycle access and safety. Specifically:
  1. £200,000 towards the cost of designing and installing a signal-controlled pedestrian crossing on St Albans Road in the vicinity of Lower Yott and Old Crabtree Lane
  2. £50,000 towards the cost of designing and installing a signal-controlled pedestrian crossing on St Albans Hill in the vicinity of Lime Walk
- A Travel Plan contribution of £6,000 in accordance with 'Hertfordshire's Travel Plan Guidance for Business and Residential Development' which is available at <http://www.hertsdirect.org/docs/pdf/g/greentravelplans.pdf>

### **Trees and Woodlands**

No objection to the proposed development of Jarman Park, Jarman Way, Hemel Hempstead but would require that further information is submitted to allow full determination of the proposal.

The development would comprise of a large retail unit, separate restaurant building towards the site frontage, associated parking and service yard.

A large scale development such as this warrants a fully compliant BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations' planning submission. This would include the survey and categorisation of all existing vegetation, constraints and protection plans.

Site vegetation has not been actively managed in recent years and is comprised mainly of scrub growth with sporadic trees spread around the boundary edges.

Landscaping is proposed, as shown on 'Parameters Plan 5; Strategic Landscaping' Drawing No. 140219 – D – 014 Rev A, as a swathe around the site frontage. Further detail of this landscaping should be provided.

A good planting scheme with an interesting mix of species will visually enhance the front of the development and yet screen other views as required.

However, the central part of the car park is planned to be devoid of landscaping, being purely lines of parking spaces. This is at odds with other car parks around Jarman Way that incorporate planting within them, rather than just around them.

It is recognised that the over-populating of car parks with trees does occur, and that the existing car park adjacent to this site does possibly contain too many trees. However, a small collection of carefully selected and located trees would soften views of the development without detracting from the visual impact its operators would wish it to have.

## **Parks and Open Spaces**

No objection

## **Hertfordshire County Council Ecology**

We do not have any known biological (habitats or species) records for the application site.

### **1. Great Crested Newts**

The site plans submitted with the application show a single pond adjacent to the application site. From a review of aerial photography there does not appear to be any barriers between the pond and the application site and suitable terrestrial habitat for amphibians (and possibly reptiles) occurs on-site. The nearest Great Crested Newt record is 500 m from this pond therefore it is not unfeasible for Great Crested Newts to be present despite the urban surroundings of the site. The presence of a

protected species is a material consideration when a planning authority is considering a development proposal. Therefore further information on the likely presence of Great Crested Newts and an assessment of potential impacts that may occur to individual newts or newt habitat as a result of the proposals will be required. The Great Crested Newt survey season runs from mid-March to June only.

## **2. Further considerations**

Considering the scale of the development and the proximity of protected species records, we recommend that a Preliminary Ecological Assessment (PEA) is undertaken of the site to determine if there are any other ecological issues that may need to be considered as part of the proposals. This assessment should be undertaken by an appropriately qualified ecologist.

Finally we note the suggestion in the sustainability statement submitted with the application that a landscape scheme will be designed *'that can assist and encourage biodiversity enhancements for wildlife'*. The National Planning Policy Framework (NPPF) requires all new developments to provide a net gain for biodiversity therefore we welcome this commitment, and it would be helpful to see full details of the proposed long-term management of such created habitats/features submitted with the full application.

## **Hertfordshire Minerals and Waste**

Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council's adopted waste planning documents. In particular, the waste planning documents seek to promote the sustainable management of waste in the county and encourage Districts and Boroughs to have regard to the potential for minimising waste generated by development.

Most recently, the Department for Communities and Local Government published its *National Planning Policy for Waste (October 2014)* which sets out the following: *'When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:*

- *the likely impact of proposed, non- waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;*
- *new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;*
- *the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.'*

This includes encouraging re-use of unavoidable waste where possible and the use of recycled materials where appropriate to the construction. In particular, you are referred to the following policies of the adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 which forms part of the Development Plan. The policies that relate to this proposal are set out below:

Policy 1: Strategy for the Provision for Waste Management Facilities. This is in regards to the penultimate paragraph of the policy;

Policy 2: Waste Prevention and Reduction: &

Policy 12: Sustainable Design, Construction and Demolition.

In determining the planning application the Borough Council is urged to pay due regard to these policies and ensure their objectives are met. Many of the policy requirements can be met through the imposition of planning conditions.

Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP). This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to.

SWMPs should be passed onto the Waste Planning Authority to collate the data. The county council as Waste Planning Authority would be happy to assess any SWMP that is submitted as part of this development either at this stage or as a requirement by condition, and provide comment to the borough council.

### **Scientific Officer**

An Outline Remediation Strategy by Waterman Environmental dated November 2006 was previously submitted and the following comments provided:

*“The proposed remedial measures would appear to satisfactorily address the risk to human health from the contamination identified on site. I would agree with the recommendation in Section 9 of the report that additional gas monitoring be performed on the site in order to finalised gas protection design measures. I note that the Environment Agency have provided written confirmation of their approval of the Outline Remediation Strategy in relation to contamination risks to controlled waters.*

*In conclusion, I recommend that a condition be attached to any permission granted for this development requiring the developer to implement the recommendations in the Outline Remediation Strategy, including the additional gas monitoring, and then to provide a post development completion and verification report.”*

I would re-iterate these comments in respect of the current planning application. Furthermore, owing to the time elapsed since the report was written, I would ask that the existing reports be reviewed and updated in accordance with current legislation, guidance etc. and tailored specifically towards the proposed development.



As further works are required, I recommend that the contamination condition be applied to this development should permission be granted.

### **Environment Agency**

We are currently operating with a significantly reduced resource in our Groundwater and Contaminated Land Team in Hertfordshire and North London Area. This has regrettably affected our ability to respond to Local Planning Authorities for some planning consultations. We are not providing specific advice on the risks to controlled waters for this site as we need to concentrate our local resources on the highest risk proposals. We realise that this is a serious issue and we are working on implementing a solution.

The proposed development lies beneath the Jarmans Fields, a former landfill site. There may be potential for landfill gas to be generated. The site is also located on a principal aquifer. Therefore these proposals need to be dealt with in a way which protects the underlying groundwater.

Developers may be required to carry out a comprehensive risk assessment due to the risks the former landfill site poses. Your Environmental Health and Building Control departments may wish to ensure that any threats from landfill gas have been adequately addressed in the proposed development. This may include building construction techniques that minimise the possibility of landfill gas entering any enclosed structures on the site to be incorporated into the development.

In order to protect groundwater quality from further deterioration:

- No infiltration based sustainable drainage systems should be constructed on land affected by contamination as contaminants can remobilise and cause groundwater pollution.
- Piling or any other foundation designs using penetrative methods should not cause preferential pathways for contaminants to migrate to groundwater and cause pollution.

The applicant should refer to the following sources of information and advice in dealing with land affected by contamination, especially with respect to protection of the groundwater beneath the site:

- Groundwater Protection: Principles and Practice (August 2013):  
<https://www.gov.uk/government/publications/groundwater-protection-principles-and-practice-gp3>

### **Lead Local Flood Authority**

Comments awaited

### **Thames Water**

Waste Comments

With the information provided Thames Water, has been unable to determine the

waste water infrastructure needs of this application. Should the Local Planning Authority look to approve the application ahead of further information being provided, we request that the following 'Grampian Style' condition be applied -

“Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed”.

Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses.

A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes - toilets, showers, washbasins, baths, private swimming pools and canteens). Typical Trade Effluent processes include: - Laundrette/Laundry, PCB manufacture, commercial swimming pools, photographic/printing, food preparation, abattoir, farm wastes, vehicle washing, metal plating/finishing, cattle market wash down, chemical manufacture, treated cooling water and any other process which produces contaminated water. Pre-treatment, separate metering, sampling access etc, may be required before the Company can give its consent.

### **Further comments**

We have concerns about the potential impact of this development. As such, we request that the developer submits a drainage strategy.

A drainage strategy should detail the site's existing and proposed foul and surface water discharge rates, along with points of connection to the public network. The developer may also wish to detail any attenuation measures that they are planning to utilise.

We request that the developer produces their drainage strategy in consultation with Thames Water, to show that capacity exists in both the on and off site infrastructure or that it can be provided ahead of occupation. Where additional infrastructure is required, the strategy should go on to identify what is required, where and who is to fund it.

Once an initial assessment of the proposals has been completed, if Thames Water have any concerns about the potential impact of the development, we may request that the developer funds an impact study. This involves us using a model of the network to see what the impact of the development could be. If it is found that there would be detriment, the study would provide high level solution options. The developer would be able to work with Thames Water to decide on the most appropriate way forward and could use the study to form part of the drainage strategy.

### **Requirements**

- *Drainage Strategy* to be prepared in consultation with Thames Water. To include the site's existing and proposed foul and surface water discharge rates, along with points of connection to the public network. Details of any attenuation measures.
- *Impact study* may be required following an initial assessment should Thames Water have any concerns about the impact of the development. To be undertaken by Thames Water and funded by the developer
- *Piling method statement* is required as the proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.

*Petrol / oil interceptors* to be fitted in all car parking/washing/repair facilities

## **National Grid**

An assessment has been carried out with respect to National Grid Electricity Transmission plc's and National Grid Gas plc's apparatus..

National Grid has identified that it has apparatus in the vicinity of your enquiry which may be affected by the activities specified. Can you please inform National Grid, as soon as possible, the decision your authority is likely to make regarding this application.

Due to the presence of National Grid apparatus in proximity to the specified area, the contractor should contact National Grid before any works are carried out to ensure our apparatus is not affected by any of the proposed works.

## **ASSESSMENT**

### **Affected Apparatus**

The National Grid apparatus that has been identified as being in the vicinity of your proposed works is:

- High or Intermediate pressure (above 2 bar) Gas Pipelines and associated equipment
- Low or Medium pressure (below 2 bar) gas pipes and associated equipment. (As a result it is highly likely that there are gas services and associated apparatus in the vicinity)
- Above ground gas sites and equipment
- As your proposal is in proximity to National Grid's apparatus, we have referred your enquiry / consultation to the following department(s) for further assessment:
- Gas Distribution Pipelines Team

We request that you take no further action with regards to your proposal until you hear from the above. We will contact you within 28 working days from the date of this response. Please contact us if you have not had a response within this timeframe.

### **Requirements**

BEFORE carrying out any work you must:

- Ensure that no works are undertaken in the vicinity of our gas pipelines and that no heavy plant, machinery or vehicles cross the route of the pipeline until detailed consultation has taken place.
- Note the presence of an Above Ground Installation (AGI) in proximity to your site. You must ensure that you have been contacted by National Grid prior to undertaking any works within 10m of this site.

### **Hertfordshire Fire and Rescue Service**

Unfortunately the plans were not sufficient to enable this Fire Authority to adequately assess the provision for water supplies for the fire service.

This Authority would expect to view drawings with the following provisions for access and water supply:

#### **ACCESS AND FACILITIES**

- Access for fire fighting vehicles should be in accordance with The Building Regulations 2010 Approved Document B (ADB), section B5, sub-section 16.
1. Access routes for Hertfordshire Fire and Rescue Service vehicles should achieve a minimum carrying capacity of 15 tonnes.
  2. Turning facilities should be provided in any dead-end route that is more than 20m long. This can be achieved by a hammer head or a turning circle designed on the basis of Table 20 in section B5.

#### **WATER SUPPLIES**

Water supplies should be provided in accordance with BS 9999.

This authority would consider the following hydrant provision adequate:

1. Not more than 60m from an entry to any building on the site.
  - Not more than 120m apart for residential developments or 90m apart for commercial developments.
  - Preferably immediately adjacent to roadways or hard-standing facilities provided for fire service appliances.
  - Not less than 6m from the building or risk so that they remain usable during a fire.
  - Hydrants should be provided in accordance with BS 750 and be capable of providing an appropriate flow in accordance with National Guidance documents.
  - Where no piped water is available, or there is insufficient pressure and flow in the water main, or an alternative arrangement is proposed, the alternative source of supply should be provided in accordance with ADB Vol 2, Section B5, sub section 15.8.

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

service pumping appliance.

The comments made by this Fire Authority do not prejudice any further requirements that may be necessary to comply with the Building Regulations.

## **Hertfordshire Constabulary**

Car Park:

a) Between 1<sup>st</sup> December 2014 and 16<sup>th</sup> February 2015, Police received 14 calls from members of the public and businesses at Jarman Park complaining about youths in vehicles driving dangerously, doing donuts (vehicle skidding in a circle), racing and wheel spinning in the existing car park at the side of the cinema. The local Police neighbourhood team have to attend the site most evenings to try and deter youths driving so dangerously and issue Anti-Social Behaviour notices. However in practice this does not diminish the dangerous driving on what is private property and the police cannot spend their whole time at the location. Youths driving so dangerously are a danger to pedestrians using the car park as well as to other vehicles.

The dangerous driving is occurring between 20:30hrs of an evening and the early hours of the next morning, in spite of site security and existing CCTV (which does not give full coverage, has its vision restricted by trees and is for monitoring purposes as opposed to identifying offenders).

b) It is not the role of the police to patrol private land to deter crime and anti-social behaviour, but because of the obvious danger to members of the public as well as the youths themselves, the Police have to attend to try and deter and stop such dangerous driving. The car park is a large drain on police resources, and stops the local police dealing with other priorities. This has got to stop, and the owners / managers of the land to make sure that existing and future use of the site is designed to stop such dangerous and anti-social driving, which is a danger to users of the site.

c) The proposed new development's layout of the car park is the same layout as the existing car park that causes so many problems to police, and is likely to be a further drain on police resources. Therefore I must strongly object to the proposed further development at the present time. I would hope the applicants can review the car park layout so as to stop such anti-social and dangerous driving taking place, as well as incorporating measures that if it does occur then evidence identifying offenders can be placed before a court. If that is done I would be happy to review my comments. It may also be that the council would also wish to impose a condition that the new car park must achieve the Safer Parking award, so that any CCTV, etc, incorporated in a new design is maintained for the safety of users for the future.

Condition: No development shall commence until details to demonstrate how the car parks on site will achieve and maintain 'Park Mark,' Safer Parking Award status, have been submitted to and approved in writing by the Local Planning Authority in agreement with Hertfordshire Police. The car park shall not be brought into use until the approved measures have been implemented in full and shall thereafter be retained.

Reason: To prevent crime and protect those people using the car park in accordance with paragraph 69 of the NPPF

Rear service yard area

It is not clear if this service yard area will be secure from the existing car park area. It will need to be for security of the rear service yard area. I note that there are gates shown at the HGV vehicle entrance to the rear service yard area, but there are no details as to the type of gates or how they will operate.

A3 Drive –Thru café / restaurant:

There are no details as to proposed hours of operation. However it is to be presumed that it will operate late at night and as such there will need to be suitable CCTV inside and outside the premises for the safety of staff. Also such premises will encourage youths to gather in their vehicles in the car park nearby, which is likely to add to the problem of youths already driving dangerously at Jarman Park.

Crime prevention in planning:

As can be seen by the below, crime prevention can be an essential part of planning for a development to be successful, and not create a fear of crime and anti-social behaviour.

National Planning Policy Framework (NPPF) at paragraph 69 – re safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

Paragraph 010 of the NPPG, under Design says: “Designing out crime and designing in community safety should be central to the planning and delivery of new development. Section 17 of the Crime and Disorder Act 1998 requires all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder. The prevention of crime and the enhancement of community safety are matters that a local authority should consider when exercising its planning functions under the Town and Country Planning legislation. ... Crime should not be seen as a stand alone issue, to be addressed separately from other design considerations.”

Paragraph 010 of the NPPG, under Design, says: “Planning should promote appropriate security measures. Taking proportionate security measures should be a central consideration to the planning and delivery of new developments and substantive retrofits....”

Paragraph 041 of the NPPG, under Design, says: “The quality of parking in town centres is important; it should be convenient, safe and secure.” Whilst the location is not a Town Centre location, it should be treated the same as it is a retail park, and users should expect the same convenient, safe and secure parking. At the present time I contend that is not so.

Dacorum Core Strategy says at:

- CS12 at a) provide a safe and satisfactory means of access for all users;

- i. CS13 at c) promoting pedestrian friendly, shared spaces in appropriate places

Note: applicant has provided an initial response. Most details subject to reserved matters.

- ii. Review car park layout in the interests of anti-social behaviour and dangerous driving
  - Provide measures for identifying offenders ie CCTV
  - Safer Parking award achievement (condition)
  - Rear service yard – details required as to how this will be secured from the existing car park area (ie types of gates and how they will operate)
  - Late operation of the A3 Drive –Thru café will require suitable CCTC inside and outside the premises for safety of staff. Late operation exacerbates problems of anti-social behaviour and dangerous driving
  - Does not currently meet paragraph 041 of NPPG “The quality of parking in town centres is important, it should be convenient, safe and secure.”

## **Intu Watford**

Intu is the owner of the intu Watford Shopping Centre, previously known as the Harlequin Centre, in Watford town centre. The planning application proposes a major out-of-town centre retail development at Jarman Park, which, if planning permission is granted, would provide 10,305 sq.m of additional Class A1 floorspace for the sale of unrestricted comparison and convenience goods. This floorspace is split into 1,505 sq m of convenience goods floorspace, 8,800 sq m of comparison goods floorspace plus a Class A3 café (185 sq m). The reasons for our objections are set out in this letter. Our concerns relate primarily to the comparison goods element of the proposed development.

### **Assessment**

The Local Plan (2004) identifies the application site as being within a local centre and the current adopted Proposals Map still identifies the site as within a Local Centre. However the more up to date Core Strategy (CS) (adopted 2013) removes this Local Centre designation and instead designates the site as an out-of-centre retail and leisure location. The main uses identified in the CS as being acceptable in this out-of-centre location are food retailing and bulky non-food goods. The CS states in the supporting text that “*significant new retail development or changes to the type of goods that are currently sold will not be allowed at these [out of centre] locations in order to support the retail hierarchy*”. It goes on to clarify “significant” as being any development that is likely to have a negative impact on town and local centres. Paragraph 13.8 of the CS states that “*Jarman Fields is designated as an out-of-*



*centre retail and leisure location where significant new development above what is already permitted [6,700 sq.m] will be resisted.”*

The proposed development is contrary to the CS because the increase in floorspace is more than 50% over and above the existing permission and is intended to be unrestricted comparison goods floorspace. Both of these factors will have a significant impact on nearby town and local centres. Notwithstanding this, it is also our view the applicant's retail impact assessment is flawed. While the assessment focusses on Hemel Hempstead town centre as the closest centre to the application site and other facilities within Dacorum, it excludes all other town centres within the wider catchment area such as Watford.

The scale of development proposed, along with existing retail uses in this location, will create a major shopping destination that will have a significant impact on the existing hierarchy of shopping centres within the catchment area and will change shopping patterns.

We have concerns regarding the estimated patterns of trade diversion that have been assessed. Both the Hemel Hempstead and Watford evidence base retail studies show that a significant proportion of people living in and around the Hemel Hempstead area visit Watford to undertake comparison goods shopping, as a higher order centre in the sub region.

Given that the proposed comparison floorspace will be unrestricted, the applicant's assessment of comparison trade diversion has overestimated the likely trade diversion from out-of-town centre retail warehouses and foodstores (30%) and underestimated the impact on town centre shops. If the floorspace is not restricted in terms of the goods that can be sold, then the development is far more likely to compete with town centres, including Hemel Hempstead and Watford. The applicant has therefore underestimated the likely impact on town centres in the catchment area.

Our client is concerned that the proposed development will have an adverse impact on Watford town centre. This has not been tested by the applicant. The impact assessment suggests that there will be a 20% trade diversion from outside the borough, but it does not assess where this will come from and what the implications for town centres will be. The Watford Retail Study (2011) shows that 25% of spending within Zone 10 (which includes Hemel Hempstead) currently goes to Watford for comparison shopping. The proposals, if implemented could therefore result in at least 25% of the turnover (over £8 million) being diverted from Watford town centre.

Retail development proposed in out-of-centre locations should complement, rather than compete with the existing retail offer and planned investment within town centres. Out of centre developments should not divert planned investment away from any defined centre within the catchment. As the application is applying for open Class A1, the proposed Jarman Park development is likely to attract retail operators who might otherwise be located within town centres, which will have a significant adverse impact on planned investment. This diversion of tenants is also contrary to the sequential approach. Intu are delivering 10,000 sq m of open A1 use in Watford

town centre which is sequentially preferential.

As a regional shopping destination, Watford is expected to continue to strengthen its retail offer irrespective of neighbouring proposals. In order to do this, it needs to attract retailers to ensure town centre investment is deliverable. Intu recently obtained planning permission for the redevelopment of Charter Place, adjacent to intu Watford Shopping Centre. The applicants have not considered the impact of the proposed development on investment within Watford town centre. If planning permission is granted for the Jarman Park proposals the delivery of this planned investment within Watford will be threatened and potential retail tenants could be diverted away from Watford town centre to the Jarman Park scheme. This could reduce the prospects for letting space within the development and reduce the ability to attract new retailers to Watford town centre. This would impact more widely on the vitality and viability of the centre. The potential loss of customers in the centre could jeopardise or delay planned investment in Watford. No mention or consideration of this is included in the applicant's submission material.

We therefore request that before the Council determines this application additional impact assessment work is prepared by the applicant to consider more realistic patterns of trade diversion and in particular assess the likely impact on planned investment to and trade diversion from Watford town centre. In addition to this, we request that a full sequential test is carried out to take into account the full catchment area.

#### Suggested Condition

Should the Council be minded to recommend this application for approval, it is paramount that restrictions are imposed by way of Planning Conditions to ensure investment and regeneration in Watford Town Centre is not diverted to an unsustainable out of town location. Conditions will also ensure that the nature of the retail offer is properly controlled, appropriate to the role of the area in the retail hierarchy and does not adversely impact on Watford town centre or other centres in the catchment area.

Intu therefore requests as a minimum that the Council impose the following Condition to the comparison goods floorspace.

*"The use of the approved retail units shall be limited to the sale of DIY, home improvement and garden products, furniture and for no other purposes including any other purpose within Use Class A1 of the Town and Country Planning (Use Classes) Order 1987 as amended".*

Reason: To control the range of goods sold within the approved development in the interest of safeguarding the vitality and viability of existing town centres. To ensure that the development complies with the terms of the planning application and that the retail impacts of the development are not greater than is anticipated in the retail impact assessment accompanying the application. To comply with Policy CS16 of the Core Strategy (2013). To comply with the National Planning Policy Framework.

In accordance with the NPPF, this condition is necessary to ensure that in future the units cannot be occupied by a retailer selling a wide range of comparison goods

which should be offered in a town centre location. This is important to protect the vitality and viability of town centres. This also complies with the requirements of the Core Strategy that the location is suitable for the sale of bulky goods. The maximum amount of comparison goods floorspace should also be restricted. With current legislation, guidance etc. and tailored specifically towards the proposed development.

## CONSIDERATIONS

### **Policy and Principle**

The use of the site for retail warehousing has been accepted in principle through the grant of the 2007 and 2010 planning permissions. There has however, been a significant change in terms of Policy since the grant of those permissions through the adoption of the Core Strategy whereby Jarman Park has been re-designated as an out of centre location as opposed to a Local Centre as was defined in the Dacorum Borough Local Plan. The Core Strategy (para. 13.8) states that at Jarman Park significant new retail development above that already permitted will be resisted and specifically refers to the extant planning permission for 6,700sqm. The proposal at 10,306sqm is considered a significant increase over that permitted. In addition, it is important to note that the extant permission is restricted to non-food bulky goods by virtue of a condition which states:

"Unless otherwise agreed in writing by the local planning authority, the retail warehouse unit hereby permitted shall not be used for the sale and display of clothing, footwear, books, toys or food (except ancillary clothing or footwear for DIY, motoring or cycling activities).

Reason: For the avoidance of doubt and to safeguard the viability and vitality of Hemel Hempstead Town Centre."

The current proposal seeks permission for an "open" A1 use within a building 3,606sqm larger. Para 13.8 of the Core Strategy also recognises that the future of JP is closely linked to the planned regeneration of Hemel Hempstead town centre and the role of the site should remain complementary to the role of the town centre and continue to support the retail hierarchy. In accordance with the NPPF, the core strategy promotes a town-centre approach to retail development requiring a Sequential Approach, whereby retail development is delivered on sites in the following order of preference:

1. shopping areas in appropriate existing centres
2. other locations within these centres
3. edge of centre locations
4. out of centre sites.

Such conforms with the requirements of para 24 of the NPPF and Core Strategy Policy CS16 requires that new retail development will be assessed in terms of its location, scale and impact. New Retail floorspace will only be permitted outside defined centres if the proposal complies with the sequential approach and

demonstrates a positive overall outcome in terms of the impact assessment. Para. 13.12 of the Core Strategy, in accordance with para. 26 of the NPPF requires an Impact Assessment for applications for retail developments that are not in an existing centre.

The application is supported by both a Sequential Assessment and a Retail Impact Assessment within a Planning and Retail Statement (PRS). The LPA has employed retail consultants PBA to review the applicants' submission in both these aspects. The full report is appended to this report. The consultants' conclusions on these aspects are set out below.

### The Sequential Approach

In consideration of the sequential approach sites should be assessed for their availability, suitability and viability. Table 4.1 within the PBA report sets out the sites considered and their analysis along with the Consultants' review.

The consultants concluded:

"The review of sites undertaken by the applicant is broad brush in approach and lacks transparency, particularly in terms of the assumptions that have underpinned the sequential analysis."

"In dismissing the majority of the sites, the applicant places significant weight on the Masterplan which does not form part of the development plan. In doing this, no consideration is given as to whether this degree of weight is appropriate, particularly given the material change in circumstances brought about by the withdrawal of the comprehensive planning application on one of the key zones in the Masterplan. The draft Site Allocations document represents a more recent articulation of DBC's aspirations for the Gade [Zone] which the applicant has not considered in undertaking the sequential site assessment."

"Whilst, with regard to the majority of sites, sufficient evidence has been provided to enable PBA to agree with the assertions in relation to lack of suitability and availability. With regard to the Gade zone, PBA have noted that the evidence provided by the applicant is not compelling; however, supplementary advice from DBC indicates that whilst there may be some scope for accommodating retail development within the zone, a suitable site is unlikely to become available before 2017 at the earliest. PBA therefore consider the application is compliant with the sequential approach."

Whilst it is concluded that the approach has not been particularly robust, Officers are satisfied with the conclusion that there are no alternative available, suitable and viable sites and therefore the applicant's Sequential Assessment is accepted.

The key issue in Policy terms therefore rests on the impact of the proposed development on the vitality and viability of Hemel Hempstead Town Centre.

### The Impact Assessment

The Core Strategy requires that retail developments not in an existing centre will be assessed on inter alia:

- the impact on existing, committed and planned public and private investment in a centre
- the impact on town centre vitality and viability, including consumer choice and the range of quality of the comparison and convenience retail offer
- the impact on in-centre trade/turnover and on trade in the wider area

The applicant's Planning and Retail Statement (PRS) provides an assessment of the likely impacts on Hemel Hempstead town centre and the impact on the investment planned by the Council through the Hemel Evolution programme. The retail consultants PBA have considered and evaluated the evidence submitted. PBA agree that, particularly given the change in aspirations for the Gade Zone following the withdrawal of the planning application for a foodstore, the proposed development would not immediately prejudice any planned investment in that part of Hemel Hempstead town centre. However, PBA raise concerns when account is taken of recent investment and potential future investment in the cinema offer at Jarman Park. They say the approval of retail floorspace of the nature proposed at Jarman Park would result in the creation of a cluster of town centre uses in an out-of-centre location that may reduce investor confidence in Hemel Hempstead.

PBA considers that the analysis does not fully consider the potential the proposed development has in terms of compounding the relative attraction of Jarman Park versus that of the town centre. Combined with the existing convenience offer, the proposed development would be attractive to a wide range of retailers that would otherwise locate in the town centre, could potentially establish Jarman Park as a competing 'destination' to the town centre.

The majority of trade is anticipated to be drawn from residents living closest to Hemel Hempstead and diverted from existing retail facilities in Hemel Hempstead. PBA concludes that the proposal is likely to have a significant harmful impact on Hemel Hempstead town centre.

The main concerns relate to the impact of the comparison retail element of the proposal. The PRS assesses 3 scenarios with regards to the impact on Hemel Hempstead town centre:

- the main forecast assumes that 45% of the proposal's turnover will be drawn from Hemel Hempstead town centre and predicts a negative impact of 6.5% on spending within the town centre;
- the second forecast assumes that 55% of the proposal's turnover will be drawn from the town centre and predicts a negative impact of 8% on spending within the town centre;
- the third scenario assumes that 65% of the proposal's turnover will be drawn from the town centre and predicts a negative impact of 9.4% on spending within the town centre.

PBA raise concerns in respect of the fact that there are no named occupiers within the application proposal and so limits the ability to provide a clear picture as to what

the impact would be. Without such knowledge, it is difficult to assess which of the scenarios is most likely, however, PBA advise that the impact of the proposed development will be at the top end of sensitivities modelled by the applicant. Their report further advises that allowing unrestricted comparison retail provides the opportunity for retailers that would otherwise locate in the town centre to gain out-of-centre representation. This could result in the loss of good quality fashion and department store anchors from the town centre, which in turn could adversely affect the overall health of the centre more fundamentally than through the predicted trade diversion.

The applicants' assessment of the health of Hemel Hempstead Town Centre asserts that *'the vitality and viability of Hemel Hempstead [being] average indicates that the town centre could be susceptible to high or medium levels of impact'*. It would seem that the applicant has overestimated the health of the town as the Health Check Appraisal Sheet that they submit gives Hemel Hempstead a score of 2.68 i.e. between poor (2) and fair (3).

PBA's view is that the health check analysis "is very broad brush and does not represent a robust basis upon which to understand the impact of the forecast diversion." Furthermore, a number of the lettings within Hemel Hempstead town centre are low-grade or temporary retail uses. There is no reference to the fact that Dorothy Perkins/Burton recently left the town centre and, it would seem that the Arcadia Group have shown no interest in acquiring new premises in the centre in spite of sizeable vacant units in prime locations. PBA note that this would appear to suggest that, in line with the wider strategy within the Arcadia Group to streamline the store portfolio as leases on existing store expire, Hemel Hempstead is no longer viewed as a town centre in which they require representation.

In assessing vitality and viability, PBA note that significant weight appears to be placed on the High Street fashion offer in the town centre: Marks & Spencer, Topshop/Topman, Debenhams, TK Maxx, Next. .

Other notable retailers include River Island, New Look, Primark and H&M. Experian GOAD identify a number of these as 'key attractors'. It follows that the loss of such 'key attractors' would reduce the draw to shoppers of the town centre relative to competing centres, out-of-centre locations or the internet.

PBA warn that as evidenced by the loss of Dorothy Perkins and Burton from the centre, there is a risk to the centre in terms of other retailers choosing not to renew leases or retain a town centre presence.

#### Consultant's Conclusions on Impact

In accordance with the test outlined at paragraph 27 of the NPPF as to whether the application is likely to have a significant adverse impact on existing town centres, PBA notes the key concern relates to the effects of the forecast diversion on the vitality and viability of Hemel Hempstead.

"In its current form, PBA consider that there is a likelihood that the proposed development would result in significantly adverse impacts on the vitality and

viability of Hemel Hempstead town centre. Thus, it is considered that planning permission could only be granted if conditions were imposed to mitigate these impacts.

“..there is a real concern that approval of unrestricted floorspace at Jarman Fields would result in retailers currently in the centre withdrawing to an out-of-centre location...”

“Having regard to the fragile health of Hemel Hempstead town centre, PBA consider that this impact could be best mitigated through a restriction on the range of comparison goods sold from the development and other conditions that control the manner in which the development functions.”

### Suggested conditions

In order to protect the vitality and viability of the town centre, in the event that DBC is minded to grant planning permission, PBA recommend conditions to cover the following:

- Restriction on total net sales area (8,812 sqm net) and gross floor area (10,102 sqm GIA);
- Control over the proportions of net sales area devoted to the sale of convenience (812 sqm net) and comparison goods (8,000 sqm net);
- Minimum unit size: imposing a lower threshold of 696 sqm gross on units;
- Range of goods: prevention of the sale of clothing and footwear;
- Revoking permitted development rights.

The applicants are prepared to accept these conditions provided there is not an absolute ban on clothing and footwear. A condition is to be drafted to enable the LPA to retain control over the sale of such goods were a particular operator to come forward.

The suggested wording would read:

“The A1 retail use hereby permitted shall not be used for the sale and display of clothing and footwear (except ancillary clothing or footwear for DIY, motoring or cycling activities) unless formal written approval has been granted by the local planning authority.”

Reason: To limit the impact of the development on the vitality and viability of Hemel Hempstead Town Centre in accordance with Core Strategy Policy CS16 and to allow the local planning authority to retain control over the type of goods sold.

The condition would be less onerous than that imposed on the extant permission.

It is considered therefore that in Policy terms the proposal can be supported but only if restricted by conditions as suggested by PBA.

## Highways and Traffic Impact

Jarman Park is accessed by way of a 3-arm roundabout off the A414, St Albans Road. The site is accessed off the internal road known as Jarman Way which serves all the developments within JP.

A Transport Assessment (TA) was submitted in support of the application.

Hertfordshire County Council highways has no objection in principle to the proposed development. A number of issues for further clarification/ justification were raised in their initial comments including:

- the trip rate information for non-food retail, food retail and the A3 use;
- traffic surveys;
- policy assessment;
- accident data assessment;
- the suitability of the 'access stub' for the level of development;
- parking accumulation based on appropriate TRICS sites;
- enhancements to pedestrian links through the site to be investigated; and
- the Framework Travel Plan to be revised to include targets, action plan and monitoring procedures).

As a result of comments received the transport information and framework plan were duly updated and discussions ensued between the highway authority and the applicant's transport consultants. The resulting area of concern relates to impact of the development on the local highway network including the Jarman Park access roundabout and the Bennetts End roundabout. These highway matters are to be resolved through agreed financial contributions secured by a S106 Agreement to the effect that:

£75,000 would go towards the cost of improvements to the roundabout of St Albans Road/ Bennetts End/Longlands.

£250,000 towards schemes and measures to public highway around the Jarman Park retail park to improve bus, pedestrian and cycle access and safety as per the extant permission, specifically:

- £200,000 towards the cost of designing and installing a signal-controlled pedestrian crossing on St Albans Road in the vicinity of Lower Yot and Old Crabtree Lane.

- £50,000 towards the cost of designing and installing a signal-controlled pedestrian crossing on St Albans Hill in the vicinity of Lime Walk

£6,000 Travel Plan contribution



Accordingly the proposal meets the CIL regulations in that the works are justified. Specific projects have been identified and there are no existing s106 Agreement collecting money towards the same highway schemes, other than the extant permission.

### **Access and Accessibility**

The site access is to be considered under this outline permission. Subject to the requirements set out above and in greater detail in the Highway authority comments the proposed access for the site is agreed.

The site is part of an established leisure park, with an implementable planning permission. The ability to access the site by non-car modes has been established. It is acknowledged that the TA sets out that the site can be accessed via bus services within a 600m walk of the site.

Cyclists can access the site from the footway/ cycleway on the A414. As part of the 2007 application a contribution of £250,000 was secured. The same amount again has been agreed to be used towards sustainable travel measures – see above.

Lack of good pedestrian movement around Jarman Park is a major problem. The application presents an opportunity to improve this situation and improvements should be designed in as part of any reserved matters application to be submitted. A condition is recommended to this effect.

### **Site Layout**

The layout of the site is not under consideration at this stage as the application is in outline form. The plan, however shows the building located towards the eastern edge of the site facing into the Park with a new car park to the front of the building. The stand alone A3 unit is shown close to the site entrance to the front of the cinema building.

### **Car parking**

Whilst parking is also proposed for consideration at reserved matters stage, 315 spaces are shown to be provided. This does include 168 existing spaces. The TA states that once all development is complete there will be 1106 spaces available. The reserved matters details will need to show the number and layout of disabled parking spaces and these should be provided as close as practicable to the main entrance. Provision for cycle parking will also need to be made.

### **Landscaping**

A Strategic Landscaping plan has been submitted. Landscaping is indicated around the site frontage. A tree survey and full landscaping details will need to be provided under the reserved matters application. No planting is indicated for the car park area. Consideration should be given at reserved matters stage to provision of landscaping within the car park consistent with the other car parks within Jarman Park.

### **Contamination**

The propose development is on the site of a former landfill site. The site is also

located on a principal aquifer. The Outline Remediation Strategy submitted with the 2007 application has been resubmitted. The reports need to be reviewed and updated in accordance with current legislation, guidance etc. and tailored specifically towards the current proposal. The recommendations of the report must be followed and it is essential that the underlying groundwater is protected and suitable conditions as recommended by the Environment Agency, Thames Water and Scientific Officer are imposed.

### **Drainage**

A drainage strategy for the site is also required as recommended by the Environment Agency and Thames Water. Conditions in accordance with the EA and Thames Water requirements will be imposed.

### **Flood Risk**

A Flood Risk Assessment was initially referred to the Environment Agency who raised an objection. The EA are no longer responsible for dealing with planning applications in respect of flooding. The revised FRA has been passed to the Lead Local Flood Authority (LLFA) and comments are awaited at time of writing.

### **Crime Prevention**

The crime prevention officer has met with the applicant and current operator of the site to resolve the matters set out in the CPO's comments. The outstanding details will be dealt with at Reserved Matters stage.

### **Sustainability**

A sustainability statement/checklist to comply with the requirements of Core Strategy Policy CS29 has been submitted. This, inter alia, ensures that the development will be constructed and managed so as to minimise CO2 emissions, maximise energy efficiency, use SUDs for water and foul drainage, use sustainable localised materials, recycle and manage construction waste to BRE guidelines.

### **EIA Screening Opinion**

The proposal is a Schedule 2 project within the EIA Regulations falling under the category, Urban Development Projects (10b) on a site exceeding 0.5 ha. EIA is only likely to be required if the proposal is likely to give rise to significant effects on the environment due to its size, nature or location as outlined in the selection criteria of Schedule 3 to the Regulations.

The site does not fall within a sensitive environmental location, nor would the development comprise unusually complex or potentially hazardous environmental effects. In addition, it is not considered that the impact of the development would be more than of local interest. Therefore, the proposal is not considered to constitute EIA development in accordance with Schedule 3.

The Government Planning Practice Guidance 2014 sets out screening thresholds for

10b (urban development) projects. Although over 0.5 ha in area, the site it is very slightly above half the indicated 5 ha area and the proposed retail floorspace is just above the 10,000sqm threshold for commercial floorspace. Whilst there are some concerns over possible contamination of the land due to former landuse, safeguards are in place to deal with this through the planning application. Whilst, the land as existing is vacant, the site has been earmarked for development for a long time and forms part of the wider Jarman park as a whole, the proposal is thus not considered to result in a significant urbanising effect.

Cumulatively, the proposal is not considered to be of such a scale that would lead to concerns over the cumulative impact of the development.

Based on the above, the proposal is considered not to be EIA development and hence an Environmental Statement is not required.

### **Other Details**

The application is in outline form to establish the principle of the development and its means of access. There are a number of detailed matters, some of which have been referred to above, which would need to be controlled either at reserved matters stage or separate submission under conditions to be discharged.

### **Conclusion**

The principle of the development for retail warehousing comprising 8800sqm gross floorspace comparison retailing and 1505sqm gross floorspace convenience retailing, and drive-thru café/restaurant is considered acceptable, subject to the conditions recommended above and provided controls are in place to restrict the sale of clothing and footwear so as to limit the impact of the development on Hemel Hempstead Town Centre. A Section 106 Legal Agreement is also necessary to secure financial contributions towards highway improvements and implementation of a Travel Plan. Fire Hydrants as recommended by Herts Fire and Rescue Service would also be covered by the Legal Agreement.

### **Referral to Secretary of State**

Under the Town and Country Planning (Consultation) (England) Direction 2009 paragraph 5.(1) local planning authorities are required to refer applications to the Secretary of State for development outside town centres consisting of or includes retail, leisure or office use, and which

(a) is to be carried out on land which is edge-of-centre, out-of-centre or out-of-town; and

(b) is not in accordance with one or more provisions of the development plan in force in relation to the area in which the development is to be carried out; and

(c) consists of or includes the provision of a building or buildings where the floor space to be created by the development is:

(i) 5,000 square metres or more; or

(ii) extensions or new development of 2,500 square metres or more which, when aggregated with existing floor space, would exceed 5,000 square metres.

Given that the application is for open A1 use at Jarmans Park it is considered that the should committee accept the recommendation to grant planning permission that the application be referred to the Secretary of State as it is considered that the proposal does not comply with the provisions of para. 5(1) above. Whilst the applicant accepts that the proposal does not meet criteria (a) and (c) there is some disagreement over criterion (b). It is our view that the proposal is not in accordance with the development plan for the following reasons:

The site is an out of centre location, as it is designated through table 6 of the Core Strategy as an out-of-centre retail and leisure location where the main uses are given as food retailing and bulky non-food goods. The Core Strategy states, in the background text, that significant new retail development at Jarman Fields above that already permitted will be resisted. The proposal is for significantly more retail development than that already permitted, and seeks open A1 use, which is contrary to the main uses given in table 6 of the Core Strategy.

Policy CS16 states that most new retail development will be directed to town and local centres, and that, new retail floorspace will only be permitted outside of defined centres if the proposal complies with sequential approach and demonstrates a positive overall outcome in terms of the impact assessment. The scale of the proposal, means that it is contrary to the first part of the policy stated above, and the advice from our retail consultants implies that the impact assessment does not show a positive outcome. The application is only recommended for approval on the basis of tight controls including a restriction on certain goods to be sold. It is considered therefore that the in accordance with the direction the application should be referred to the Secretary of State for consideration as to whether the application should be called-in.

## Recommendations

That in accordance with paragraph 5. (1) of the Town and Country Planning (Consultation) (England) Direction 2009 the application be **REFERRED** to the Secretary of State (DCLG).

1. In the event that the Secretary of State does not call in the application hat the application is **DELEGATED** to the Group Manager - Development Management & Planning with a view to approval subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990 and the draft list of conditions below.
2. That the following Heads of Terms for the planning obligation be agreed:
  - £75,000 financial contribution towards the cost of improvements to the St Albans Road/ Bennetts End/Longlands roundabout’.
  - £250,000 financial contribution towards schemes and measures to

public highway around the Jarman Park retail park to improve bus, pedestrian and cycle access and safety. Specifically:

£200,000 towards the cost of designing and installing a signal-controlled pedestrian crossing on St Albans Road in the vicinity of Lower Yot and Old Crabtree Lane

£50,000 towards the cost of designing and installing a signal-controlled pedestrian crossing on St Albans Hill in the vicinity of Lime Walk

- £6000 Travel Plan contribution in accordance with 'Hertfordshire's Travel Plan Guidance for Business and Residential Development'
- Provision of a Travel Plan
- Provision of Fire Hydrants

3. That the following conditions be imposed:

- 1 **Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto 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.**

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

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

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

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

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

- 4 **The Class A1 retail development hereby permitted shall have a maximum gross floor area of 10,305sqm comprising of;**

**1505sqm convenience food gross floorspace (822sqm net sales area)  
8000sqm comparison non-food gross floorspace (8000sqm net sales area).**

Reason: To limit the impact of the development on the vitality and viability of Hemel Hempstead Town Centre in accordance with Core Strategy Policy CS16.

- 5 The Class A1 retail units hereby permitted shall have a minimum gross floorspace of 696sqm.**

Reason: To limit the impact of the development on the vitality and viability of Hemel Hempstead Town Centre in accordance with Core Strategy Policy CS16.

- 6 The A1 retail use hereby permitted shall not be used for the sale and display of clothing and footwear (except ancillary clothing or footwear for DIY, motoring or cycling activities) unless formal written approval has been granted by the local planning authority.**

Reason: To limit the impact of the development on the vitality and viability of Hemel Hempstead Town Centre in accordance with Core Strategy Policy CS16 and to allow the local planning authority to retain control over the type of goods sold.

- 7 The Class A1 retail units shall only be used for Class A1 uses in accordance with other conditions of this planning permission and the Class A3 unit shall only be used for Class A3 uses and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification and for no other purpose permitted under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 unless otherwise agreed in writing with the local planning authority.**

Reason: In the interests of safeguarding the vitality and viability of Hemel Hempstead Town Centre.

- 8 No development shall take place until samples of the materials to be used for the external surfaces of the development shall have been submitted to and approved in writing by the local planning authority. The approved materials shall be used in the implementation of the development.**

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

- 9 Details to be submitted in accordance with condition 1 above shall**

include full details of both hard and soft landscape works. These details shall include:

- hard surfacing materials;
- means of enclosure;
- soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- trees to be retained and measures for their protection during construction works;
- proposed finished levels or contours;
- car parking layouts and other vehicle and pedestrian access and circulation areas;
- minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);
- retained historic landscape features and proposals for restoration, where relevant.

The approved landscape works shall be carried out prior to the development being brought into use.

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

- 10 **No development shall take place until a landscape management plan for a period of 10 years from the date of the implementation of the landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include long term design objectives, management responsibilities and maintenance schedules for the landscaped areas. The landscaping shall be managed in accordance with the approved plan.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.

- 11 **No development shall take place until a scheme for the protection of existing trees within and adjoining the site (as agreed to be retained on any Reserved Matters application), shall have been submitted to and approved in writing by the local planning authority. The approved scheme of protection shall be installed in accordance with the details approved and shall be maintained in place during the whole period of site demolition, excavation and construction (including any excavation for the purposes of archaeological assessment).**

Reason: In order to ensure that damage does not occur to the trees / hedges during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan 1991-2011 and Policy CS12 of the Dacorum Core Strategy September 2013.

- 12 **No development shall take place until a Preliminary Ecological Assessment (PEA) of the site is undertaken to determine whether there are any ecological issues that may need to be considered and further information is required in relation to the likely presence of Great Crested Newts and an assessment of potential impact that may occur to individual newts or newt habitat. The Great Crested Newt season runs from mid - March to June only.**

Reason: In the interest of safeguarding any ecological interest on the site in accordance with the NPPF.

- 13 **The details of scale to be submitted for the approval of the local planning authority in accordance with Condition (1) above shall include details of the proposed slab, finished floor and roof levels of the buildings in relation to the existing and proposed levels of the site and the surrounding land and buildings. The development shall be constructed in accordance with the approved levels.**

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

- 14 **Details submitted in accordance with Condition 1 of this permission shall include detailed proposals for vehicle parking within the site in accordance with standards adopted by the local planning authority.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities.

- 15 **No development shall take place until details of the materials to be used for hard surfaced areas within the site, including roads, driveways and car parking areas, shall have been submitted to and approved in writing by the local planning authority.**

Reason: To ensure that the internal roads and other layouts are built to required / adoptable standards in accordance with saved Policy 54 of the adopted Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the Dacorum Core Strategy September 2013.

- 16 **No development shall take place until a Construction Management Plan shall have been submitted to and approved in writing by the local planning authority. The statement shall provide for:**

- the parking of vehicles of site operatives, contractors and visitors;
- loading and unloading of plant and materials;



- storage of plant and materials used in constructing the development;
- timing and routes to be employed by construction vehicles;
- construction access arrangements;
- the erection and maintenance of security hoarding;
- wheel washing facilities;
- measures to control dust and dirt during construction;

The details shall include a plan showing the proposed location of these areas. The approved statement shall be adhered to throughout the construction period.

Reason: To minimise danger, obstruction and inconvenience to users of the highway in accordance with saved Policy 51 of the Dacorum Borough Local Plan 1991-2011.

- 17 **All materials and equipment to be used during the construction shall be stored within the curtilage of the site unless otherwise agreed in writing by the local planning authority prior to commencement of the development.**

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

- 18 **All areas for parking and storage and delivery of materials associated with the construction of this development shall be provided within the site on land which is not public highway and the use of such areas must not interfere with the use of the public highway.**

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

- 19 **No development shall take place until details of pedestrian and cycle circulation within the site, and its connection to the rest of Jarman Park are submitted to and approved in writing with the local planning authority.**

Reason: To ensure a satisfactory means of circulation for pedestrians and cyclists within the and to improve access links within Jarman Park as a whole in accordance with Policy CS.

- 20 **Prior to commencement of the development the Outline Remediation Strategy by Waterman Environmental dated November 2006 shall be reviewed and updated in accordance with current legislation and guidance etc. and shall be tailored specifically towards the development now proposed. This shall be submitted for written approval to the local planning authority prior to commencement of the development. The recommendations of the report shall be followed and additional gas monitoring be performed on the site in order to finalise gas protection design measures.**

Reason: To ensure that risks from land contamination to the future users of the land are minimised, together with those to controlled waters (including

Principal Aquifer within Source Protection Zone 1), property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, customers and other offsite receptors in accordance with Policy CS32 of the Dacorum Core Strategy September 2013.

## 21 **Implementation of Approved Remediation Scheme**

**The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.**

**Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.**

### **Reporting of Unexpected Contamination**

**In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared and is subject to the approval in writing of the Local Planning Authority.**

**Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.**

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

### INFORMATIVE:

The applicant is advised that a guidance document relating to land contamination is available in the Council's website:

<http://www.dacorum.gov.uk/default.aspx?page=2247>

## 22 **The development hereby permitted shall not be commenced until a**

**drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved in writing by the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.**

Reason: The development may lead to sewerage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact on the community.

- 23 No infiltration of surface water drainage into the ground at this site is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.**

Reason: To protect the water environment, including groundwater in accordance with Policy CS31 of the Dacorum Core Strategy September 2013. Part of the site is located on a Principal Aquifer, and within a Source Protection Zone 1 which feeds a public water supply.

- 24 No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programming for the works) has been submitted to and approved in writing by the Local Planning Authority, in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method.**

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.

- 25 Petrol/oil interceptors shall be fitted in all car parking/washing/repair facilities.**

Reason: to prevent oil-polluted discharges entering local watercourses.

- 26 A properly maintained fat trap shall be installed on the A3 unit hereby permitted.**

Reason: To prevent the blocking of drains, sewage flooding and pollution to local watercourses.

- 27 The A3 use hereby permitted shall not be commenced until there has been submitted to and approved by the local planning authority a**

**scheme for ventilation of the premises, including the extraction and filtration of cooking fumes. The approved scheme shall be carried out prior to the commencement of the use hereby permitted.**

Reason: In the interests of the amenity of adjoining uses.

- 28 **Notwithstanding the sustainability checklist submitted, no development shall take place until an online Sustainability Statement and an Energy Statement via C-Plan shall have been submitted to and approved in writing by the local planning authority. The statements shall be submitted for approval concurrently with the first of the reserved matters to be submitted. The development shall be carried out in accordance with the details approved.**

Reason: To ensure the sustainable development of the site in accordance with the aims of accompanying Policy CS29 and paragraph 18.22 of the Dacorum Core Strategy September 2013 and the Sustainable Development Advice Note March 2011.

- 29 **No development shall take place until details of a measures to recycle and reduce demolition and construction waste which may otherwise go to landfill, together with a site waste management plan (SWMP), shall have been submitted to and approved in writing by the local planning authority. The measures shall be implemented in accordance with the approved details.**

Reason: To accord with the waste planning policies of the area, Policy CS29 of the Dacorum Core Strategy (September 2013) and saved Policy 129 of the Dacorum Borough Local Plan 1991-2011.

- 30 **No development shall take place until details to demonstrate how the car park will achieve and maintain 'Park Mark, safer Parking Award Status have been submitted to and approved in writing by the local planning authority in consultation with Hertfordshire Police. The car park shall not be brought into use until the approved measures have been implemented in full and shall thereafter be retained.**

Reason: To prevent crime and protect people using the car park in accordance with paragraph 69 of the NPPF.

- 31 **The development hereby permitted shall not commence until a satisfactory Flood Risk Assessment has been submitted and approved in writing by the local planning authority in consultation with the Lead Local Flood Authority.**

Reason: To protect the development and its occupants from the risk of flooding and to prevent the increased risk of flooding.

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

**140219 D - 10 Rev A**  
**140219 D - 11 Rev A**  
**140219 D - 12 Rev A**  
**140219 D - 13 Rev A**  
**140219 D - 14 Rev A**

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

#### Article 31 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

#### INFORMATIVES:

##### Highways

1. Where works are required within the public highway to facilitate the new vehicle access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to Hertfordshire County Council Highways team to obtain their permission and requirements. Their address is County Hall, Pegs Lane, Hertford, Herts, SG13 8DN. Their telephone number is 0300 1234047.
2. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence..
3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.

##### Thames Water

1. It is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that

storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water

Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

2. Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

3. A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes - toilets, showers, washbasins, baths, private swimming pools and canteens). Typical Trade Effluent processes include: - Laundrette/Laundry, PCB manufacture, commercial swimming pools, photographic/printing, food preparation, abattoir, farm wastes, vehicle

#### National Grid

Due to the presence of National Grid apparatus in proximity to the specified area, the contractor should contact National Grid before any works are carried out to ensure our apparatus is not affected by any of the proposed works.

BEFORE carrying out any work you must:

- Ensure that no works are undertaken in the vicinity of our gas pipelines and that no heavy plant, machinery or vehicles cross the route of the pipeline until detailed consultation has taken place.
- Note the presence of an Above Ground Installation (AGI) in proximity to your site. You must ensure that you have been contacted by National Grid prior to undertaking any works within 10m of this site.

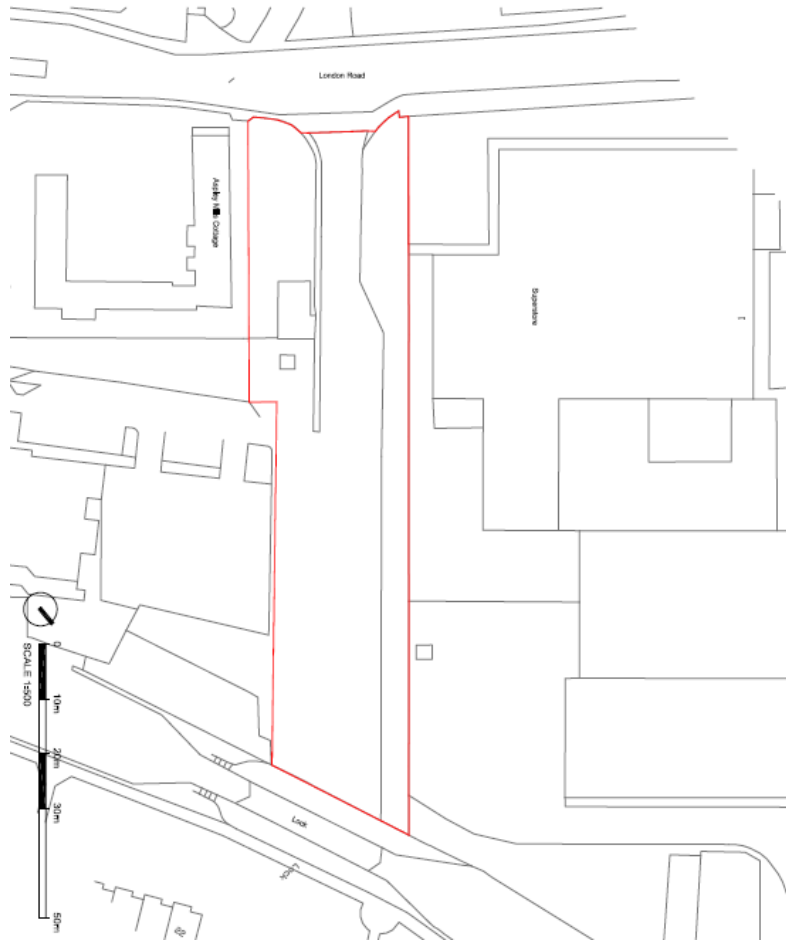


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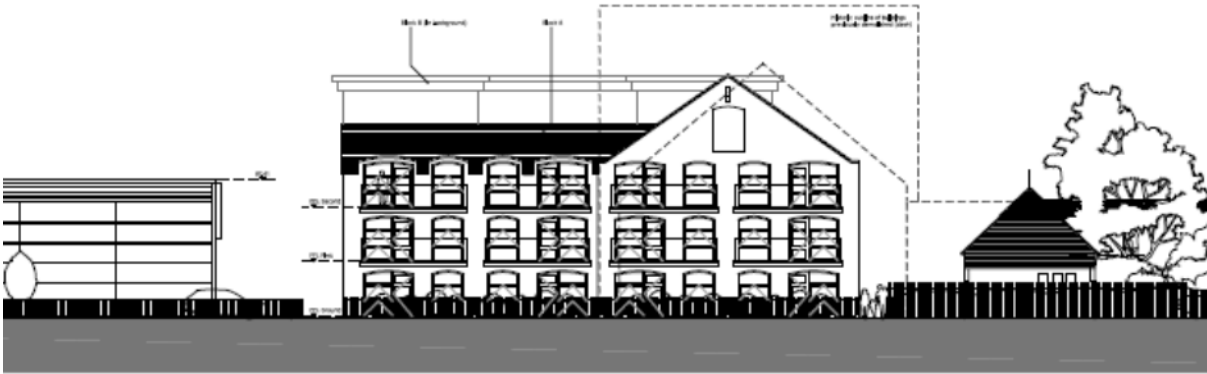


## ITEM 5.02

**4/03584/14/MOA - OUTLINE APPLICATION FOR THE CONSTRUCTION OF 50 ONE BEDROOM FLATS WITH CAR PARKING AND VEHICULAR ACCESS.  
LAND AT APSLEY MILLS ADJ. THE COTTAGE, LONDON ROAD, APSLEY, HEMEL HEMPSTEAD**



**4/03584/14/MOA - OUTLINE APPLICATION FOR THE CONSTRUCTION OF 50 ONE BEDROOM FLATS WITH CAR PARKING AND VEHICULAR ACCESS.  
LAND AT APSLEY MILLS ADJ. THE COTTAGE, LONDON ROAD, APSLEY, HEMEL HEMPSTEAD**



**4/03584/14/MOA - OUTLINE APPLICATION FOR THE CONSTRUCTION OF 50 ONE  
BEDROOM FLATS WITH CAR PARKING AND VEHICULAR ACCESS.  
LAND AT APSLEY MILLS ADJ. THE COTTAGE, LONDON ROAD, APSLEY, HEMEL  
HEMPSTEAD  
APPLICANT: MR. NEVILLE SPIERS**

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[Case Officer - Joan Reid]

## **Background**

This application was brought to the Development Control Committee for consideration on 29th April 2015. The Committee resolved to defer making a decision on the application due to an outstanding objection from the Environment Agency. It was not resolved at that meeting in April that the two other issues (design and impact to listed building and privacy distances) were found to be acceptable by the members and as such the three reasons for refusal are still to be considered in full together with the other merits of the scheme.

Members should therefore consider the updated information below together with the committee report which was reported to the Development Control committee on 29th April which is also set out below.

## **Case officers Comments in response to information submitted following writing of committee report**

Flood Risk and deculverting - Following on from the latest objection from the Environment Agency, the applicant has produced further modelling in association with the Flood Risk Assessment. The environment agency are reviewing the latest information and their comments will be available before the committee meeting. Until such time that the environment agency remove their objection, the reason for refusal remains relating to flood risk and deculverting of the site.

Privacy distances - the agent has produced a number of examples whereby he believes that lessened privacy distances of 23m have been allowed on other schemes in the Borough. This information has been taken into account however this does not overcome the reason for refusal relating to insufficient distance between the residential flats to allow for adequate privacy. It remains the view of the case officer that the distances provided between the blocks is inadequate to ensure sufficient privacy is maintained and indeed it is noted that on one such flat, a bedroom has no window. Also having adequate distance between the blocks of flats would ensure sufficient light levels to be achieved and a good quality layout. Whilst, it is appreciated that the scheme is outline with detailed design to be dealt with at reserved matters stage, it is still considered that the scheme fails to achieve adequate privacy for the future occupiers.

Impact to listed building - The information that has been submitted by the agent and architect has been taken into account by both the case officer and the conservation and design officer and the recommended reason for refusal remains. It is appreciated that the site previously contained bulky industrial buildings associated with the John Dickinson site and that the listed building once stood adjacent to large buildings, however, it is considered by the conservation officer that the context of the

listed building has changed. It is considered that the scale, height and bulk of the proposed building fronting onto the London Road would detract from the setting of the listed building.

**Letter from agent dated 26th April 2015 - reported to members on 29th April at DCC.**

I am writing to you after your telephone discussion with Neville Spiers last week, and in relation to matters as set out in your email to me of 21st April and also in the officer's report to the Development Control Committee this coming week. I have also spoken at length again to Natasha Smith at the Environment Agency (EA) in recent days.

Firstly, can I wish you a speedy recovery and I hope that the pressures that you and others in the Department are under are lifted in the near future. I am grateful that you have confirmed to Neville that we are able to submit to the Council further information and rebuttals which you have agreed will be put to the Development Control Committee on the 29th April for members to take into account in their decision on this outlined application. This flexibility is very important to use and we wish to offer you some further thoughts on the concerns you still have which we would wish you to put to the Committee for their consideration.

This letter effectively forms a rebuttal statement for the remaining issues raised in your email and the three reasons for refusal as set out in the Committee report. I shall deal firstly with the EA and their remaining objection which forms the basis of reason for refusal no.1 Natasha Smith has reassured me that they are doing all they can to respond to you by the 28th April but that it is unlikely that their external consultants will have had the time to review and report back on the modelling files from Waterco by that date. This is extremely regrettable since I am sure that the outcome of that review of the modelling files would be that the EA's objection would ultimately be withdrawn, in conjunction with a range of planning conditions being required to be implemented by the EA, which the Trust has no objection to and some of which I have already discussed with Natasha Smith.

If the EA is not in a position to withdraw their objection by the 29th April, then can I suggest that if all other matters are satisfactory to the Committee on that night, members have the legal power to resolve to approve the application, subject to the EA confirming that have no objection in writing, and subject to a number of conditions they are also likely to seek being taken on board and implemented.

Then the decision notice of approval could be issued under the officer's delegated powers as soon as possible after the Committee meeting. The Trust would accept all reasonable planning conditions which the LPA and EA are likely to impose.

- These are 1 number bedroom flats in a high density urban context, not suburban detached houses with private rear gardens where a 23m separation distance might be needed to protect privacy between first floor windows and to avoid direct overlooking of private rear garden amenity/patio spaces opposite;
- The areas that the balconies of the flats in question look down on are a communal spaces, no private gardens;

- The screening on the balconies in question together with the use of the obscured glazing panels would completely avoid any overlooking of the balconies or flats opposite in practice. A diagram attached, demonstrates that conclusively and also shows the distances between windows in the most affected flats is 21m as scaled – only 2m below Your guideline separation distance standard.
- If you wanted to even preclude the possibility of bedrooms being 21m apart in two blocks concerned, then a planning condition could be imposed at this stage requiring the internal layout of those flats to be revised before any work commenced on the development.;
- The number of flats affected by a reduced separation distance (12no) are a significant minority of the units;
- The separation distance between the relevant flats' windows is actually 21m and not 18m. This is better than the separation distance of 20m from first floor window to window that other LPAs accept elsewhere for housing layouts;
- The JDEC building is an employment and small business centre. It has no residential units and the flank wall windows are not in residential or habitable room use. The Centre is not in use in the evenings or overnight;

This is an outline application and such a matter would, reasonably in any case, be considered to be a part of the reserved matters applications.

Finally, I would ask you to note that the standard you are seeking to impose is set out in an Appendix to the 'saved' Local Plan and does not form part of any Policy in the Local Plan. This is an important point that should not be overlooked.

The Trust not ignoring the separation distance and guidelines standard of 23m separation distance between the windows you normally try to secure, but we would ask the Committee agree that in the circumstance of the high density and urban nature of the site and the nature of these proposals, together with the mitigation measures proposed, and the terms of Appendix 3 that flexibility should be acceptable and this reason for refusal not be accepted.

I have to say in conclusion that I am very disappointed in the recommendation and feel that the officers have not applied the sort of flexibility and balancing of the issues that they do normally and which could be applied lawfully to this outline application. This is very surprising and concerning given the potential serious outcome for the Trust should the recommendation or refusal be accepted by the Committee.

Please think again, and resolve to approve the application should the EA's objection be withdrawn, subject to conditions.

**RECOMMENDATION** - That planning permission be **REFUSED** for the reasons referred to above and for the following reasons:-

- 1 **The site is located within Flood zones 1, 2 and 3 and the proposal is identified as being more vulnerable in the NPPF. It is considered the detail submitted do not demonstrate that the requirements set out in paragraph 9 the Technical Guide to the National Planning Policy Framework are met . The proposal does not therefore accord with policy CS31 of the Core Strategy or the NPPF in terms of flood risk and impact.**

- 2 **In accordance with policy CS12 and CS27 of the adopted Core Strategy and policy 119 of the local plan, the scheme fails to demonstrate an acceptable relationship can be achieved in the built form that would not harm the character and setting of the adjacent listed building.**
  
- 3 **The scheme fails to demonstrate that an acceptable relationship in terms of adequate privacy can be achieved for future occupiers in accordance with policy CS12 of the adopted Core Strategy and saved Appendix 3 of the saved DBLP 1991-2011.**

**Report written for deferred Development Control Committee on 29th April 2015**

### **Summary**

The application is recommended for refusal. The site is located within Flood zones 1, 2 and 3 and the proposal is identified as being more vulnerable in the NPPF. As such the Environment Agency has raised objection to the scheme until such a time that it is demonstrated that the requirements set out in paragraph 9 the Technical Guide to the National Planning Policy Framework and policy CS31 of the adopted Core Strategy are satisfied. Also in accordance with policy CS12 and CS27 of the adopted Core Strategy and policy 119 of the saved local plan, the scheme fails to demonstrate an acceptable relationship can be achieved in the built form that would not harm the character and setting of the adjacent listed building. Finally, the scheme fails to demonstrate that an acceptable relationship in terms of adequate privacy can be achieved for future occupiers in accordance with policy CS12 of the adopted Core Strategy.

### **Site Description**

The application site comprises a long strip of land extending from the London Road to the canal, adjacent Home Base and the Apsley Paper Mill Pub. The site lies adjacent to a Grade II listed building and is located within Flood Risk Zones 2 and 3 and contains due to culverts which have been filled in. The site formerly contained large warehouse buildings forming part of the John Dickinson Site and has remained undeveloped for some time.

### **Proposal**

The application seeks planning permission for outline planning permission for 50 one bedroom residential units together with 67 parking spaces and landscaping. The development comprises three separate blocks extending to a height of 4 storeys and 3 storeys fronting onto the London Road. The proposal is to be served with access off an existing vehicular access running alongside the Paper Mill Public House. The proposal is for outline permission with all matters reserved except access.

## **Referral to Committee**

The application is referred to the Development Control Committee as the land is owned by Dacorum Borough Council.

## **Planning History**

### **Policies**

#### National Policy Guidance

National Planning Policy Framework (NPPF)  
NPPG

#### Adopted Core Strategy

CS1 - Distribution of Development  
CS2 - Selection of Development Sites  
CS3 - Managing Selected Development Sites  
CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport  
CS9 - Management of Roads  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS14 - Economic Development  
CS17 - New Housing  
CS19 - Affordable Housing  
CS27 - Quality of the Historic Environment  
CS28 - Renewable Energy  
CS29 - Sustainable Design and Construction  
CS30 - Sustainability Offset Fund  
CS31 - Water Management  
CS35 - Infrastructure and Developer Contributions

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

Policies 10, 13, 21, 31, 33, 58, 106, 111, 119, 129  
Appendices 3, 5 and 6

#### Supplementary Planning Guidance / Documents

Affordable Housing (Jan 2013)

## **Summary of Representations**

### **Environment Agency**

Awaiting further comments from EA on acceptability of additional information to Environmental Agency. To be reported in an addendum.

## Response from EA dated 29/04/2015

Unfortunately, we have a number of issues with the submitted flood modelling which means it is not fit for purpose (see attached model review). Therefore, we cannot rely on the results of the Flood Risk Assessment (FRA) or be confident that flood risk will not be increased as a result of the development. We also do not believe that the applicant has provided adequate justification for failing to open up the culvert. In the absence of an acceptable FRA or adequate justification regarding the deculverting we have the following **two objections**.

### **Objection 1 – Inadequate FRA**

**Reason** The FRA submitted with this application does not comply with the requirements set out in the Planning Practice Guidance or your policy CS31. The submitted FRA does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted FRA fails to:

1. Include an approved flood risk related hydrological model.
2. Adequately assess the flood risk implications of a breach adjacent to the development.
3. Assess the flood risk protection level to the basement car parking.
4. Adequately address the implications of opening up the culvert.
5. Address the implications of the culvert being in poor condition.

**Resolution** The applicant can overcome our objection by submitting an FRA which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection.

**Note:** *An updated flood model will need to accompany the updated FRA. This should cover the points identified in the attached model review.*

### **Objection 2 – Opportunity missed for watercourse restoration**

#### **Reason**

Culverted river channels are one of the most severe examples of the destruction of ecologically valuable habitat. We seek to restore and enhance watercourses to a more natural channel wherever possible. This stance is supported by your policies CS26, CS31 and CS32.

Paragraph 109 of the National Planning Policy Framework (NPPF) requires local planning authorities to aim to conserve and enhance biodiversity when determining planning applications by minimising impacts on biodiversity and providing net gains in biodiversity where possible. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged. In addition, the Thames River Basin Management Plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery. As the River Gade is currently at moderate ecological potential it is essential that improvements are made.

#### **Resolution**

It may be possible to overcome this objection if a scheme is submitted by the applicant demonstrating how the watercourse will be restored and enhanced to a



more natural state and maintained as such thereafter. If this is not possible we would expect to see adequate justification for why this is. We would also require a Section 106 agreement for works offsite

### Original comments from the Environment Agency

Thank you for consulting us on the above planning application. I spoke to Chris at Maze Planning on the 19th about the plans being unclear in relation to the deculverting and was told that further information would follow. As we also have concerns with the submitted Flood Risk Assessment (FRA) I thought it best to raise our **objection** now so that the applicant has time to address both.

**Objection** The FRA submitted with this application does not comply with the requirements set out in paragraph 9 the Technical Guide to the National Planning Policy Framework or your policy CS31. The submitted FRA does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the FRA fails to:

1. Adequately assess the impact of Flood Zones 3b, 3a and 2 on the development as it is incorrectly assumed that the site is all effectively in Flood Zone 1 (Section 4.9).
2. Assess the implication of a breach failure of the Canal wall.
3. Assess the impact of loss of flood storage.
4. Assess the impact of flooding in the Lower Ground Floor car parking area.
5. Demonstrate whether the section of culvert crossing the site near to the Canal will be opened up.
6. Adequately consider the range of options for sustainable drainage on site.

**Resolution** The applicant can overcome our objection by submitting an FRA which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application.

### Conservation and Design

This prominent site is located on a main route into the town and is located adjacent to a Grade II Listed Building. As such the design quality of any scheme is a significant factor in assessing the suitability of a proposal within the setting of this designated heritage asset.

Given the pre-application advice that has been provided for this site I am surprised at the design approach that has been adopted since the scale, bulk and massing of this proposal is out of context with the heritage asset and would cause significant harm to the setting of the listed building.

Whilst historically the site may have supported larger scale building forms in this locality, these were demolished prior to the listing of the building and these demolished structures do not provide the today's context. I therefore dispute they hold any relevance.

In principle I support the townscape concept of three blocks of development - one providing frontage onto London Road, one onto the canal and one to terminate the access into the development, it is the scale, bulk and massing of the blocks which

cause me concern. Although the warehouse block occupied by Homebase is neighbouring the site and detracts from much of the recent development in the area, I can see no reason to justify the height of the current proposal and/or the unrelieved facades.

I am particularly concerned about the design approach for the block onto London Road, both in scale bulk and massing as well as the architectural treatment. The proposed building would be unduly dominate the listed building and would swamp its modest scale. The size of the gable end of the proposed scheme is very assertive and dominant and the odd roof dormers and window design are an inappropriate pastiche design for a 'warehouse' building.

I would need convincing as to the visual impact of the use of 'tables' to elevate the buildings above the ground height of surrounding development/built forms.

Further comments from conservation and design following comments from agent

Disagree with comments put forward and retain objection

### Strategic Planning

This site has been subject to early pre-app discussions and we refer you to these in terms of policy background as these remain relevant. However, some elements of the policy have moved on since then. The site has now been formally identified as a housing allocation (Proposal H/10) in the Pre-Submission Site Allocations DPD (September 2014). The site is seen as delivering between 25-35 units and the planning requirements refer to:

“High density housing acceptable. Access from London Road. Careful design and landscaping required to ensure a satisfactory relationship with adjoining commercial uses. Flood risk assessment required.”

Given the above, the broad principle of delivering housing through a proposal on this site is now supported. We acknowledge that this would deliver a high density development and that flood risk is being considered as part of the application.

While the principle is supported, the current proposal does run contrary to the H/10 allocation in terms of its indicative capacity. The capacity reflected the early discussions on the allocation with the Strategic Housing team who are ultimately seeking to deliver an affordable housing scheme on the site as part of the Council's New Build housing programme. We accept that the indicative capacity could be exceeded, but this would need to be fully justified in terms of design, layout, general amenities, and parking, etc. We would therefore need to be satisfied that the quantum of development could be satisfactorily accommodated on the site. This is an important issue given the constrained and elongate nature of the site and its location close to bulky, large footprint retail units.

We have previously raised concerns over the higher density of development proposed and these issues are well documented in the earlier comments we have made to you. We continue to raise this issue given the indicative bulk and height of

buildings (4/5 storeys with basement parking), the extent of development across the site, the limited availability of amenity space/landscaping, and the proximity of buildings to the nearby retail warehouses. You will need to assess whether these factors provide for a satisfactory residential environment for the new residents and quality of site design (Policy CS12).

In terms of affordable housing, Policy CS19 would apply and therefore we would be seeking a 35% on-site contribution. This would be a lower contribution than that proposed to be delivered through the New Build programme. Please contact the Strategic Housing team for their views on the appropriate tenure mix and size of the properties.

We are unclear as to the potential size of the apartments, but saved Appendix 5 of the DBLP will provide you with appropriate car parking standards against which to assess the proposal. The normal expectation would be 1.25 spaces for a 1-bed unit and 1.5 spaces for a 2-bed unit. The views of the local Highway Authority should be sought on this issue.

### Hertfordshire Highways

#### Initial Comments

A colleague has reviewed this outline application and they have come back to me with the following requests for further information and clarification. As you will see there are four points that require justification but I do not see any of them being show stoppers but none the less they do need to be answered.

- A multi-modal assessment – in a sustainable location I do not think this development will have a significant impact but they need to provide this assessment for completeness and to ensure contributions are not required;
- Junction Modelling – the 2024 base plus development scenario sees a decrease, I spoke to our in-house LINSIG Modeller and whilst it is likely to be due to the optimisation they did think it was strange that the same scenario did not occur in the 2014 base plus development scenario. Therefore, further justification is sought;
- Personal Injury Accident Data – this has not been included, whilst I have quickly looked on crashmap and there isn't anything majorly worrying an assessment ought to be included; and
- Finally, the displacement of parking – the site is currently used for car parking but there is no explanation as to where this will be relocated to. I think we just need to ensure that this can be accommodated elsewhere.

#### Further comments

Looks suitable in principle – the right-turn lane dimensioning will need some work. Site would not be considered for adoption'

'The tactile paving arrangements are wrong but they can be sorted as part of the detail design.'

Can the new traffic island be positioned as close to the access without it creating an obstruction for traffic turning from the development. The closer it is, the more likely it is to be used by pedestrians travelling to and from the development.

Overall we ( the HA) are happy in principle with the changes.

## Trees and Woodlands

None

## Canal and River Trust

After due consideration of the application details, the Canal & River Trust has **no objections** to the proposed development, **subject to** the imposition of suitably worded **conditions** and, if necessary after further discussions, a **legal agreement**.

## Design and layout

The proposal is located adjacent to the listed lock but the illustrative layout drawings show the erection of a high boundary wall to act as a flood barrier. Not only will this prevent many of the future occupiers taking advantage of the waterside location but will present an unsatisfactory backdrop to the listed lock structure.

We would therefore request that a lower wall is provided to replace the existing boundary wall, allowing views into and out of the site. However, the lock landing adjacent to the site should remain inaccessible to occupiers however to prevent the lock gates being used as a shortcut from the site onto the towpath. The Trust do not encourage lock gates crossings to be used by the general public for safety reasons and these are only provided to allow operation of the lock gates by boaters.

## Structural stability

The applicants should discuss the proposal with the Trust prior to submitted detailed layout plans to ensure that the scheme and any associated landscaping does not result in structural instability of the canal or any related infrastructure.

## Drainage

The flood risk assessment states: "Surface water discharge should be directed into the GUC via the 900mm pipe/culvert which crosses through the site" this will need further with the Canal & River Trust and will be subject to a commercial agreement.

## Accessibility

The site is located adjacent to the Grand Union Canal, with the nearest towpath access point approximately 100 metres away. The canal towpath provides a sustainable transport link between the site and other facilities within the town as well as proving a quiet and safe off road walking and cycling route for recreational purposes. The towpath is a recognised Sustrans cycle route.

The value of the towpath in improving the connectivity and accessibility in the area has been recognised by Dacorum Council. The Canal & River Trust support the Hemel Hempstead Urban Transport Plan which has identified the need for wide ranging improvements such as improved signage and seating, and improvements particularly for cyclists such as widening the towpath and providing access points at certain locations.

The nearest access point to the towpath is close to the site where an iconic bridge provides access onto the towpath to the east of the site.

The Trust feels that the provision of housing on this site will result the possible increased usage of the canal towpath as a sustainable transport route. Without suitable mitigation measures this could result in increased degradation of the towpath surface, not just in the immediate location of the site but also elsewhere in Hemel Hempstead. General canal towpath improvements such as widening and resurfacing are needed to cope with additional usage and to ensure that the Councils aspirations for u improving cycling throughout the town are met.

The Trust can provide numerous examples of similar situations where developers have made accessibility improvements as a form of mitigation to offset additional usage of the towpath to either reach a site, or to link from a site to other facilities as a sustainable, traffic-free green transport route. The council have recently sought S106 money elsewhere in Hemel to help fund accessibility improvements.

The Trust is currently working with both Dacorum and Hertfordshire County Council to seek the upgrading of the towpath and the County Council have recently made a bid to the Herts LEP to upgrade the towpath from Hemel Railway Station eastward to Apsley Basin.

The section between Durrants Hill Road and the Marina is currently one of the worst stretches of towpath on the Canal and we would wish to ultimately see this upgraded to a bound surface.

We therefore request that the proposal makes a contribution towards the upgrading of the Grand Union Canal Towpath as it runs through Hemel Hempstead.

### **Justification for the request**

With reference to the approach to developer contributions contained in the Community Infrastructure Levy Regulations 2010 (CIL), we consider that a case can be made that a contribution is both necessary and directly related to the proposed development. The nature of the works to be covered by the contribution is improvements to allow safer, more sustainable access to the site for the additional users likely to be attracted by the proposal, and therefore we believe it is appropriate in kind.

### **Policy Support for our request**

#### **National Policy**

Paragraphs 29 to 41 of the National Planning Policy Framework (NPPF) is committed to promoting sustainable transport and states that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice as to how they wish to travel. TCPA Policy Advice Note: 'Unlocking the potential and securing the future of the Inland Waterways through the Planning System' (2009) not only supports the use of the towpath in this way but estimates

that 100 tonnes of carbon dioxide are saved per kilometre of towpath upgraded. The Design and Access Statement assumes that residents will use the canal towpath as a sustainable travel route but has not considered how residents will safely reach the towpath or the additional costs of maintenance as a result of the increase in usage.

#### Local Policy

The Council are supportive of requirements to improve accessibility by sustainable transport means and has adopted an SPD requiring S106 contributions to that effect.

The canal towpath can offer a sustainable, traffic-free route for pedestrians and cyclists to reach the site for formal leisure or shopping purposes or for residents to access other parts of the town or the open countryside for more informal leisure purposes. Policy CS8 of the adopted Core Strategy requires the creation of a safer and continuous footpath and cycle link, particularly in towns such as Hemel Hempstead. The Grand Union Canal Towpath already provides a good pedestrian link but it is recognised that improvements to width and surfacing are needed to improve it as a cycling route. The Canal & River Trust believe that a request for a financial contribution is in line with the aims of this policy.

The canal is recognised in the adopted Core Strategy as Key Green Infrastructure. Core Strategy Policy CS26 requires that development create better public access and links through green space. Again, the Trust believes that our request for a financial contribution to improve the towpath and access to it is in line with this policy.

We are aware that the County Council may require S106 contributions under their Planning Obligations Guidance- toolkit for Hertfordshire. This document requires contributions to be made for direct impact of development, and for more cumulative impacts such the mitigation of increased usage of the towpath as a result of residential development within the town. The County Council may request a contribution to be spent on implementing sustainable transport measures identified in the Hemel Hempstead Urban Transport Plan.

The Canal & River Trust are aware of the particular constraints of this site and the desire to provide as great a proportion of affordable housing as possible. We recognise that this proposal is unlikely to be able to provide a contribution to towpath upgrading to solely fund a particular project or stretch of improvement.

However it is acknowledged that the Council aim to pool contributions to allow a meaningful improvement to be carried out. The Canal & River Trust therefore fully support this method and wish to request that a suitable sum is identified as provided for a towpath improvement project as identified within the UTP if, given the particular constraints of this site, the council wish to seek contributions. We would wish to discuss this matter further with the council to identify a suitable level of contribution if necessary, and the details of a suitable recipient project.

#### Conclusion

In conclusion the Canal & River Trust would request that a contribution is provided to create accessibility and connectivity improvements along the towpath of the Grand Union Canal in the vicinity of the site and we would welcome the opportunity to discuss this further.

If the council are minded to grant permission we would request that the following conditions and informative are imposed.

### Conditions

1. Prior to the first occupation of the dwellings, details of the proposed boundary treatment (showing height, specification and materials and/or planting) shall first have been submitted to and agreed in writing by Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

*Reason: To ensure that the external appearance of the development is satisfactory. The boundaries adjacent waterside developments should provide an attractive façade and poor design can affect how the waterway is perceived. The construction of foundations for walling or fencing has the potential to impact on the integrity of the waterway therefore development approved should prevent damage to the waterway structure and protect users on the towpath.*

2. If surface/ground water run-off is proposed to drain into the waterway or to a soakaway, full details shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

*Reason: To comply with paragraph 120 of the National Planning Policy Framework and given the proposed use there is the potential for pollution of the waterway and the Canal & River Trust will need reassurance that only clean surface water run-off will be allowed to discharge into the waterway, and, if necessary, that interceptors and other measures will be included to prevent pollution.*

3. Details of the proposed protective fencing to be erected to safeguard the waterway infrastructure during construction of the development shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

*Reason: To comply with paragraph 120 of the National Planning Policy framework as the ecological environment in this location is sensitive and should be protected from disturbance, dust, run off, waste etc. entering the canal and to assess the impact on the integrity of the waterway infrastructure.*

4. prior to the commencement of development details of the proposed lighting for the development including details of foundations shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

*Reason: To comply with paragraph 125 of the National planning policy Framework as lighting at waterside developments should be designed to minimise the problems of glare, show consideration for bats and unnecessary light pollution should be avoided by ensuring that the level of luminance is appropriate for the location, is sustainable and efficient, and protect*

### Informative

If the Council is minded to grant planning permission, it is requested that the following informative is attached to the decision notice:

“The applicant/developer is advised to contact Osi Ivowi on 01908 301 591 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust “Code of Practice for Works affecting the Canal & River Trust”.

In addition, in order for the Canal & River Trust to effectively monitor our role as a statutory consultee, please send me a copy of the decision notice and the requirements of any planning obligation.

## Secure By Design

### Comments

I note at this stage that the application only concerns access, with layout, landscaping appearance and scale to be dealt with at reserved matters stage. I make the following comments which concern access but also will be for future consideration if this application is successful.

1. Undercroft Parking: This is described at part 5.9 of the Transport Statement as a ‘private undercroft parking area...’ yet it is shown as open and if it were to remain open, I would wish to formally object, as security for the development would be compromised, and customers of the nearby public house may use it and cause annoyance to the residents. Undercroft / basement car parking will be problematic if not adequately secured and users will feel vulnerable. Any incident of crime, damage or anti-social behaviour in hidden parking will quickly result in residents avoiding the facility.
- A barrier arm would not be sufficient and the entrance exit should be controlled by a visually permeable roller shutter or similar. The bottom metre of the shutter could be solid laths to prevent litter and leaves being blown into the parking area, whilst above this it could be visually permeable. The shutters should start to close within 5 seconds of vehicles leaving or entering the parking area, so as to prevent unauthorised persons tailgating into the parking area or on foot sneaking into the parking area when a vehicle leaves. The sensor that detects motion to close the gate should also be mounted on the inside of the gates to prevent tampering by offenders.
  - I note that there is an area where it is unclear what any boundary / enclosure treatment is on the Lower Ground Floor Plan 0634\_PL\_031, in the area which says ‘No Build Culvert Zone’. This area is parking bays 46 to 51. This appears as an open area. If it is a no build area then it could still be secured with Weldmesh fencing panels, to help secure the parking area?
  - Painting the walls and ceiling white of the underground car parking area can greatly aid the use of CCTV and provide good even lighting which reduces the fear of crime. Lighting levels should be to the appropriate British Standard.
  - Because of the lack of natural surveillance of the parking area, the underground parking should be covered by CCTV. This CCTV must be recorded in case of any incidents, so as to assist with any police investigation, post incident. If not monitored it could be linked through to the residents so they can check on a



- spare channel of their TV if the car parking area is OK (if they so wished).
- Stair cores from the parking area to the residential blocks should be secure with doors to BS Pas 24:2012 with access control so only residents can use these doors to gain access. This is to prevent offenders forcing open these doors if they are able to tailgate their way into the undercoft parking area, and then breaking into flats whilst residents are at work.
  - There is an open stairway between the ground floor amenity area (between the blocks of flats), and the lower ground floor parking area. This if left as it is would provide open access to the undercoft parking area and if it needs to be kept must be secured with appropriate access control.
2. Open staircase in North East Corner: What is the function of this staircase? It appears to give open access from the open culvert side of the development at lower ground floor level, up to the ground floor open amenity area. Is this a fire exit and is it needed?
  3. Secured by Design part 2 physical security: To alleviate my concerns regarding security for the proposed development, I would look for the development to be built the physical security of Secured by Design part 2, which is the police approved minimum security standard. This would involve all exterior doors to have been tested to BS PAS 24:2012 or STS 202 BR2  
As regards individual front doors to flats these should be to BS Pas 24:2012, (this is entry level security of the Secured by Design standard). Reason: To prevent visitors or other residents breaking into other residents flats.  
Ground level (easily accessible) exterior windows to BS Pas 24:2012. All glazing in the exterior doors, and ground floor (easily accessible) windows to include laminated glass as one of the panes of glass. Building to the physical security of Secured by Design, which is the police approved minimum security standard, will reduce the potential for burglary by 50% to 75%. I would encourage the applicants to seek Secured by Design certification to this standard when it is built.
  4. Entry Control: Part 8.7 of the Design and Access Statement (DAS) says this will be “entry phones and bells...”. Where there are 10 or more flats served off a communal access door then it should also include visual verification.  
Communal door entry systems prevent casual intrusion by offenders into the block, where they can break into unoccupied flats during the day without being seen, and act as a line of defence against bogus callers.
  5. Cycle storage: I am pleased that in the ‘Transport Statement’ it says that the two cycle stores will be secure and lit. Hopefully to the Secured by Design standard?
  6. Bin store:
    - There are shown two bin stores on site accessed from within the undercoft private parking area? How will the waste collection be done if the lower ground parking area is secure? Will the waste collection services have an access fob to gain access?
    - One of the bin stores is shown as having a storeroom at the side accessed off

the bin store. Yet the store room door is blocked by the waste bins?

7. Postal access: Because the Post Office have amended the hours to which they require access to deliver mail (7am to 2pm winter and summer), a Tradesman's Button would not be acceptable. Postal delivery needs to be planned for: with external post boxes either free standing outside blocks (with good surveillance over from the residents it serves); or in the external walls near the main entry; or an airlock system where the internal door has electronic access only so as to deter distraction burglaries or unauthorised entry in to the block. The local post office may accept having an access fob to allow them entry to deliver the mail? This needs to be planned for.
8. Lighting: Part 8.10 of the DAS says about lighting being designed for wayfinding. This causes me some concern, in that wayfinding is generally done by bollard lighting, and if not supplemented with additional lighting can cause a fear of crime. Bollard lighting is not compliant with BS5489:2013, because it does not project sufficient light at the right height to aid facial recognition and reduce fear of crime. Hopefully lighting for the public areas will be consistent and even?

#### Hertfordshire Biological Records Centre

We do not have any known biological (habitats or species) records for the application site.

We have no reason to disagree with the findings of the Ecological Survey carried out by Phillip Irving, dated June 2014. We do not consider further ecological surveys to be required. Therefore, the application can be determined accordingly.

The following Informatives should be added to any permission granted:

"Demolition of the buildings should proceed with caution and in the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from one of the following: a bat consultant, the UK Bat Helpline: 0845 1300228, Natural England: 0845 6014523, or the Herts & Middlesex Bat Group website: [www.hmbg.org.uk](http://www.hmbg.org.uk) "

"Site clearance should be undertaken outside the bird nesting season, typically March to September inclusive), to protect breeding birds, their nests, eggs and young. If this is not possible then a search of the area should be made by a suitably experienced ecologist and if active nests are found, then clearance must be delayed until the nesting period has finished." "If any lighting of the development is required, this should be directed away from the adjacent watercourse to eliminate any potential disturbance to species using this feature (such as foraging and commuting bats)".

#### Thames Water

##### Waste Comments

Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020

8507 4890 or by emailing [wwgriskmanagement@thameswater.co.uk](mailto:wwgriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality). Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

#### Water Comments

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

#### Contaminated Land Officer

Awaiting Comments

#### Response to Neighbour Notification / Site Notice / Newspaper Advertisement

#### Belswains Lane Residents Association

I am a director of the BLRA (Apsley Lock Residents Association) and am writing on their behalf. We object most strongly to the new proposals. From the plans we have seen, the design is totally out of keeping with the area, unlike the first plans we saw for Dacorums proposal. We are also concerned that the high density of 1 bedroom flats will add congestion to the area potentially allowing 50 more cars in an already busy road. We are also concerned about the current residents loss of privacy by being overlooked. The new proposal seems to be a 4 floor building with a flat roof, this is not in keeping with the listed building next door unlike the original plan, plus it is 1 story higher.

#### Letter from Education Manager, Apsley Paper Trail

'What a WONDERFUL day we all had and every child came away the richer for sure.'- Berkhamsted Preparatory School November 2014

As a resident of Nash Mills and the Education Manager at Frogmore Paper Mill, I wish to express my concern at the potential closure of our charity as a consequence only of delayed planning permission. To lose a site of not just local or national

importance, but international scientific, cultural and historical importance seems alarming. Paper is easily ignored, easily taken for granted but with a 2000 year history, 200 years in mechanised form commencing at Frogmore Mill in 1803; it is surely the cultural jewel in the crown of Hemel Hempstead, frequently dismissed as just a New Town.

The charity offers immense value for money and educational enrichment to schools across the county and beyond. School visits by primary and secondary students exceeded 1,300 in the calendar year 2014, supporting learning outside the classroom with a range of curriculum linked workshops and school Eco Clubs. Specialist graduate and postgraduate students such as those from The Courtauld Institute in London and groups from America and Canada visit annually. Both our adult arts (calligraphy, drawing, genealogy, textiles) and IT courses, and family learning offering, aid community cohesion, family life, improve wellbeing and job prospects. Jobseekers are referred to us by JobCentrePlus with whom we have a strong relationship.

We host revered Royal Institution Engineering Masterclasses assisting the government initiative to increase the number of young people taking up STEM careers. Our industrial training courses seek to redress the dwindling paper industry skills gap, giving paper machine men a hands-on opportunity unique in this country. Closure would mean the loss of the living history of paper manufacture in the area, (our own Paper Valley), our papermakers unique expertise, the production of specialists paper stocks not possible elsewhere, loss of an extensive historical record of the many hundreds of paper makers, their families and their employment with one the largest local 'greats' of the industrial revolution, a local history and sense of local identity, a community centre-piece for a regenerating Apsley, employer of 11 staff, apprenticeship training and extensive volunteering opportunities; in short the loss of a national treasure.

On a personal level and as someone who has faced economic difficulty, I cannot express loudly enough the need for increased housing. A look at the Moving with Dacorum website highlights the demand for social housing and the need for smaller properties for those wishing to join the housing ladder is well documented.

Jacky Bennett FRSA, Chair of Trustees, Apsley Paper Trail

I am writing in support of The Paper Trail's planning application for the land, recently purchased by Dacorum BC. I was pleased to hear that the charity's development land had been sold to Dacorum Borough Council for much needed housing. It is particularly good to see this sensible use of brown field land which will give such a good opportunity for the Council to provide social housing and if the application is granted, enable the charity to continue its great work.

I have worked with this wonderful organisation over several years to deliver many training and learning sessions for beneficiaries both locally and outside the Borough. They are a valuable charity to the voluntary and community sector and their facilities, quality of services provided and welfare of the service users is of a high standard. It gives me great pleasure to endorse their application.

Comments from Agent on mix of the development

Firstly, it seems to me that the relevant local policy context is in the main, Policy 10 and 18 from the 'saved' Local Plan and Policy CS18 in the 2013 Core Strategy. They all deal to one degree or another with the optimisation and mix of a residential development.

I have reviewed all three and would make the following points:

Firstly, Policy 10 of the Local Plan explicitly requires that each site's development is optimised to the full, taking environmental and other constraints into account. It is our view that 50no 1 bed units represents that optimised capacity for this site, without any harm being caused to any interest or to the amenity of other existing residential developments or to the good running and servicing of adjacent and nearby employment sites and businesses. It is telling that there have been no objections from any businesses or residents to these proposals.

Secondly, Policy 18 of the Local Plan does not specify what the mix of a residential development such as this should be. It leaves it to being based upon what needs and priorities have been evidenced through Housing Needs Surveys; Strategic Housing Market Assessments and/or Housing Needs Assessments. However Policy 18 actually encourages explicitly the provision of units for small households by requiring the provision of some 1 and 2 bedroom units. That is what we are proposing. It is left however to the discretion of the developer as to what proportion should be 1 or 2 bed roomed.

The Council might like to see a mix of 1, 2 and 3 bed flats here, but I cannot see in practice how Policy 18 actually requires that mix, or what that mix should be. Part of the Policy advises that there should be the provision of some 1 and 2 bedroom units, but it does not preclude the provision of residential development made up of one unit size only.

Policy CS18 in the Core Strategy advises that new housing development will provide a choice of homes which will comprise a range of housing types and sizes and tenure.

It also advises that decisions on the appropriate type of mix of homes within developments will be guided by strategic housing market assessments and housing needs surveys etc etc.

I am of the view that our mix can also be justified in the above context. Firstly, this is a strategic policy and one can see the Apsley Mills site in that strategic context as part of the Council's drive to increase significantly, the density and scale of residential development in Apsley itself, in order to help meet the Borough's wider housing needs and provide priority housing and affordable housing for young people, singles, the elderly, and homeless etc etc.

If one places the site here in that context one can see that the provision of 50no 1 bed flats would not unbalance the mix of units in the wider Apsley, area especially in relation those developments approved already on London Road in particular, but would actually help to re-dress the balance.

As evidence of this, I have researched other recent major residential planning permissions on London Road in Apsley, and have found that out of the 4 major planning permissions for residential developments here, all were for flats and they totalled 157 units, of which only 57 were 1 bed roomed. The majority of those flats were 2 bed roomed.

If one adds the 50 units here to that total, then 207 flats would result, of which 107 would be 1 bed units, still only 50% or so of the total no of flats which would have been approved.

The latest 2012 Housing Needs and Market Assessment Update advises in para 7.9.3 that the requirement to address priority household need, means that there is a need for smaller properties. 1 bed flats are a key form of provision which can help meet that expressed priority household need.

Para 5.1.10 also advises that the waiting list for 1 bed units contains many younger households who are not in priority need and who are unlikely to be offered a property by the Council. Therefore if these units were for market housing and not for social rent then they would also be meeting an identified need in a different way. This paragraph also advises that a similar context and requirement arises for older households who have also registered for homes with the Council but whose needs are not immediate but longer term. They could also trade down to this small 1 bed unit in the future as well, thus relieving the Council of having to try to find accommodation for them, until they really need it.

Para 5.1 12 advises that there is a demand for 2 bed units, as opposed to need, and advises that in order to meet the growth in households provision should be mainly 2 bedroom units. I would say however that that demand for 2 bed units is already being met through the approval of the other developments in Apsley and elsewhere in the Borough where 2 bed units predominate, and that our 50no 1 bed units would be able to provide instead for the needs of those who have registered with the Council and who are a priority to accommodate, or who would want to buy a small flat here to get onto the housing ladder (ie the younger households who are identified above in para 5.1.10).

It is my view that these paragraphs are not conflicting.

In conclusion, I consider that on the above basis it would be entirely in order for you to be able to recommend approval to the proposed mix, and that this could be seen as being in compliance with your local policies, redress the balance locally in terms of the mix of wider developments overall in Apsley, and show that an identified need is being addressed, as well as being able to meet the need for priority households.

#### Comments from Strategic Planning on mix of units

My views are as follows, but have you taken advice from Strategic Housing, as they are the experts on local need that we turn to for advice such as this? ( I have cc'd Sarah Pickering in to this email).

- I have spoken to the agent on this matter and he is fully aware of what our policies require. I advised him to speak direct to Sarah (and her team) and that if he wished to move away from the policy position then he would need to provide clear justification based on local needs etc. I will leave Sarah to advise if his justification is robust or not. My view from a planning perspective is that he is placing too much emphasis upon maximising the use of the land, when our policies aren't just about getting the highest possible numbers of units, but ensuring these units meet the needs of the population and helping deliver mixed and balanced communities. Whilst there may well be a need for 1 bed units, is it right to have a whole development of this size?
- It is also not true that it is left to the discretion of developers to decide on the appropriate mix. Policy CS18 clearly lists the things that need to take account of when making the decision: it is a planning decision made by the Council and informed by appropriate technical and site-specific considerations.
- Re his comment re 1 bed units help redress existing unit size balance in Apsley, is it not the case that there haven't been a vast number of 1 bed units provided on other developments as they were not considered appropriate in meeting local needs? Again, Sarah may be able to advise, or perhaps check the report done for schemes such as Sally's development along the road from this site?
- A final point – are the affordable 1 bed units big enough to meet requirement of a housing association? We have had issues on a few sites previously where they haven't been. That is ok if they are 2 bed units, as they can change them to 1 bedders – but you can't reduce bedroom numbers in this instance.

I am not comfortable with what is proposed as it seems far from ideal. However, I think it would be hard to refuse the application solely on the basis of unit size unless Sarah or a colleague has provided clear guidance that this won't meet local needs.

#### Comments from Strategic Housing on Mix of Units

The affordable housing spd states:

“There should be a mix of housing sizes and type provided on site”. As mentioned in Laura's email policy CS18 states new housing development should provide a range of housing sizes.

Decisions on the appropriate type of mix of homes within development proposals will be guided by strategic housing market assessments and housing needs surveys, and informed by other housing market intelligence and site-specific considerations. The Strategic Housing Market Assessment completed in 2012 identified a requirement for smaller properties. Due to the demand and flexibility of 2 bedroom units, small units provision could mainly be from 2 bedroom units. Therefore although there is a demand for one bedroom units in the Borough, on a site of this size a mixture of 1,2 and potentially 3 bedroom units would be desirable.

#### **Considerations**

## **Reserved Matters**

As stated above this is an outline application with all matters reserved except access. Illustrative plans have been submitted, which are detailed, however at this stage this can only be taken as an indication of the development that can be achieved on this site. Nevertheless, for the outline application to be found acceptable for 50 one bedroom units, it must be demonstrated that the density and principle is acceptable, and the scheme can be delivered meeting all policies of the adopted plans at reserved matters stage.

### Policy and Principle

#### Land Use

The site falls within a general employment area as covered by Policy 31, but also within the specific proposal site TWA7. Policy 31 seeks to prevent the loss of employment floorspace within GEAs. Under site allocation TWA7, the wider site was identified for visitor centre and related development for a mix of uses creating local employment. It continues that the mix of uses could include offices, hotel, restaurant with a small number of residential units. A Masterplan was also produced (September 1999) which stated that there should be a "limited" amount of residential on the site.

Spatial planning, in its consultation response, has indicated that some elements of the policy have moved on since its allocation by Policy 31 and TWA7. The site has now been formally identified as a housing allocation (Proposal H/10) in the Pre-Submission Site Allocations DPD (September 2014). The site is seen as delivering between 25-35 units and the planning requirements refer to:

“High density housing acceptable. Access from London Road. Careful design and landscaping required to ensure a satisfactory relationship with adjoining commercial uses. Flood risk assessment required.”

Given the above, the broad principle of delivering housing through a proposal on this site is now supported.

#### Affordable Housing

Policy CS19 of the adopted Core Strategy states that affordable homes will be provided: on sites of a minimum size 0.3ha or 10 dwellings (and larger) in Hemel Hempstead. 35% of the new dwellings should be affordable homes. Higher levels may be sought on sites which are specified by the Council in a development plan document, provided development would be viable and need is evident.

A minimum of 75% of the affordable housing units provided should be for rent. Judgements about the level, mix and tenure of affordable homes will have regard to: (a) the Council’s Housing Strategy, identified housing need and other relevant evidence (see Policy CS18); (b) the potential to enlarge the site; (c) the overall viability of the scheme and any abnormal costs; and (d) arrangements to ensure that



the benefit of all affordable housing units passes from the initial occupiers of the property to successive occupiers.

The scheme proposes 100% affordable housing provision and as such the Council is supportive of this approach. Should the Council be minded to grant planning permission, a suitably worded S106 will need to be entered into to ensure delivery of the level, and tenure of the affordable housing provision.

### Density and Layout and mix

The illustrative plans show three distinct blocks of residential units. Policy CS18 states that "New housing development will provide a choice of homes. This will comprise: (a) a range of housing types, sizes and tenure; (b) housing for those with special needs; and (c) affordable housing in accordance with Policy CS19. Decisions on the appropriate type of mix of homes within development proposals will be guided by strategic housing market assessments and housing needs surveys, and informed by other housing market intelligence and site-specific considerations.

The scheme proposes 50 one bedroom units which equates to a density of approximately 150 units per ha. Concern has been raised regarding the mix of 50 units only comprising one bedroom units and the agent has argued that the proposed mix could be seen as being in compliance with local policies, redress the balance locally in terms of the mix of wider developments overall in Apsley, and show that an identified need is being addressed, as well as being able to meet the need for priority households. Further advice on this matter has been sought from colleagues in Strategic Planning and Housing teams who are of the opinion that providing a development of 50 one bedroom units is not ideal and they have indicated that decisions on the appropriate type of mix of homes within development proposals should be guided by strategic housing market assessments and housing needs surveys, and informed by other housing market intelligence and site-specific considerations. Further more paragraph 50 of the NPPF states that "to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should: plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes); and identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.

The Strategic Housing Market Assessment completed in 2012 identified a requirement for smaller properties. Due to the demand and flexibility of 2 bedroom units, small units provision could mainly be from 2 bedroom units. Therefore although there is a demand for one bedroom units in the Borough, on a site of this size a mixture of 1,2 and potentially 3 bedroom units would be desirable.

Whilst, the scheme for only one bedroom units is considered difficult argue that it is contrary to planning policy as the Strategic Housing Market Assessments identifies a requirement for smaller properties, so too, policy CS18 seeks a mix of bedroom sizes across developments. The proposal fails to provide a mix across the development. The agent has indicated that he has researched other recent major

residential planning permissions on London Road in Apsley, and he found that out of the 4 major planning permissions for residential developments here, all were for flats and they totalled 157 units, of which only 57 were 1 bedroomed. The majority of those flats were 2 bedroomed. The agent goes on to say that "if one adds the 50 units here to that total, then 207 flats would result, of which 107 would be 1 bed units, still only 50% or so of the total no of flats which would have been approved".

Having regard to the point put across by the agent above, it is still not considered ideal that the large development comprising 50 residential units only comprises one bedroom units and the lack of two bedroom units which are still considered as small properties, lends itself to a scheme which does not cater for a choice of homes. The agent notes that the other development that he has researched comprise both one and two bedroom units which is considered a better option than a development solely comprising only one bedroom units.

### Design and Impact to Historic Assets

The site lies adjacent to a Grade II listed building and as such specific consideration is given to how the development impacts on its setting. Whilst the plans are indicative, and alterations can be made at reserved matters stage, it is required to ensure that the scheme for 50 units can be delivered and as such particular consideration needs to be given to the bulk, scale and mass of the development. The conservation officer has indicated that the proposal appears too bulky and of a scale which is harmful to the setting of the Grade II listed building adjacent. The agent has considered these comments and indicates that the proposal takes influence from the former warehousing buildings that have since been demolished. The applicant has put forward that the scheme has not been designed to increase density here but the design as proposed proposes scale and mass adjacent the Cottage to retain a sense of what this place once was. Indeed, it is not disputed that the site previously contained a warehouse building, however, it is still the view of the conservation officer that the proposal would swamp the setting of the listed building and would appear overly bulky and dominant in the context of the listed building. Whilst it is recognised that the application is for outline permission only, it needs to be demonstrated at outline stage that the principle and density proposed can be delivered at reserved matters stage and it is considered that the scheme has not been able to demonstrate that the block nearest the London Road would sit comfortably with the adjacent listed building. The conservation officer has considered the points put forward by the agent outlined above however, she is still of the view that the proposal would not be sympathetic to the setting of listed building.

The proposed layout is considered acceptable in design terms and the scale and height of the two buildings within the site are considered acceptable.

### Quality of Accommodation

Whilst the proposal is for outline permission with layout, design, scale to be considered at reserved matters stage, it is important to consider whether the density proposed is capable of complying with adopted policies to ensure sufficient privacy and good quality accommodation can be achieved. Indicative plans have been

submitted and these have been assessed. Policy CS12 of the adopted Core Strategy states that "On each site development should: a) provide a safe and satisfactory means of access for all users; b) provide sufficient parking and sufficient space for servicing; c) avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties; d) retain important trees or replace them with suitable species if their loss is justified; e) plant trees and shrubs to help assimilate development and softly screen settlement edges; f) integrate with the streetscape character; and g) respect adjoining properties in terms of: i. layout; ii. security; iii. site coverage; iv. scale; v. height; vi. bulk; vii. materials; and viii. landscaping and amenity space".

### Appendix 3 of the local plan - Layout and Design of Residential Areas

iii) Spacing of Dwellings - There should be sufficient space around residential buildings to avoid a cramped layout and maintain residential character, to ensure privacy and to enable movement around the building for maintenance and other purposes. The minimum distances of 23 m between the main rear wall of a dwelling and the main wall (front or rear) of another should be met to ensure privacy. This distance may be increased depending on character, level and other factors.

(i) Privacy - Residential development should be designed and laid out so that the privacy of existing and new residents is achieved. A good standard can be achieved by attention to detailed design, e.g. staggered building lines, careful grouping and orientation of dwellings, different sizes and positions of windows and doors and the erection of screen walls, fencing and planting. Buildings should at least maintain the distances with their neighbours given under (ii) and (iii) below. Exceptions may be possible in individual circumstances depending upon the particular topography, character of the area and nature of adjoining land uses.

It has not been demonstrated that the proposal can achieve a satisfactory level of spacing and privacy distances to ensure that the proposed new dwellings achieve sufficient levels of privacy and do not overlook each other. Appendix 3 of the local plan seeks a minimum distance of 23m between rear wall of a dwelling to another and whilst the scheme is for flatted development, these contain balconies which require adequate distances to ensure privacy therefore could be provided. Amended plans have been submitted to demonstrate that adequate privacy distances between the balconies can be achieved, however, it is considered that the amended plans still to show that there is a still a relationship of balconies located approximately 18m from each other and it is still considered that the proposal represents overdevelopment which does not satisfactorily demonstrate that adequate privacy can be achieved for future occupiers.

### Parking and Highway Implications

Provision is made for 67 car parking spaces in an undercroft car park with access through from the vehicular access off London Road. The provision of 67 car parking spaces serving 50 one bedroom units equates to a ratio of 1:1.25 spaces. Appendix 5 of the local plan sets out a maximum car parking standard of 1.25 spaces for a

one bedroom unit and as such the amount of car parking proposed is considered consistent with appendix 5 of the local plan.

Access is proposed via the existing vehicular access running alongside the Apsley Paper Mill Pub and notice has been served to Fullers (owners of the pub). Hertfordshire Highways have been consulted on the proposal and following additional information provided by the agent, raise no objection to the proposal. Full details of the layout are required at reserved matters stage.

### Flood Risk and De-culverting

The Environment Agency identified the site as being located within Flood Risk Areas 2 and 3 and as such an Flood Risk Assessment has been submitted with the scheme. As such, an objection from the EA still stands until such time that the modelling works have been considered.

The NPPF states that (para 102) "If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed: it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Both elements of the test will have to be passed for development to be allocated or permitted. Paragraph 103 of the NPPF goes on to say that "When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment<sup>20</sup> following the Sequential Test, and if required the Exception Test, it can be demonstrated that: within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems

A summary of the submitted FRA sets out:

- The proposed residential development is located in Flood Zones 1, 2 and 3 as identified on the Environment Agency Flood map.
- The proposed development is considered 'more vulnerable' in accordance with NPPF.
- The principal source of potential flooding at this site is fluvial flooding from the GUC, River Gade and River Bulbourne. Hydraulic modelling undertaken by Waterco shows that the site is flood free during all events up to and including the 1% AEP + CCA event.

- Approximately 25% of the site is shown to be at flood risk during the extreme 0.1% AEP event, with flood depths ranging between 0.1m and 0.45m. The maximum water level during this event is 76.4m AOD.
- A residual risk arises during a breach event of the GUC embankment and masonry wall.
- Approximately 35% of the site is shown to be at flood risk during a breach of these structures, with flood depths ranging between 0.1m and 0.85m.
- The effect of deculverting a canal overspill structure which crosses through the north-eastern extent of the site has been investigated. The results show that opening the culvert causes flooding to the site and to neighbouring properties. Deculverting is therefore not recommended.
- A safe access/egress route is available via the site access off London Road. London Road and the western extent of the site are shown to be flood free during all events up to and including the 0.1% AEP event and during a breach of the GUC embankment and masonry wall.

The scheme seeks alternatives to deculverting which has not yet been found acceptable by the EA nor has the results of the updated FRA and as such, the LPA are not in a position to recommend approval for the scheme.

#### Impact on surrounding properties

The site abuts the boundary with Home Base and its service yard and consideration is therefore given to ensuring that the proposal for residential units in close proximity to an existing retail use would not give rise to an unsatisfactory relationship. The indicate plans show that no habitable windows would face onto the yard and a noise survey has been submitted. No objection is raised.

#### Impact on Trees and Landscaping

No objection is raised with regard to any important trees or landscaping. Should permission be granted, a condition should be imposed requiring full details of landscaping proposals.

#### Sustainability

A sustainability Checklist has been submitted as part of the supporting documents. No objection is raised.

#### Secure by Design

A number of objectives have been set out by the secure by design officer and should outline planning permission be granted for this scheme, it would be recommended that these objectives are submitted at detailed planning stage.

#### S106

The application is recommended for refusal, however should the members be mindful to recommend approval, it is advised that this is subject to the agreement of a S106 agreement. The S106 should include:

- affordable housing provision and tenure;
- contributions to highways
- contributions in accordance with the adopted planning obligations SPD and County Council toolkit to be agreed by the developers and the Council

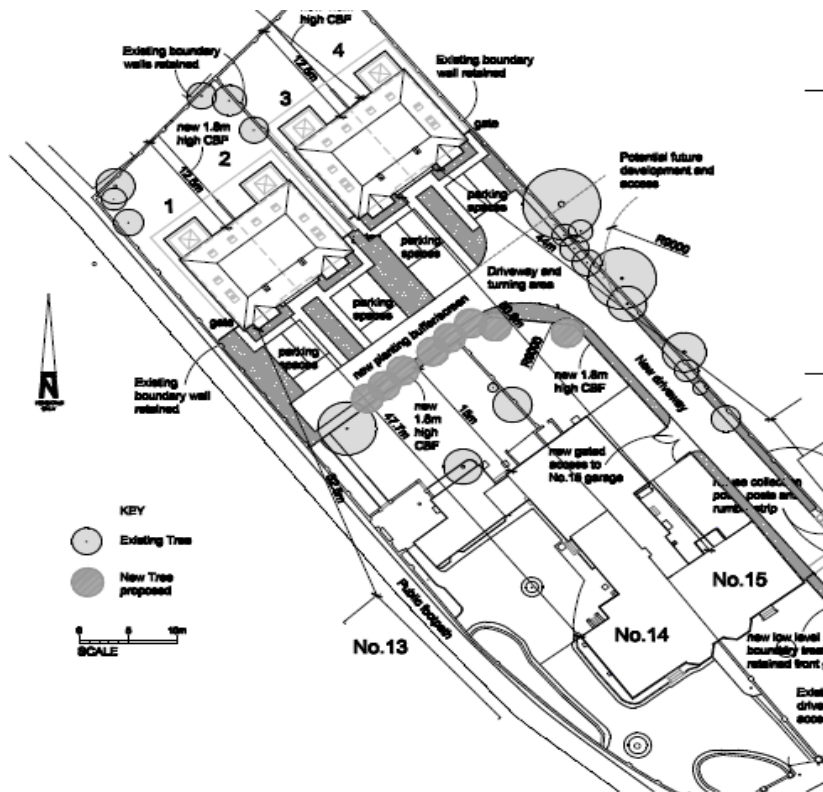
RECOMMENDATION - That planning permission be **REFUSED** for the reasons referred to above and for the following reasons:-

- 1 **The site is located within Flood zones 1, 2 and 3 and the proposal is identified as being more vulnerable in the NPPF. It is considered the detail submitted do not demonstrate that the requirements set out in paragraph 9 the Technical Guide to the National Planning Policy Framework are met . The proposal does not therefore accord with policy CS31 of the Core Strategy or the NPPF in terms of flood risk and impact.**
- 2 **In accordance with policy CS12 and CS27 of the adopted Core Strategy and policy 119 of the local plan, the scheme fails to demonstrate an acceptable relationship can be achieved in the built form that would not harm the character and setting of the adjacent listed building.**
- 3 **The scheme fails to demonstrate that an acceptable relationship in terms of adequate privacy can be achieved for future occupiers in accordance with policy CS12 of the adopted Core Strategy and saved Appendix 3 of the saved DBLP 1991-2011.**

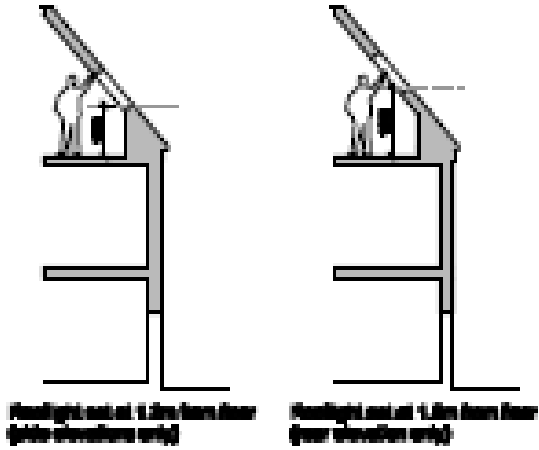
## ITEM 5.03

4/01632/15/ROC - VARIATION OF CONDITION 5 (CILL HEIGHTS) ATTACHED TO PLANNING PERMISSION 4/00024/14/FUL (CONSTRUCTION OF FOUR SEMI-DETACHED HOUSES)

LAND AT 15 AND R/O 14, STATION ROAD, TRING, HP23 5NG



**4/01632/15/ROC - VARIATION OF CONDITION 5 (CILL HEIGHTS) ATTACHED TO  
PLANNING PERMISSION 4/00024/14/FUL (CONSTRUCTION OF FOUR SEMI-  
DETACHED HOUSES)  
LAND AT 15 AND R/O 14, STATION ROAD, TRING, HP23 5NG**





**4/01632/15/ROC - VARIATION OF CONDITION 5 (CILL HEIGHTS) ATTACHED TO PLANNING PERMISSION 4/00024/14/FUL (CONSTRUCTION OF FOUR SEMI-DETACHED HOUSES)**

**LAND AT 15 AND R/O 14, STATION ROAD, TRING, HP23 5NG**

**APPLICANT: BrayBeech Homes Ltd - Mr Booth**

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[Case Officer - Briony Curtain]

## **Summary**

The application is recommended for approval.

The application seeks consent to vary a condition attached to a previous permission; Condition 5 - the cill height of the roof lights to the side elevations. Whilst residents concerns are noted, given the Inspectors decision, and the conclusions outlined in her report, as well as Members debates and decisions at previous committees it is considered that a refusal could not be sustained.

Members concerns on the previous ROC application, (which sought to lower the cill height of all the approved roof lights) related solely to the potential overlooking of the properties to Treehanger Close to the rear. The current proposal has been amended accordingly to leave the rear facing roof lights of the approved dwellings at the previously approved cill height of 1.6m. It is now proposed to lower the cill height of the roof lights to the side elevations only.

Given the position of the new dwellings mid-way between the properties of Treehanger Close and those of Station Road, the lowered cill heights to the sides would not have a significant adverse impact on their residential amenities. The roof lights to the side roof slopes, would predominantly overlook each other. Any views to the treehanger close properties or those immediately in front to Station Road would be at an oblique angle and significantly further away than those possible from approved first floor windows which directly face the properties in question. Those to the west of the dwelling of Plot 1 would overlook the very rear most sections of the long gardens of the properties of Station Road, and given the separation distance and oblique angle would not cause harm. Those to the east elevation of the dwelling to Plot 6 would overlook the roof of the adjacent bungalow No. 7 Sycamore Drive.

With regard to mutual overlooking between the new units, any future resident would be purchasing the dwellings in full knowledge of the mutual overlooking and as such their residential amenities would not be compromised.

Some of the original conditions attached to the 2014 consent have been discharged. All outstanding ones must be replicated on this consent.

## **Site Description**

No's 14 and 15 Station Road comprise a pair of imposing two storey Edwardian semi-detached houses with a series of tall rear projections set on sites with very long rear gardens. A wide driveway already extends alongside the side of boundary between 15 and 17 Station Road (there is no No. 16) which opens up into a large hard-surfaced courtyard around the rear projections. The two large, flat rear gardens

are each enclosed by substantial brick walls (typically found around traditional kitchen gardens) but neither of these houses or walls are listed or locally listed.

To the rear of the site is a 1970's development comprising a row of semi-detached two storey houses with shallow pitched roofs within the cul-de-sac of Treehanger and built with reasonably long, level gardens.

To the side of No. 14 is a well-used and wide public footpath which provides a direct link through from Tring secondary School to Station Road.

On the other side of the site is No 17, itself a tall Edwardian house, formerly the servants' quarters to the attached house at No. 18. The side of this house is set closely behind the high brick wall which abuts the long driveway to No. 15.

The only other developments in the vicinity are two separate bungalows built behind No's 18 and 25 Station Road with individual long driveways onto Station Road.

### **Proposal**

In 2014 planning permission was granted at appeal for the construction of four semi-detached houses, (4/00024/14/FUL). The scheme was refused by Members, against Officers recommendation, at their meeting on 10th April 2014 but was subsequently allowed at appeal.

This current application seeks amendments to the approved scheme through section 73 of the Planning Act.

Condition 5, proposed that the cill heights of the roof lights to the side elevations only would be lowered from the conditioned height of 1.6m above floor level to 1.2m above floor level. The roof lights to the rear (facing Treehanger Close) would remain at 1.6m as already approved.

### **Referral to Committee**

The application is referred to the Development Control Committee as the original scheme and previous ROC applications were refused by Members.

### **Planning History**

4/00024/14/FU CONSTRUCTION OF FOUR SEMI-DETACHED HOUSES

L

Refused  
16/04/2014

4/01420/13/PR FOUR SEMI-DETACHED HOUSES

E

Unknown  
28/08/2013

## **Policies**

### **National Policy Guidance**

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

### **Adopted Core Strategy**

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS4 - The Towns and Large Villages  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design

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

Policies 10, 13  
Appendices 3, 5

### **Supplementary Planning Guidance / Documents**

Environmental Guidelines (May 2004)  
Area Based Policies (May 2004) - Residential Character Area TCA16 Station Road  
Water Conservation & Sustainable Drainage (June 2005)

### **Advice Notes and Appraisals**

Sustainable Development Advice Note (March 2011)

### **Summary of Representations**

#### **Tring Town Council**

Awaiting comments

#### **Hertfordshire Highways**

Notice is given under article 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission. The highway authority does not wish to restrict the grant of planning permission pertaining to this ROC application.

#### **Response to Neighbour Notification / Site Notice / Newspaper Advertisement**

17 Station Road

We wish to strongly object to the variation being requested by the developers on this project.

As the Council will be aware, the original application for these buildings was rejected by Dacorum District Council on account of their mass and bulk, which was deemed to be inappropriate for the area. This decision to reject was overturned on appeal to

The Planning Inspectorate Appeal report APP/A1910/A/14/2221190. Whilst granting the appeal, however, the Inspector was very specific in her conditions 'in the interests of the character and appearance of the area'. In paragraph 25.5 she specifically prohibits the insertion of windows to safeguard the privacy of occupiers of neighbouring dwellings'. Having appealed an original rejection, the developer seeks to overturn two key conditions of this appeal that were intended to protect neighbouring properties.

No. 7 Treehanger Close

I object strongly to the variation to the planning permission regarding the windows on the houses at the end of our garden. We will be over looked and this will invade our privacy. We are now overlooked by the houses on Mortimer Hill, Tring, which are now being built. Would it not be possible for these windows to face the houses on Station Road, which has sold the land for these houses to be built. Please consider what I am asking. It seems that this company will not give up with these applications.

## **Considerations**

The main considerations in the determination of this ROC application are the visual impact of the lowered roof lights and their impact on the residential amenities of adjacent dwellings.

### **Condition 5 - cill heights**

With regard to the cill heights of the roof lights, in her report (para 25) the Inspector concluded that 'the withdrawal of permitted development rights, especially in respect of the insertion of windows, is also considered necessary to safeguard the privacy of occupiers of neighbouring dwellings, as are conditions in respect of the rooflights and side windows'. She imposed a condition stating ' All the rooflights hereby approved shall have a cill height of not less than 1.6m above the internal floor level of the second floor'. The condition was imposed to safeguard the privacy of neighbouring dwellings.

It is now proposed to amend the height of the side roof lights only. In response to Members previous debate and discussions, those to the rear, facing Treehanger Close would remain as approved at 1.6m. Despite residents objections there would be no significant privacy or overlooking implications. The lowering of the roof lights to the side roof slopes may afford very limited views back / forward to the properties of Treehanger Close / Station Road but these very limited views and would importantly be at an oblique angle and significantly further away than the approved first floor windows which would afford direct (not oblique) views. A refusal could not be sustained.

The lowering of the cill height of the side roof lights would permit views between the new dwellings, however future residents would be purchasing the units fully in the knowledge of this and therefore their residential amenities would not be compromised.

With regard to visual amenity, the lowered roof lights would not significantly alter the

overall appearance of the dwellings or their roof form. Despite appearing at a different height to those to the rear, given the separation distance, the sets of roof lights would not, from most public vantage points be visible together.

### **Other Issues**

Some of the conditions of the original application have now been discharged and as such these do not appear in the list of suggested conditions. The addendum shall provide an update regarding the need for any further conditions which are deemed necessary in relation to this application. All outstanding conditions must be replicated on this approval.

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

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

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

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

**Location Plan 1:1250**

**H 03 13 Site Survey**

BBH 002 01 Rev D - Proposed Site Plan and Street Scene Elevation

BBH 002 02 Rev D - Proposed plans and Elevations

BBH 002 03 Rev D - Proposed Longitudinal Sections Through The Site

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

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

Reason: To ensure a satisfactory appearance to the development and to comply with Policy CS12 of the Core strategy.

- 4 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the local planning authority.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.

- 5 **All of the roof lights to the rear roof slopes hereby approved shall have a cill height of not less than 1.6m above the internal floor level of the second floor.**

**All of the roof lights to the side roof slopes hereby approved shall have a cill height of not less than 1.2m above the internal floor level of the second floor.**

Reason: To safeguard the privacy of the occupiers of neighbouring dwellings.

- 6 **Notwithstanding condition 2, prior to the first occupation of the dwellings to Plots 1 and 4 the first floor windows to their side elevations shall be of a top hung fan light opening only and fitted with obscured glass and retained in that condition thereafter.**

Reason: To safeguard the residential amenities of adjacent dwellings.

- 7 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out;**

**Schedule 2 Part 1 Classes A, B, C, D, and E**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality and to accord with Policy CS12 of the Core Strategy 2006-2031.

- 8 **Prior to the first occupation of the dwellings hereby permitted the areas shown on drawing No. BBH/002/01 Rev D for the parking of vehicles, and for vehicles to manoeuvre so that they may enter and leave the site in a forward gear, shall be laid out and those areas shall not thereafter be used for any purpose other than the parking and manoeuvring of vehicles.**

Reason: In the interests of highway safety and to accord with Policy CS12 of the Core Strategy 2006-2031..

- 9 **The refuse storage area as shown on Drawing No BBH/002/01 Rev D shall be used for collection purposes only.**

Reason: In the interests of highway safety and the residential amenity of adjacent properties.

Article 31

Planning permission/advertisement consent/listed building consent 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 2012.

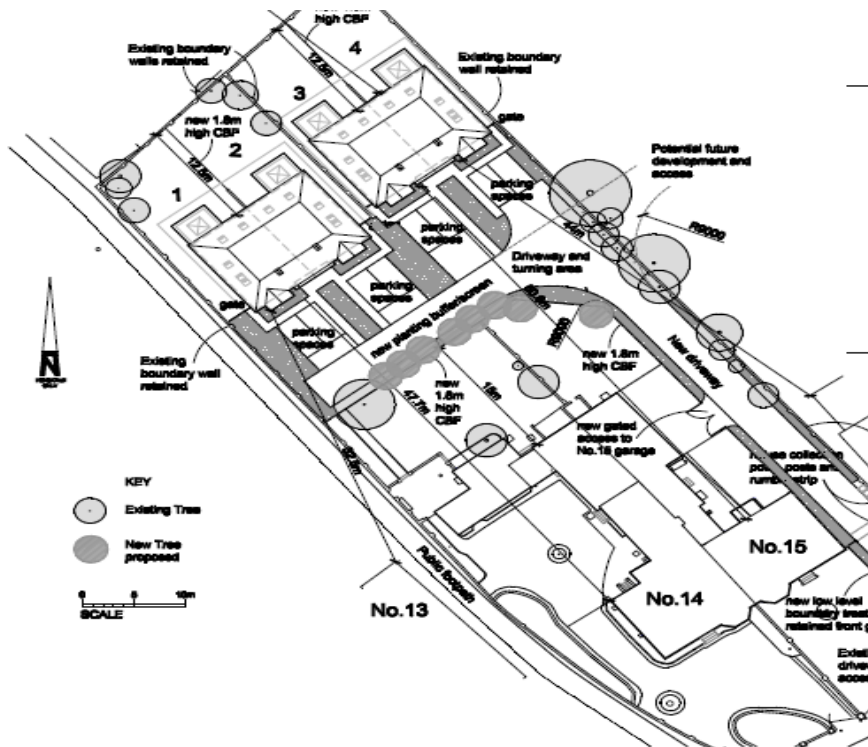
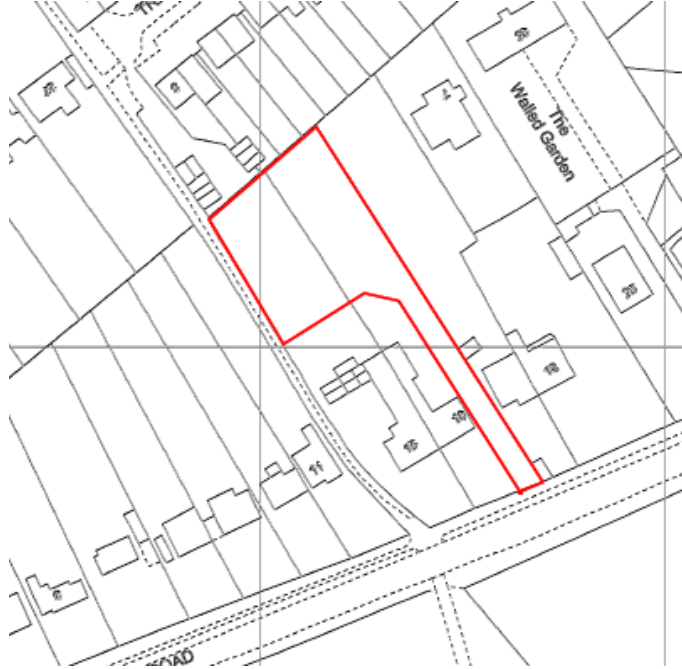
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## ITEM 5.04

4/01633/15/ROC - VARIATION OF CONDITION 2 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION 4/00024/14/FUL (CONSTRUCTION OF FOUR SEMI-DETACHED HOUSES)

LAND AT 15 AND R/O 14, STATION ROAD, TRING, HP23 5NG



**4/01633/15/ROC - VARIATION OF CONDITION 2 (APPROVED PLANS) ATTACHED TO  
PLANNING PERMISSION 4/00024/14/FUL (CONSTRUCTION OF FOUR SEMI-  
DETACHED HOUSES)  
LAND AT 15 AND R/O 14, STATION ROAD, TRING, HP23 5NG**



**4/01633/15/ROC - VARIATION OF CONDITION 2 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION 4/00024/14/FUL (CONSTRUCTION OF FOUR SEMI-DETACHED HOUSES)**

**LAND AT 15 AND R/O 14, STATION ROAD, TRING, HP23 5NG**

**APPLICANT: BrayBeech Homes Ltd**

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[Case Officer - Briony Curtain]

## **Summary**

The application is recommended for approval.

The application seeks consent to vary a condition attached to a previous permission; the approved plans. This application follows a recent refusal by Members. At their meeting on 9th April 2015, Members concluded the introduction of larger gables to the front elevation of the approved dwellings would be an 'overbearing feature'. The current scheme seeks to address these concerns and now proposes a significantly smaller gable projecting over the bay window only. Concern was expressed by residents about the insertion of a circular window within the gable. This window has also been omitted.

The gables have been reduced from 5m in width to 3m, from 4m in depth to 2.5m, and from 3.5m in height to 2m. They would now appear 1.5m below the ridge line of the dwellings and be set in from the side flank elevations. The total volume of each gable has therefore been reduced by two thirds from 18.22cubic metres as originally proposed to 5.82 cubic metres as currently proposed. With regard to the overall volume increase when compared to the approved scheme (for four dwellings), the original gables represented a 3% increase in overall volume. The current proposal amounts to a 1% increase in total volume.

With this in mind, it is difficult to conclude that the gables could represent 'an overbearing feature'.

Whilst consultation responses and concerns are noted, given the Inspectors decision, the conclusions outlined in her report, and the discussions and subsequent decision made at the last Committee, it is considered that a refusal could not be sustained.

Notwithstanding the 1% volume increase outlined above, the gables would, from most public vantage points, be viewed against the backdrop of the approved crowned roof and thus not add any additional mass or bulk at all. Given the size, scale and position of the new dwellings the gables would appear as very small additions at roof level only and would not cause any visual harm. They are not considered to appear overbearing or visually intrusive.

Some of the original conditions attached to the 2014 consent have been discharged, all outstanding ones must be replicated on this consent.

## **Site Description**

No's 14 and 15 Station Road comprise a pair of imposing two storey Edwardian

semi-detached houses with a series of tall rear projections set on sites with very long rear gardens. A wide driveway already extends alongside the side of boundary between 15 and 17 Station Road (there is no No. 16) which opens up into a large hard-surfaced courtyard around the rear projections. The two large, flat rear gardens are each enclosed by substantial brick walls (typically found around traditional kitchen gardens) but neither of these houses or walls are listed or locally listed.

To the rear of the site is a 1970's development comprising a row of semi-detached two storey houses with shallow pitched roofs within the cul-de-sac of Treehanger and built with reasonably long, level gardens.

To the side of No. 14 is a well-used and wide public footpath which provides a direct link through from Tring secondary School to Station Road.

On the other side of the site is No 17, itself a tall Edwardian house, formerly the servants' quarters to the attached house at No. 18. The side of this house is set closely behind the high brick wall which abuts the long driveway to No. 15.

The only other developments in the vicinity are two separate bungalows built behind No's 18 and 25 Station Road with individual long driveways onto Station Road.

## **Proposal**

In 2014 planning permission was granted at appeal for the construction of four semi-detached houses, (4/00024/14/FUL). The scheme was refused by Members, against Officers recommendation, at their meeting on 10th April 2014 but subsequently allowed at appeal.

This current application seeks amendments to the approved scheme through section 73 of the Planning Act. It is proposed to vary the approved plans under Condition 2 through the additional of small gables over the bay windows to either end of each pair of semi-detached dwellings.

A previous application to amend the approved plans was refused by Members in April. The current scheme sees the front gables being reduced significantly in size.

## **Referral to Committee**

The application is referred to the Development Control Committee as the original scheme was refused by Members, as was a previous application to vary conditions.

## **Planning History**

4/01632/15/ROC VARIATION OF CONDITION 5 (CILL HEIGHTS) ATTACHED TO PLANNING PERMISSION 4/00024/14/FUL (CONSTRUCTION OF FOUR SEMI-DETACHED HOUSES)  
Delegated

4/01633/15/ROC VARIATION OF CONDITION 2 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION 4/00024/14/FUL (CONSTRUCTION OF FOUR SEMI-DETACHED HOUSES)

Granted

4/01074/15/DRC DETAILS REQUIRED BY CONDITION 3 (MATERIALS) OF APPEAL REFERENCE APP/A1910/A/14/2221190 ATTACHED TO PLANNING PERMISSION 4/00024/14/FUL (CONSTRUCTION OF FOUR SEMI-DETACHED HOUSES)  
Delegated

4/00714/15/DRC DETAILS AS REQUIRED BY CONDITION 4 (LANDSCAPING), 8 (ACCESS) AND 11(ENVIRONMENTAL) OF PLANNING PERMISSION 4/00024/14/FUL (CONSTRUCTION OF FOUR SEMI-DETACHED HOUSES)  
Granted  
20/04/2015

4/00438/15/ROC VARIATION OF CONDITION 2 (APPROVED PLANS) AND 5 (ROOFLIGHTS, CILL HEIGHTS) OF APPEAL REFERENCE APP/A1910/A/14/2221190 ATTACHED TO PLANNING PERMISSION 4/00024/14/FUL (CONSTRUCTION OF FOUR SEMI-DETACHED HOUSES)  
Refused  
17/04/2015

4/00024/14/FU CONSTRUCTION OF FOUR SEMI-DETACHED HOUSES  
L  
Refused  
16/04/2014

4/01420/13/PR FOUR SEMI-DETACHED HOUSES  
E  
Unknown  
28/08/2013

## **Policies**

### **National Policy Guidance**

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

### **Adopted Core Strategy**

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS4 - The Towns and Large Villages  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design

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

Policies 10, 13  
Appendices 3, 5

### **Supplementary Planning Guidance / Documents**

Environmental Guidelines (May 2004)  
Area Based Policies (May 2004) - Residential Character Area TCA16 Station Road  
Water Conservation & Sustainable Drainage (June 2005)

### **Advice Notes and Appraisals**

Sustainable Development Advice Note (March 2011)

### **Summary of Representations**

#### **Tring Town Council**

Awaiting Comments

#### **Hertfordshire Highways**

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

Note: the above ROC application would appear to involve only changes to the buildings and not to the access, parking and layout. Therefore, the highway authority would not wish to restrict the grant of planning permission with regards to this ROC application.

### **Response to Neighbour Notification / Site Notice / Newspaper Advertisement** 17 Station Road

We wish to strongly object to the variation being requested by the developers on this project.

As the Council will be aware, the original application for these buildings was rejected by Dacorum District Council on account of their mass and bulk, which was deemed to be inappropriate for the area. This decision to reject was overturned on appeal to The Planning Inspectorate Appeal report APP/A1910/A/14/2221190.

Whilst granting the appeal, however, the Inspector was very specific in her conditions 'in the interests of the character and appearance of the area'. In paragraph 25.7 she specifically withdraws the rights to change 'the enlargement/alteration of any of the dwellings.

This proposal is a much more intrusive design, overlooking neighbouring homes and gardens over any possible screening, compared to the approved original which is a receding roof which blends in more appropriately with the neighbouring dwellings. A gable design was in previous development plans that were rejected at an early stage for this very reason and critically to minimise the overall bulk of the development, and they remain unacceptable.

#### **Considerations**

The main consideration in the determination of this ROC application is the visual implications of the amended elevations.

The previous application to vary the amended plans and introduce gables to the front elevations of the approved dwellings was refused by Members as it was concluded they would be 'overbearing features'. Following this the applicants have reduced the gables proposed such that they now appear over the bay windows only. The gables add an additional 1% of volume to the approved scheme.

Given their modest size, scale and set in / set down position, the gables would clearly appear subservient to the main roof and thus the overall dwellings. Whilst slightly adding to the prominence of the buildings, their overall visual impact would thus be minimal, especially as they would be viewed against the backdrop of the much larger, wider, approved crown roof. It is considered that they add an element of interest to this otherwise bland roofscape. The roofscapes within the area are extremely varied, as noted by the Inspector in her findings and as such the gables introduced would not appear incongruous, or dominant and as such would not appear as 'dominant features'.

With regard to the impact of the amended design on the residential amenities of adjacent dwellings, the circular front facing windows within the gable end have been omitted.

### **Other Issues**

Some of the conditions of the original application have now been discharged and as such these do not appear in the list of suggested conditions. All outstanding conditions must be replicated on this approval.

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

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

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

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

**Location Plan 1:1250**

**H 03 13 Site Survey**

BBH002/01 C - Proposed Site Plan and Street Scene Elevation

BBH002/02 C- Proposed plans and Elevations

BBH002/03 C - Proposed Longitudinal Sections Through The Site

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

- 3 The development hereby permitted shall be constructed in accordance**

**with the materials specified on the approved drawings and statements.**

Reason: To ensure a satisfactory appearance to the development and to comply with Policy CS12 of the Core strategy.

- 4 **All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the local planning authority.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.

- 5 **All of the roof lights to the rear roof slopes hereby approved shall have a cill height of not less than 1.6m above the internal floor level of the second floor.**

**All of the roof lights to the side roof slopes hereby approved shall have a cill height of not less than 1.2m above the internal floor level of the second floor.**

Reason: To safeguard the privacy of the occupiers of neighbouring dwellings.

- 6 **Notwithstanding condition 2, prior to the first occupation of the dwellings to Plots 1 and 4 the first floor windows to their side elevations shall be of a top hung fan light opening only and fitted with obscured glass and retained in that condition thereafter.**

Reason: To safeguard the residential amenities of adjacent dwellings.

- 7 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out;**

**Schedule 2 Part 1 Classes A, B, C, D, and E**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality and to accord with Policy CS12 of the Core Strategy 2006-2031.

- 8 **Prior to the first occupation of the dwellings hereby permitted the areas shown on drawing No. BBH/002/01 Rev C for the parking of vehicles, and for vehicles to manoeuvre so that they may enter and leave the site in a forward gear, shall be laid out and those areas shall not thereafter be used for any purpose other than the parking and manoeuvring of vehicles.**



Reason: In the interests of highway safety and to accord with Policy CS12 of the Core Strategy 2006-2031..

- 9 **The refuse storage area as shown on Drawing No BBH/002/01 Rev C shall be used for collection purposes only.**

Reason: In the interests of highway safety and the residential amenity of adjacent properties.

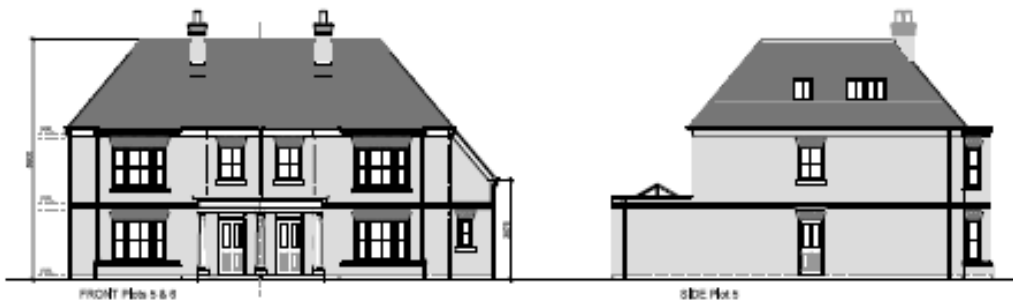
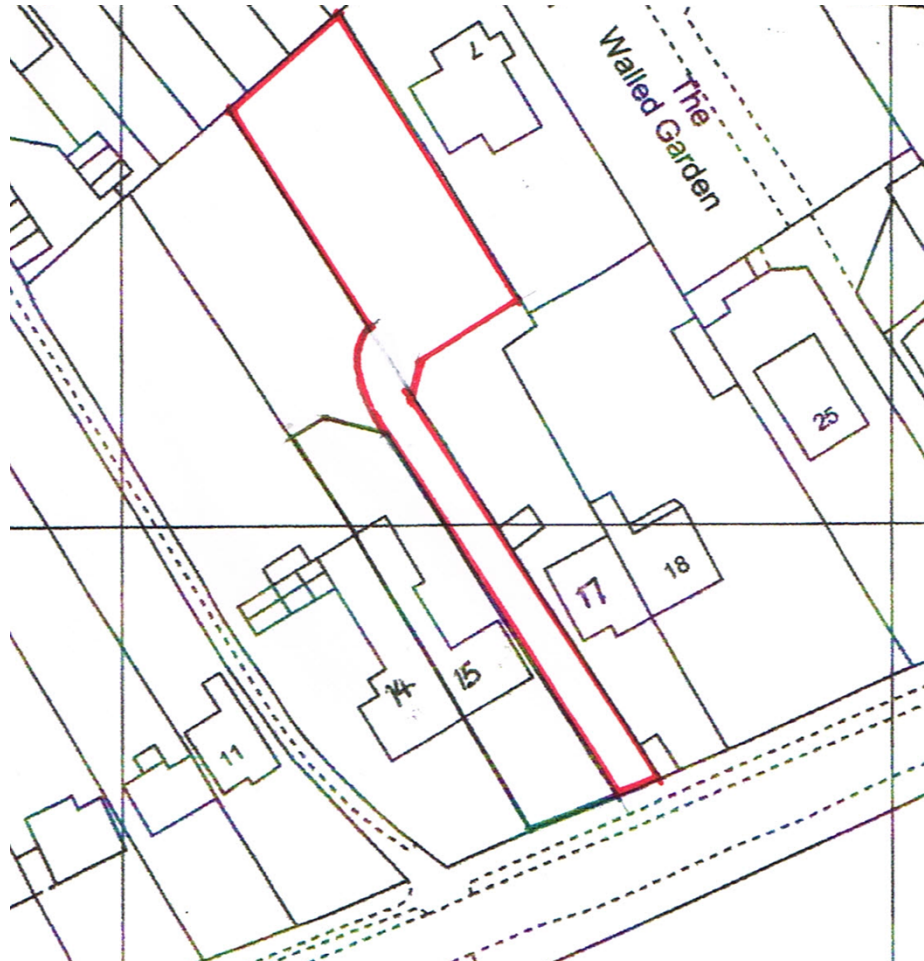
Article 31

Planning permission/advertisement consent/listed building consent 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 2012.

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## ITEM 5.05

4/01653/15/FUL - CONSTRUCTION OF TWO SEMI DETACHED HOUSES  
LAND TO THE REAR OF 17 STATION ROAD, TRING, HP235NG



**4/01653/15/FUL - CONSTRUCTION OF TWO SEMI DETACHED HOUSES  
LAND TO THE REAR OF 17 STATION ROAD, TRING, HP235NG**



**4/01653/15/FUL - CONSTRUCTION OF TWO SEMI DETACHED HOUSES  
LAND TO THE REAR OF 17 STATION ROAD, TRING, HP235NG  
APPLICANT: BrayBeech Homes Ltd - Mr Booth**

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[Case Officer - Briony Curtain]

## **Summary**

The application is recommended for approval.

A previous application on the site was refused by Members at their meeting on 9th April 2015. The application was refused due to the impact of the new dwellings on the adjacent bungalow. It was concluded that the new dwellings would "be an overbearing feature in relation to the adjoining bungalow, contrary to criterion (g) of Policy CS 12 (Quality of Design) of the Dacorum Core Strategy". The reason for refusal was thus based solely on the visual impact of the proposed dwellings and their relationship to the single storey bungalow adjacent.

The applicants have addressed these concerns by amending the design of the proposed dwellings. The eastern flank elevation of the property to Plot 6, immediately adjacent to the bungalow has been re-designed to include a cat slide roof in an attempt to relate better to the single storey bungalow.

The introduction of the cat slide is considered to successfully tie the new dwellings in with the bungalow and thus the new street scene and avoids them appearing 'over bearing'. The eaves line of the cat slide appears slightly above that of the adjacent bungalow and thus guides the eye down towards the eaves height of the adjacent bungalow. Given the lower resulting focal point, the two buildings are considered to sit comfortably together and relate well to one another. A street scene elevation showing the new dwellings in relation to the bungalow has been advanced and clearly demonstrates the link.

It is concluded that the amendments proposed do address Members previous concerns and objections.

The rest of the scheme remains as previously proposed and as such the original committee report is attached at Appendix 1.

The application is recommended for approval subject to the following conditions;

## **APPENDIX 1 Summary**

The application is recommended for approval.

The proposed pair of semi-detached dwellings would introduce further backland development along this part of Station Road where this has already occurred in the immediate vicinity. More importantly, the scheme is almost identical to a recently approved scheme at adjacent sites. Two pairs of semi-detached dwellings of

identical size, and design to those currently proposed were allowed at appeal to the rear of No. s 14 and 15 Station Road, immediately to the West. This is a material consideration that should be afforded significant weight in the determination of this current application. The current scheme proposes exactly the same design and overall layout.

The current application, together with the appeal scheme adjacent allows for the comprehensive development of three rear gardens. Access to the proposed dwellings is via the new road serving the four new houses at No.s 14 & 15. This access has already been established and is considered adequate in width and visibility to accommodate the additional two dwellings now proposed. The scheme is considered to be a high quality development that helps meet the need for new housing, as set out in Core Strategy policy CS17. The scheme is therefore in accordance with Core Strategy policies CS4, CS8, CS12 and CS13, and Appendices 3 and 5 of the DBLP.

### **Site Description**

No 17 Station Road comprises an imposing, tall, two storey Edwardian semi-detached house (formerly the servants' quarters to the attached house at No. 18) with a very long rear garden, which is currently separated into two distinct areas. The application site comprises the lower, northern most section of garden.

To the rear of the site is a 1970's development comprising a row of semi-detached two storey houses with shallow pitched roofs within the cul-de-sac of Treehanger and built with reasonably long, level gardens.

To the western side of No. 17 are No.s 14 and 15 Station Road which have recently had consent for a similar development comprising two pairs of semi-detached dwellings to their rear and to the other side is No. 18 which itself has an existing bungalow (No. 7 Sycamore Drive) within its rear garden area. Beyond that is No. 25 Station Road which also has a detached bungalow within its rear accessed via an individual long driveway onto Station Road.

### **Proposal**

This application is for a single pair of semi-detached houses, to occupy the whole width of the site. In cross-section form, similar to those at No.s 14 & 15 they appear positioned midway between the rearmost parts of 17 and the rear elevations of Treehanger Close properties. They are presented as two storey houses with rooms in the roofspace served by rooflights on both sides and the rear and table-top roof.

Vehicular access is provided via the recently approved scheme.

The proposed two storey houses are presented as identical pairs to those already approved next door, with side hipped roofs and centred chimneys. The front elevations have adjoining front doors under flat-roof open portico entrances. There is a two storey rectangular bay projection for each house with a plain, unfettered roofscape above. The rear elevations each have a single storey flat roof extension with a lantern rooflight and bi-fold doors. Each house is served by two conservation-

style rooflights in the rear roofscape and two (one as a double) in the side roofscapes but none in the front roofscape. The roofs are hipped on all sides and with a central table-top.

The houses are shown to be built in traditional brickwork and slate roofing with detailings in a soldier course, brick window headers and stone cills and pillars.

The houses would provide the following accommodation: living room, open-plan kitchen, dining and family room, utility room and cloakroom on the ground floor with three bedrooms (one en-suite) and bathroom on the first floor and a further en-suite (fourth) bedroom and small study/store within the roof space.

### **Referral to Committee**

The application is referred to the Development Control Committee due to the contrary views of Tring Town Council.

### **Planning History**

No previous formal applications.

### **Policies**

#### National Policy Guidance

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

#### Adopted Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS4 - The Towns and Large Villages  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design

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

Policies 10, 13  
Appendices 3, 5

#### Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)  
Area Based Policies (May 2004) - Residential Character Area TCA16 Station Road  
Water Conservation & Sustainable Drainage (June 2005)

#### Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

## Summary of Representations

### Tring Town Council

Tring Town Council recommends rejection of the proposed development on the following grounds.

- (a) The development is out-of-keeping with the surroundings. The scale, particularly the height, would be out-of-proportion and over-bearing with reference to the houses behind
- (b) It is inappropriate to have an access point for such a development crossing a busy pavement and cycleway. These are heavily used by school pupils. The access point is also close to a bus stop. As a minimum the entrance splay needs to be increased (this is property outside the proposed development)
- (c) There is concern that the ownership of this land should have been declared when application 4/00024/14/FUL was made. The drawings submitted with application 4/00365/15/FUL refer to the proposed dwellings as plots 5 & 6. Plots 1-4 are those in application 4/00024/14/FUL.

### Hertfordshire Highways

Notice is given under article 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

1) No part of the development shall begin until vehicular visibility splays have been agreed in writing with the local planning authority on both sides of the access with Station Road, within which there shall be no obstruction to visibility between a height of 0.6m and 2m above the carriageway.

Reason: In the interest of highway safety.

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

Reason: In the interest of highway safety.

3) Before development commences, additional layout plans, drawn to an appropriate scale, must be submitted and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which clearly demonstrate that the proposed access drive and crossover is constructed and contains the features required of a Shared Surface Road, as per Roads in Hertfordshire –

Reason: The above condition is required to ensure that the modified access meets the current standards.

4) The proposed car parking spaces must have sufficient manoeuvring space to ensure all vehicles can enter and exit the site in a forward gear. Reason: The above condition is required to demonstrate that an acceptable standard can be achieved

5) Best practical means shall be taken at all times to ensure that all vehicles leaving the site during demolition and construction, are in a condition, such as not emit dust



or deposit mud, slurry or other debris on the highway.

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

6 Before development commences, additional layout plans, drawn to an appropriate scale, must be submitted and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which clearly demonstrate how refuse is to be collected from the site.

Reason: The above condition is required to ensure that refuse collection does not have a significant adverse effect on the safety and efficiency of the highway and to ensure that compliance with standard.

HIGHWAY INFORMATIVE: The highway authority require the construction of the vehicle cross-over to be undertaken by approved contractors so that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. The applicant will need to contact [www.hertsdirect.org](http://www.hertsdirect.org) or telephone 0300 1234 047 for further instruction on how to proceed. This may mean that the developer will have to enter into a legal Section 278 agreement.

Highway Comments The above application is for development at the rear of 17 Station Road, Tring. The proposal is for the construction of two new semi-detached houses all served off a new 4.1m wide shared surface access off Station Road, Tring. This service road was agreed as part of a previous planning application to develop the land behind 14/15.

Site layout and parking access In terms of the general layout of the site, the layout will need to conform to standards set out in the 'Roads in Hertfordshire- : Highway Design Guide 3rd Edition, Section 4 – Design Standards and Advice. In terms of car parking, the proposal would need to meet with the requirements of Dacorum Borough Councils parking standards as stated in their local plan.

#### Contaminated Land Officer

A contamination condition should be imposed.

#### Thames Water

Standard Response received - no objection

#### Response to Neighbour Notification / Site Notice / Newspaper Advertisement

Residents at No's 3, and 5, Treehanger Close, to the rear of the site, object for the following reasons:

- the houses are the same design as those already rejected by DBC
- The plans show 10 rooflights on plots 5 & 6, these houses are large as it is, and with windows in the roof would be three storey
- the rear wall of the new houses would be just 13m from the boundary wall of Treehanger Close properties, the houses would look directly into the rear of existing houses, including patio and seating area.

- there is no mention of the trees on the plot. there are 8 trees to be sighted between the rear of No. 17 and the dwellings. a further number of new trees will be planted alongside the drive between No. 15 and 17. There are none to screen treehanger close. We would request that the large tree to the rear be retained. It is haven for wildlife. Would developers be able to plant some new trees?

Any further comments received as a result of re-consultation on the amended plans will be reported in the Addendum Sheet.

## **Considerations**

### Policy and Principle

The site is located within the residential area of Tring where Core Strategy policies CS1, CS4, CS11 and CS12 are relevant. CS4 supports appropriate residential development in such locations, whilst CS11 is concerned with quality of neighbourhood design; to respect the typical density for an area and preserve attractive streetscapes.

Saved Policy 10 of the DBLP encourages the optimisation of urban land. Permission has recently been granted at appeal for the construction of four dwellings immediately to the south-west at the rear of No.s 14 & 15 Station Road. In addition the adjoining site, behind No. 19, has already been developed by a bungalow. The precedent for permitting backland development in the immediate area has already thus been established and the development of this site allows for the comprehensive development of three rear gardens which is welcomed.

The site is located in the Residential Character Area TCA16 for this part of Station Road, which is described as an area of limited opportunity for residential development and where plot amalgamation is permitted. There are no special requirements with regards to the design of housing, though large, detached two-storey dwellings are considered appropriate with front and rear gardens, landscaping and on-site parking. Furthermore the existing linear layout of the area should be maintained and the prevalent building line should normally be followed. Density should be compatible with the existing density range (less than 15 dwellings per hectare) and spacing of at least 2m-5m.

### Appearance of proposed houses / street scene

The proposed houses are identical to the two pairs of semi-detached dwellings recently approved to the rear of No.s 14 & 15 Station Road immediately to the West. In that scheme the inspector noted that *'the scale of the proposed dwellings, including their height and depth, would be less than the dwellings of Station Road, but greater than those on Treehanger Close. As such they would achieve a degree of subservience to station road and provide a transition in scale to the modest dwellings on Treehanger Close. She concluded that ' the proposed development would not materially harm the character and appearance of the area and accords with Policy CS12'*.

The dwellings now proposed to the rear of No. 17 are identical in their size, scale,

height and position. Despite objections from the Town Council and local residents, they are considered to also provide a degree of transition and are appropriate in their mass and bulk. No significant harm would be caused to the street scene or wider area.

Given the schemas are identical the Inspectors findings are a material planning consideration which should be afforded significant weight in the determination of this application. The height, width, depth and overall appearance has thus already be accepted.

### Impact on Highway Safety

The proposed pair will be accessed via the recently approved access road serving the properties to the rear of 14 & 15 Station Road. The Highways Authority is satisfied with this arrangement and considers the access capable of accommodating the additional two dwellings without adversely affecting the safety or operation of adjacent highways.

The Town Council remains concerned over the access and it crossing a footpath and cycleway, but as pointed out this has already been approved. The only matter for consideration is whether the approved access is capable of accommodating the additional 2 dwellings and Hertfordshire Highways are satisfied that it is. With regard t the access layout and visibility splayes, the same conditions will be attached to this consent as were imposed for the adjacent site as there is no guarantee the approved houses would be built and we would need to be satisfied with the details.

The provision of 2 car spaces per dwelling (with an additional area in front of these spaces for 4 visitor spaces) accords with our guidelines and the proximity to the bus stop makes it sustainable.

### Impact on Neighbours

This development will have an impact on the amenities of properties in Treehanger Close and Station Road but not to such a degree as to warrant a refusal.

The siting of the dwellings mid-way between the existing dwellings of Treehanger Close and Station Road is identical to that of the recently approved scheme, and the back to back distances actually exceed those of the permitted scheme. With regard to visual intrusion, light, privacy and overlooking the Inspector concluded that no significant harm would be caused. Nos. 3 and 4 Treehanger Close have their rear gardens backing directly onto the application site whilst No's 5, 6, 7 and 8 back directly onto the land which has recently been approved for housing at 14 & 15 Station Road.

No's 5 and 6 have rear garden depths of 26.5m, whilst No. 7 has a rear extension encroaching into this garden depth. No. 8 has a foreshortened rear garden due to the intervening garage court which was built at the same time as these houses as their garaging. Nevertheless, overall all of the houses had a similar distance between their main rear elevations and the main rear elevations of the recently

approved houses at approx. 38m.

The distance between the proposed dwellings and the rear elevations of No. 3 and 4 would be 40m and 38.7m respectively. This exceeds the approved schemes. These separation distances are well in excess of our minimum requirement of 23m and thus meets policy standards for maintaining privacy between the respective rear elevations. It is acknowledged that the set of rooflights in the rear roofscapes will introduce another level of windows, however, there is no significant level change across the site and as such the overlooking at roof level would be similar to at first floor level. Within this in mind, it is important to note that the cill heights of the roof lights in this scheme are 0.4 lower than the approved scheme at 1.2m below the internal floor level. Whilst this would afford greater views, these windows are set further away than the first floor windows beneath them and given there is no significant level change across the land, would not give rise to any further overlooking and loss of privacy than the already approved first floor windows. They would also be set an angle which would limit overlooking when compared to the approved horizontal, first floor windows. A revised application has been submitted for the approved applications at No. 14 & 15 (4/00438/15/ROC) which seeks to lower the cill heights to the same levels. This has been recommended for approval. As such to avoid overlooking between the new dwellings the cill height to the twin roof light to the front of the dwelling on Plot 5 would be at 1.6m as approved on the adjacent site. A condition requiring this would be imposed for the avoidance of doubt.

In terms of loss of light, a cross-section plan has been submitted as part of this application which shows the distances and the relative eaves and ridge heights of Treehanger Close, the proposed houses and Station Road houses. It is noted that the highest part of the roofs to the proposed houses is 8.9m (being 2m higher than Treehanger Close) and that the proposed houses are positioned south/south-east of Treehanger Close. Therefore it would appear that the height of the proposed roofs, taking account of the existing 2m high rear boundary wall would cause some loss of sunlight to the rearmost part of the gardens to those houses in Treehanger Close. However, planning policies do not protect the rearmost private garden areas from visual intrusion, loss of privacy or loss of sunlight and therefore this impact on amenities would not constitute a valid reason for refusal of this scheme. In terms of daylight, there would be no significant loss of light. This is primarily due to the length of the rear gardens of Treehanger Close.

It is therefore the visual impact of these proposed houses that would have most effect on their amenities. It is recognised that the proximity and overall height of the proposed houses would have some harmful impact in terms of visual intrusion, however, due to the intervening garden lengths it is considered that this impact would not be so significant as to sustain a reason for refusal of this scheme. This was also considered the case on the adjacent site.

In terms of Station Road, No.s 14, 15, 17 & 18 would be the most affected but the separation distances here exceed 45m. The overall harm on the amenities would not be so significant to sustain a reason for refusal.

In terms of No. 7 Sycamore Drive, the detached bungalow to the rear of No. 18, the main windows are located to the front and rear elevations. Whilst situated in close

proximity to and significantly higher than the bungalow itself, the main bulk of the dwellings would align with the flank elevations and thus help minimise any visual intrusion or overbearing impact.

### Permitted development

These proposed houses have been designed by the applicants to maximise the size of family accommodation, therefore the rear gardens, although flat, usable and private, should be retained in their current size for family use. Therefore it is considered necessary to remove permitted rights for any outbuildings or extensions in order to retain planning control over any encroachment of these modest-sized gardens. Similarly, the roofscapes has been carefully designed in order to prevent overlooking and thus it is necessary to retain planning control on any future changes to the roofs by removing permitted development rights.

### Sustainability

The submitted sustainability statement identifies that the primary sustainable measures will include a high level of insulation, the use of condensing boilers, solar panels for providing domestic hot water and rain water harvesting.

### Tree and Landscaping

No specific landscaping plans have been advanced as part of the proposal. There are no protected trees on the site. These details would, if approved be conditioned. The neighbour has requested additional trees be planted and this has been passed onto the developer.

### Other Matters

Concern has been expressed by the Town Council over land ownership and not declaring this site as part of the previous application. This was not possible as the applicants did not own the land at that time, they have acquired it since the approval of the adjacent scheme.

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

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

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

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

**Location Plan 1:1250  
H 03 13 Site Survey**

Reason: To ensure a satisfactory appearance to the development and to comply with Policy CS12 of the Core strategy.

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

- **hard surfacing materials;**
- **means of enclosure;**
- **bin storage and refuse collection;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **trees to be retained and measures for their protection during construction works;;**

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

Reason: To ensure a satisfactory appearance to the development , to safeguard the visual character of the immediate area and to accord with Policy CS 12 of the Core Strategy.

- 5 **All of the roof lights to the rear roof slopes hereby approved shall have a cill height of not less than 1.6m above the internal floor level of the second floor.**

**All of the roof lights to the side roof slopes hereby approved shall have a cill height of not less than 1.2m above the internal floor level of the second floor.**

Reason: To safeguard the privacy of the occupiers of neighbouring dwellings.

Reason: To safeguard the residential amenities of adjacent properties.

- 6 **Prior to first occupation of the dwellings to Plots 5 & 6 the first floor windows to their side elevations shall be top hung fan light opening only and fitted with obscure glass and retained in that condition thereafter.**

Reason: To safeguard the residential amenities of adjacent dwellings and to accord with Policy CS 12 of the Core Strategy.

- 7 **Notwithstanding the provisions of the Town and Country Planning**

**(General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out;**

**Schedule 2 Part 1 Classes A, B, C, D, and E**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality and to accord with Policy CS 12 of the Core Strategy.

- 9 **Prior to the first occupation of the dwellings hereby permitted the areas shown on DRawing No. BBH/003/01 Rev B for the parking of vehicles, and for vehicles to manoeuvre so that they may enter and leave the site in forward gear, shall be laid out and those areas shall not thereafter be used for any other purpose than the parking and manoeuvring of vehicles.**

Reason: In the interests of highway safety.

- 10 **Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Conditions (a) to (d) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Condition (d) has been complied with in relation to that contamination.**

**(a) Site Characterisation**

**An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:**

- **a survey of the extent, scale and nature of contamination;**
- (ii) an assessment of the potential risks to:**
  - (i) human health,**
    - **property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,**
    - **adjoining land,**
    - **groundwaters and surface waters,**

- ecological systems,
- archeological sites and ancient monuments;
- an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

**(b) Submission of Remediation Scheme**

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

**(c) Implementation of Approved Remediation Scheme**

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

**(d) Reporting of Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition (b), which is subject to the approval in writing of the Local Planning Authority.



**Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition (c).**

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

INFORMATIVE:

The applicant is advised that a guidance document relating to land contamination is available in the Council's website:

<http://www.dacorum.gov.uk/default.aspx?page=2247>

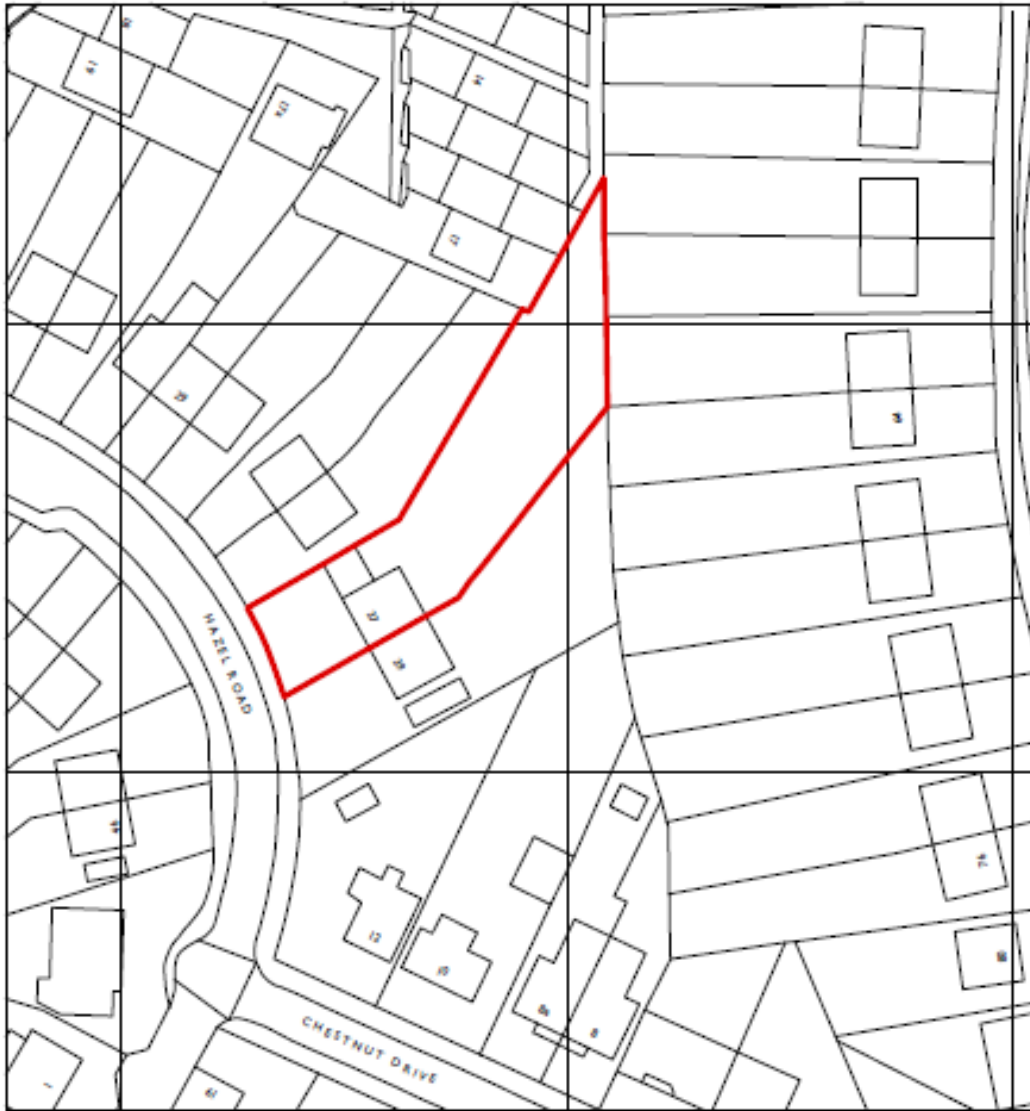
Article 31

Planning permission/advertisement consent/listed building consent 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 2012.

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## ITEM 5.06

**4/00987/15/FHA - PART SINGLE, PART TWO STOREY FRONT SIDE AND REAR EXTENSION WITH FRONT PORCH EXTENSION. LOFT CONVERSION WITH REAR DORMER AND EXTENSION OF EXISTING RAISED PATIO**  
**37 HAZEL ROAD, BERKHAMSTED, HP4 2JN**



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**4/00987/15/FHA - PART SINGLE, PART TWO STOREY FRONT SIDE AND REAR  
EXTENSION WITH FRONT PORCH EXTENSION. LOFT CONVERSION WITH REAR  
DORMER AND EXTENSION OF EXISTING RAISED PATIO  
37 HAZEL ROAD, BERKHAMSTED, HP4 2JN**



Proposed Rear (North-East) Elevation



No.37  
Proposed Front (South-West) Elevation

**4/00987/15/FHA - PART SINGLE, PART TWO STOREY FRONT SIDE AND REAR  
EXTENSION WITH FRONT PORCH EXTENSION. LOFT CONVERSION WITH REAR  
DORMER AND EXTENSION OF EXISTING RAISED PATIO  
37 HAZEL ROAD, BERKHAMSTED, HP4 2JN  
APPLICANT: Mrs Bedlow**

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[Case Officer - Briony Curtain]

## **Summary**

The application is recommended for approval.

The sites is situated within the urban area of Berkhamsted wherein extensions to dwellings are acceptable in principle in accordance with Policy CS4 of the Core Strategy. The scheme consists of a number of elements which collectively would result in a substantially larger dwelling however their overall impact would not adversely affect the dwelling itself or the wider street scene. Furthermore several elements of the currently scheme (the rear dormer, the single storey side extension and the porch) could be constructed under the normal permitted development rights of the property. This is a material consideration that must be afforded significant weight in the current determination.

The main considerations in the determination of this application are thus the visual impacts of the side extension and rear deck area and their impact on the residential amenities of surrounding dwellings and highway safety.

The side extension is simple in design, set back and down from the parent property and as such would appear as a subservient feature to the host dwelling. Given the lower position, subservient appearance and simple design the proposal would not adversely affect the character or appearance of the host dwelling or the wider area, Many of the properties in the area have been extended in a similar manner. The deck area is provided to the rear of the property and thus concealed from public view. Its impact would therefore be minimal. The proposal comply with POlicy CS12 of the Core Strategy.

With regard to the residential amenities of adjacent properties, the proposed extensions and alterations would not significantly affect light levels to adjacent dwellings, appear intrusive, overbearing or compromise privacy. The proposals thus comply with Policy CS12 of the Core Strategy.

Despite concerns from the Town Council, there is adequate off-street parking within the application site to serve the resulting 6-bedroom dwelling. The existing garage and 2 spaces to the front are to remain. Appendix 5 of the Local Plan requires a maximum of 2 spaces for a 6 bedroom dwelling. The proposal thus exceeds the policy requirements but given this is an existing scenario no objection to the over-provision is raised.

## **Site Description**

The application relates to the northern half of a semi-detached pair of dwellings, representing the last houses to the eastern side of the street. The dwellings form part

of the Swing Gate Lane estate in Berkhamsted. The application dwelling sits on lower ground, beneath highway level and the land rises significantly up to Chestnut Drive to the south. The rear of the house faces across the valley, occupying an elevated position above the sloping rear garden. No. 37 is presented as a simple styled side gabled, two storey house with attached single, flat roof garage.

The adjacent house, and other half of this semi-detached pair is currently being extended by way of a large rear dormer (ref. 4/03143/14/LDP) and a single storey side and rear extension (ref. 4/03178/14/FHA). These extensions are well under way and nearing completion.

### **Proposal**

This application is for a two storey side extension over the existing garage, a single storey part rear, part side extension and a loft conversion to include large full-width rear dormer. It is also proposed to enclose the area beneath the existing porch canopy and construct a raised rear deck with glazed balustrade.

The two storey side element would extend out to the side by 3.5m (the width of the existing garage), be set back from the front elevation by 0.5m and from the rear by 1.0m. A subservient pitched roof set at a lower angle than the main roof would be introduced. No windows would be provided to the flank elevation.

The single storey rear extension would project for 3m beyond the existing rear wall, extend the entire width of the host dwelling and part way across the attached garage. It would have a total width of just under 9m. A parapet wall would conceal a flat roof and two central raised roof lights behind. The new rear elevation would comprise a window and bi-fold doors and create an extended kitchen / diner.

The loft conversion comprises the construction of a large, full-width, full-height, flat roof dormer, two velux roof lights to the front and an obscure glazed window to serve the landing on the gable end.

A porch extension would be constructed under the existing hipped roof porch canopy.

A raised rear patio with glass balustrade would be constructed. To either side the existing boundary walls would be extended to ensure privacy.

### **Referral to Committee**

The application is referred to the Development Control Committee due to the contrary views of Berkhamsted Town Council.

### **Planning History**

4/00003/09/FH CONSERVATORY (AMENDED SCHEME).

A

Granted  
25/02/2009

4/00026/08/FH REAR AND SIDE SINGLE STOREY EXTENSION AND FRONT  
A PORCH  
Granted  
18/02/2008

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)  
Circular 11/95

### Adopted Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS2 - Selection of Development Sites  
CS4 - The Towns and Large Villages  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS29 - Sustainable Design and Construction

### Saved Policies of the Dacorum Borough Local Plan

Appendix 5

### Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)  
Area Based Policies (May 2004) - Residential Character Area [ BCA 3:Bank Mill ]  
Water Conservation & Sustainable Drainage (June 2005)  
Energy Efficiency & Conservation (June 2006)  
Accessibility Zones for the Application of car Parking Standards (July 2002)

## **Summary of Representations**

Berkhamsted Town Council  
OBJECT

The bulk and mass of the rear dormer is excessive and the proposed location is too near to the semi's dividing wall. The dormer should be reduced in width either side. We have a concern about the detrimental impact of this proposal on the privacy of neighbouring properties.

We question also the adequacy of off-road parking for what would become a 6-bedroomed dwelling.

Contrary to Core Strategy Policy CS 12 and Saved Local Plan Policies Appendix 3,

Appendix 5 and Appendix 7.

### Trees and Woodlands

There are no significant landscape features on this site. A mature conifer (spruce) in the rear garden may be affected by the impact of the development but because of its proximity to the existing house and its unsuitability for a rear garden, I do not recommend its retention or protective measures.

### Response to Neighbour Notification / Site Notice / Newspaper Advertisement

No Comments Received

### **Considerations**

#### **Policy & Principle**

The application site is located in the urban area of Berkhamsted, wherein development is acceptable in principle in accordance with Policy CS4 of the Core Strategy, providing it has no adverse impact on the house, street scene or neighbouring amenities under Core Strategy policy CS12.

#### **Effect on appearance of building / street scene**

This is a plain fronted house and the side extension, whilst two storey, would continue that simple style and be clearly subservient to the main house. It would be in materials to match the existing house and thus appear as a natural continuation. Due to its simplicity and relative small width as viewed from the front, it would not have an adverse impact on the street scene. The site is set on lower ground and thus does not dominate the street scene. Many other properties in the area have had side extensions such that the proposal would harmonise well with surrounding development.

The remainder of the proposed works relate to the rear elevation of the dwelling, which is not visible from public vantage points and as such their impact on the character and appearance on the street scene would be negligible. They would however have a significant impact on the appearance of the host dwelling.

The loft conversion consists of a large, full width, flat roof dormer which would significantly adversely affect the appearance of the dwelling and completely dominate the rear roof-slope. However, this part of the proposal could be constructed under the normal permitted development rights of the property and despite the objection of the town council, this is a material consideration that must be afforded significant weight in the determination of the current application. Furthermore, the other half of this semi-detached pair; No. 39 is currently constructing an identical sized dormer under their permitted development rights (4/3143/14/LDP) and as such the construction of the proposed dormer at No. 37 would re-balance the rear of these dwellings. A refusal could not be sustained.

The single storey rear element is modest in size and scale, with a flat roof and as



such again would continue the simple style of the existing dwelling and not cause any visual harm. Again this element of the proposal could be constructed under PD rights and a refusal could not be sustained.

The raised deck would appear at the same height as the rear extension and be predominantly enclosed by glazed balustrade. It would not have a significant adverse impact on the appearance of the dwelling.

The front porch would in-fill the existing canopy and add a focal point to this simple dwelling. It would improve and enhance the appearance of the dwelling.

### **Effect on Amenity of Neighbours**

The rear extension is replacing an existing shed, would be 3m in depth and has a flat roof, as such it would not create any significant loss of light or visual intrusion to surrounding properties. In addition the property immediately adjacent; No. 39, is currently constructing a deeper extension, which would further limit any impacts. The raised rear deck does not project for a significant distance, is orientated at a slight angle to No. 39 and as such would not cause significant overlooking. There are existing boundary walls and landscaping separating the sites which would ensure privacy is maintained.

The two storey side extension would not be directly viewable from immediate neighbours as it follows the front and rear build lines of the parent property and is situated between their flanks. Despite the level change it would not appear visually intrusive. Given the irregular, angled rear gardens, the proposed rear facing bedroom window, despite being nearer to No. 35 would predominantly overlook the rear garden of the application property only. It would thus not give rise to any privacy or overlooking issues.

The rear dormer would permit views across the rear gardens of both adjacent properties, but no more than the existing first floor rear facing windows. It is proposed to have one window to the flank elevation in the gable end of the existing main roof, but this would be set some distance from No. 35 further down the hill, serve a landing and be of obscure glaze.

There is no undue harm to any neighbouring amenities and the proposal thus complies with Policy CS12 of the Core Strategy.

### **Other Considerations**

The proposal does result in the creation of 3 additional bedrooms, providing a 6-bedroom dwelling, however adequate parking is provided within the site (one garage and at least 2 additional spaces to the driveway) to comply with Appendix 5 of the Local Plan. Due to the site accessible location (zone 1 and 2) Appendix 5 would require a maximum of 2 spaces so the proposal actually results in an over provision of parking. However, given this is an existing scenario and the current dwelling is only 3-bedroom no objection is raised. The proposal would not adversely affect the safety or operation of the adjacent highway.

It would be built to modern Building Control standards and thus would be compliant with Policy CS29.

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

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

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

- 2 The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match in size, colour and texture those used on the existing building.**

Reason: To ensure a satisfactory appearance to the development and to comply with the requirements of Policy CS12 of the Core Strategy.

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

**139 su1.01**  
**139 pa2.01**  
**139 pa2.02**  
**139 pa2.03**  
**139 pa2.04**  
**139 pa2.05**  
**139 pa2.06**  
**139 pa2.07**

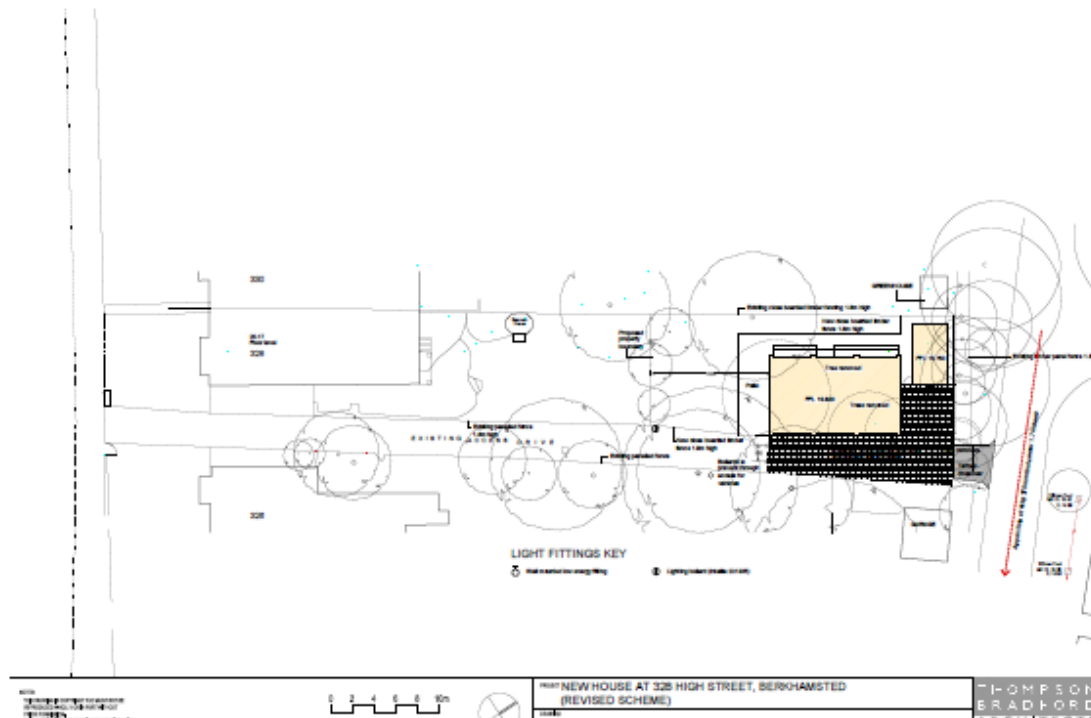
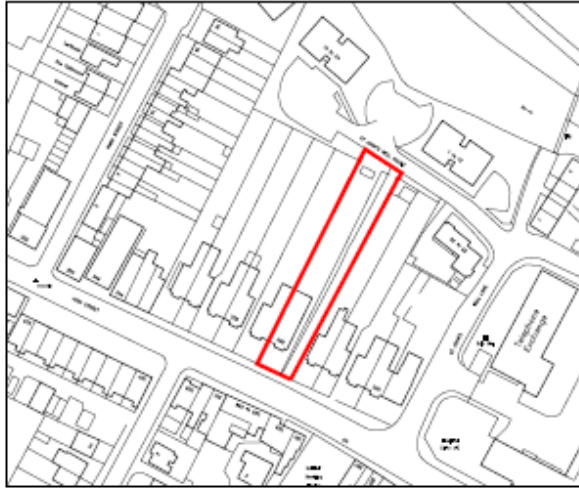
Reason: For the avoidance of doubt and in the interests of proper planning.

#### Article 31

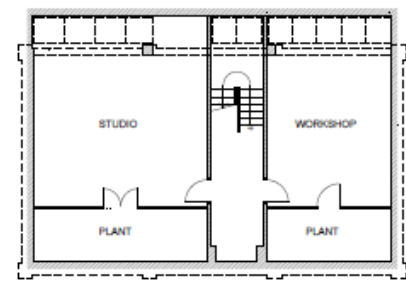
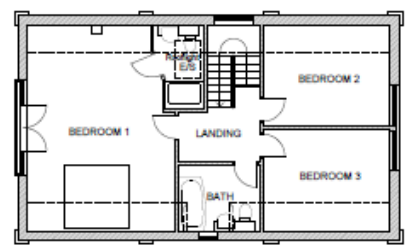
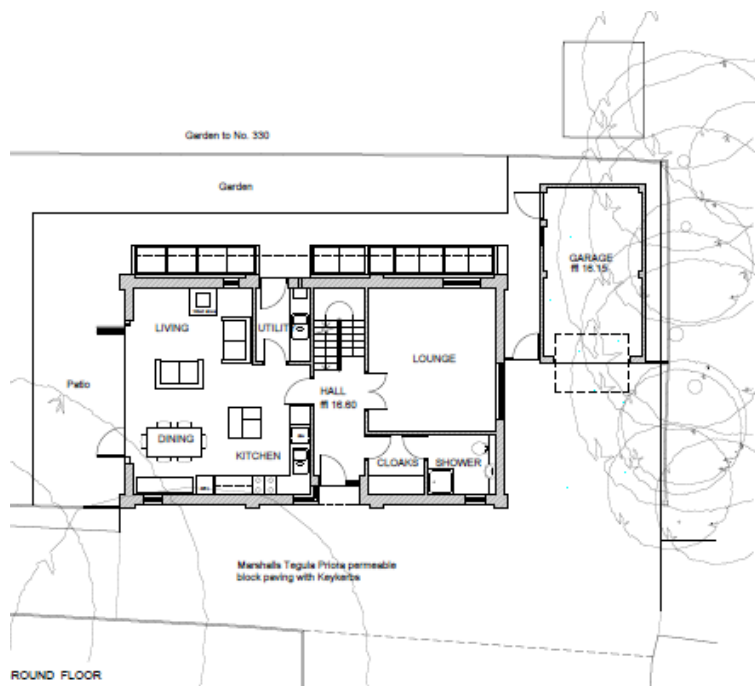
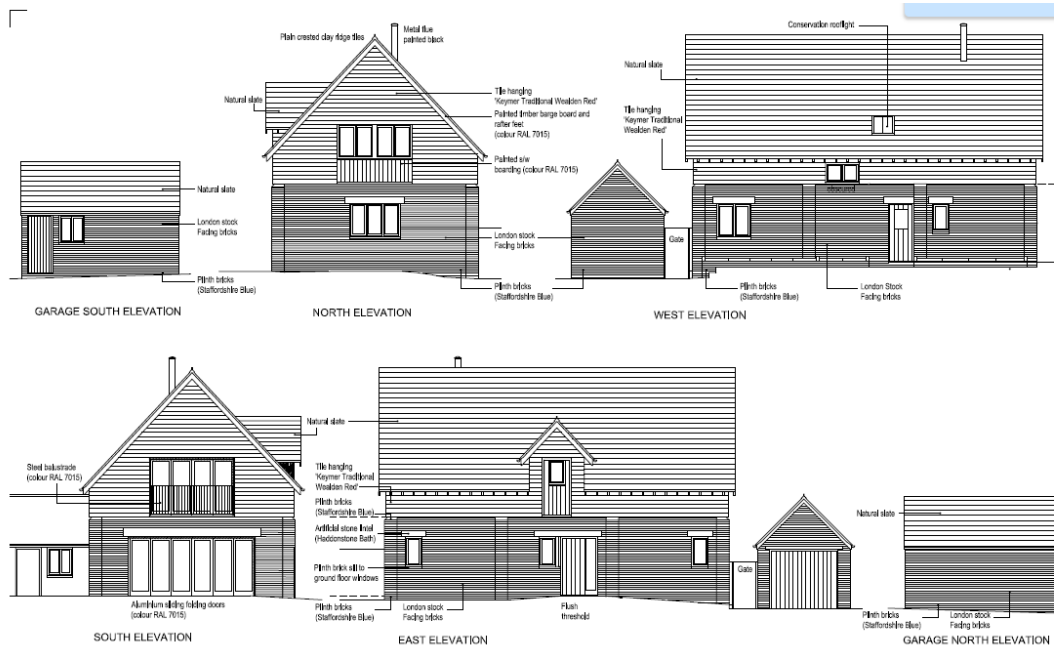
Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

## ITEM 5.07

**4/00578/15/FUL - NEW DETACHED DWELLING AND GARAGE WITH VEHICULAR ACCESS FROM ST JOHNS WELL COURT  
328 HIGH STREET, BERKHAMSTED, HP4 1HT**



**4/00578/15/FUL - NEW DETACHED DWELLING AND GARAGE WITH VEHICULAR ACCESS FROM ST JOHNS WELL COURT  
328 HIGH STREET, BERKHAMSTED, HP4 1HT**



**4/00578/15/FUL - NEW DETACHED DWELLING AND GARAGE WITH VEHICULAR  
ACCESS FROM ST JOHNS WELL COURT  
328 HIGH STREET, BERKHAMSTED, HP4 1HT  
APPLICANT: Mr & Mrs Ingman**

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[Case Officer - Nigel Gibbs]

## **Summary**

The application is recommended for approval.

The site is subject to an allowed appeal for a 3 bedroom two storey detached dwellinghouse served by a 'part' basement and associated single garage and a subsequent planning permission for a modified scheme. Both developments were to be served by a vehicular access from the High Street.

The material differences between the latest planning permission and the Appeal Scheme are the provision of a larger 'full footprint' basement and a different location for the single detached garage. Also most of the requirements of the pre commencement conditions subject to the Appeal have been discharged.

The fundamental material difference between both approved schemes and the current proposal is that now the access is from St Johns Well Court and not the High Street. The revised plan submitted in response to officer objections shows restrictions upon vehicles moving between St Johns Well Court and the High Street. There is also no submitted planning obligation.

The principle of a dwelling at the site is acceptable. The proposal will be located within an existing cluster of somewhat uncoordinated residential development within the vicinity of St John's Well Close. The dwelling's design will be visually subservient to the main house due to its 'coach house appearance' and will introduce a building of high quality appearance which will respect the historic context at the existing edge of the Conservation Area. The building's appearance will contrast with the adjoining utilitarian garage at no.326 and will 'visually coordinate ' with the modern building line established by the flats at nos. 25 to 30 St John's Well Court. It will also form an historic link between the High Street and the somewhat isolated nearby older cottages.

In overall terms no. 328's subdivision will respect the historical layout of the dwellings in the High Street by maintaining the linear arrangement and creating commensurate residential curtilages.

On balance the provision of the access only from St Johns Well Court will have neutral effect upon the character and appearance of the Conservation Area.

With due regard to the objections raised by the neighbour at no. 330 High Street a refusal based upon the effect upon the residential amenity to no. 330 High Street (including its garden) could not be substantiated in terms of physical impact or the receipt of light and privacy. A refusal based upon the effect upon the residential amenity of St Johns Well Court could not be substantiated.

There are no fundamental, contamination, drainage, crime prevention/ security, ecological, landscaping, sustainable construction, exterior lighting and archaeological objections. A planning obligation is now not required.

### **Site Description**

Nos. 328 and 330 form part of a row of similar substantial distinctive gable roof Victorian semi detached villa style dwellinghouses located on the north western side of the High Street, to the immediate north west of the junction with St John's Well Lane. This steeply sloping road leads to a major public car park and St John's Well Court. It also serves the recently completed retail development at the former Post Office site.

Most of the row of these High Street dwellings feature very elongated narrow linear rear gardens. The respective rear boundaries of these gardens adjoin St John's Well Court's two modern 3 three storey blocks of flats (1 to 12 and 13 to 24) and their associated parking area. There is an unbroken grass verge and associated planting along the boundary, with no accesses.

A third smaller block (no.s 25 to 30) abuts the St Johns Well Lane- St John's Well Court right angled bend. This block appears to occupy the bottom parts of the former rear gardens of nos. 318, 320a and 322 High Street through 'part plot amalgamation'. There are a row of older cottages to the immediate north of the bend opposite nos 25 to 30.

Nos 25 to 30 are adjacent to a gable roof garage/parking area within the bottom of the rear garden of no. 326 High Street. This parking facility is served by an elongated roadway/track which is located between the residential curtilages of nos 326 and 328 and is linked to the High Street. The long established track (owned by no. 328) also provides vehicular access to the rear of no. 328 featuring a gate to the bottom of its fenced garden. The roadway has no vehicular link to St John's Well Court, however there is pedestrian access and it is understood that this has been used by the public for many years.

No. 328 is served by parking in its front garden with the access approved in 1966. Plans for the erection of a garage to the rear of 328 were approved in 1961.

The bottom of no.330's rear garden incorporates a greenhouse, pond and play area adjoining the rear shed at no. 328.

### **Proposal**

As before this is for the construction of a 3 bedroom gable roof two storey detached 'coach house' style dwellinghouse located at the north eastern end of no. 328's rear garden, adjoining St John's Well Court, set back from its fenced boundary.

The building will be of brick construction, feature a slate roof, tile hanging and timber windows. The full footprint basement will provide a studio, workshop and plant which will be larger than the approved appeal scheme. The intention is to provide 'a lifetime home'.

No. 328's curtilage will be 'roughly' equally subdivided, creating two commensurate rear gardens for the existing dwelling and the proposed new unit. The dwelling will be served by a single garage and packing space between the dwellinghouse's north eastern elevation and its St Johns Well Court boundary.

The vehicular access will be from St Johns Well Court. The modified scheme involving bollards restricts a through vehicular access between this proposed access and the High Street.

The existing frontage parking at no. 328 will be retained for no.328. There will be no improvements to access as previously approved.

### **Recent Site Planning History**

#### 4/01555/12/FUL - Detached dwelling and garage

This was refused by the DCC in December 2013 for the following reason:

*The proposal will result in the development of a large garden area which acts as a green lung and contributes to the character and appearance of the Berkhamsted Conservation Area. The proposed development by virtue of its prominence and location on this back garden area, to the rear of a Heritage Asset (328 High Street) will fail to preserve or enhance the character and appearance of the Berkhamsted conservation area and is therefore contrary to Policies 11, 120 of the Adopted Dacorum Borough Local Plan 1991-2011, Section 7 of the associated Supplementary Planning Guidance-Environmental Guidelines and Policy CS 12 and CS37 of Dacorum's Pre-Submission Core Strategy (incorporating the List of Proposed Amendments June 2012).*

Note: CS37 should read CS27.

#### Appeal - Allowed

Pre-commencement conditions imposed on the allowed appeal regarding highway safety, access, external lighting and some site archaeology have been discharged.

#### Planning Permission 4/01819/14/FUL Detached dwelling and garage.

The material differences with the Appeal Scheme were:

- (iii) An enlarged basement ( providing a studio, workshop and plant) ,
- A relocated garage, and
- The discharge of some conditions since the Appeal.

This permission was subject to a planning obligation for various contributions based upon the then applicable Borough and County Council Toolkits.

Condition 2 specified:

**Before the occupation of the dwellinghouse hereby permitted the submitted details the whole**

length of the access road shown on Drawing No. HSI11 272, shall be upgraded fully in accordance with the specified details. Once carried out the upgraded the approved roadway, associated passing bay, exterior lighting and lowered side boundary fence adjoining the access road's junction with the public footpath serving the High Street shall all be retained and maintained at all times in accordance with the approved details.

## **Referral to Committee**

The application is referred to the Development Control Committee due to the contrary views of Berkhamsted Town Council and the background history.

## **Procedural Issues**

### Application Description

At the initial registration there was no reference to the access from St Johns Well Court in the description. All the consultations and publicity were carried out on this basis.

To rectify this the agent submitted a modified application form to specifically refer to the access , an updated supporting statement and an amended plan showing a restriction upon access between St Johns Well Court and the High Street. A revised site notice has been installed in St Johns Well Court to reflect this necessary procedural change. All the original consultees have been re notified.

This necessary procedural change has delayed reporting the application to the Committee.

### Article 31 Dialogue

The LPA only discussed at pre application stage the issue of the planning obligation. There was no expectation whatsoever that the access would be changed. Therefore it has been during the application processing that dialogue has focussed upon this issue with the resultant delays.

## **Policies**

### National Policy Guidance

National Planning Policy Framework

### Dacorum Core Strategy

Policies NP1, CS1, CS4, CS8, CS9, CS10, CS11, CS12, CS17, CS25, CS27, CS29, CS31 and CS32

Also : Berkhamsted Place Strategy

### Dacorum Borough Local Plan

Saved Policies 10, 11, 12, 13, 51, 54, 55, 58, 61, 62, 63, 99, 100, 106 113, 118, 120 and 121



Saved Appendices 3, 5 and 8

### Supplementary Planning Guidance

Environmental Guidelines

Conservation Area Character Appraisal and Policy Statement for Berkhamsted

Environmental Guidelines

Accessibility Zones for the Application of Parking Standards

Water Efficiency and Sustainable Drainage

Advice Note on Achieving Sustainable Development through Sustainability Statements

Note: The Conservation Area Appraisal proposes the extension of the Conservation Area to include land to the rear of the High Street (Extension 1) and the dwellings in the High Street to be locally listed. Nos 320 to 328 are subject to an Article 4 Direction for alterations.

### **Summary of Representations**

#### Berkhamsted Town Council

##### *Original Consultation*

Object. The reasons are:

Question whether this application has an appropriate description, given that it refers quite specifically to a proposed change of access.

The change of access as proposed from the High Street to St Johns Well Court, were it to be permitted on a private road, would be detrimental to the amenity of residents of St Johns Well Court by virtue of the increase in traffic, noise and associated road safety concerns from residents and service vehicles.

It would also set an unfortunate and unintended precedent with regard to other houses on the High Street, which currently access the High Street solely from the front of their properties.

Note the stated change of car parking provision from 3 to 5 and object to the lack of any explanation as to why this is deemed necessary for a three-bedroomed dwelling in this location.

Concerned as to the future usage of the existing lane via which access was previously approved. BTC would also question the right to access services such as sewage, given the private ownership of land in St Johns Well Court and its maintenance by residents.

Object to any possible loss of trees which currently screen residents of St Johns Well Court from properties in the High Street and vice versa. The existing arrangements in regard to access and tree screening provide a suitable boundary to the Conservation Area, which would be severely disrupted and cause harm should this

proposal be approved.

Contrary to Core Strategy Policies CS 11, CS 12, CS 13 and CS 27 and Saved Local Plan Policy 120 and Appendix 5.

### Background

It was RESOLVED to suspend Standing Orders to allow Mr Ingman, the applicant, to speak for, and Mr Winney of St Johns Well Court Residents' Association, to speak against the application

Mr Ingman explained that the revised access via St Johns Well Lane, which recently became possible when a 'ransom strip' became available for purchase, would provide a safer, simpler and more appropriate access to the planned house.

Mr Winney said that the Residents' Association objected to the application. Residents had not complained about previous applications as they were not unduly affected by them.

However, this application would mean cars causing disruption to residents. The potential for more garages being built at the bottom of gardens of these High Street houses would bring further disruption and loss of vista, particularly to flats facing onto the proposed access road.

Mr Winney also advised that the sewage and drainage arrangements would likely be insufficient to support the proposed house. Those services were located on a private road owned and maintained by the Residents Association.

The meeting was reconvened.

Following discussion, Councillor Ritchie proposed that 'there be no objection to this application' There motion was not seconded.

Councillor Ashbourn proposed and Councillor Armytage seconded a further motion, 'that the Town Council object to this application.'

The motion was passed by 4 votes to 1, with 1 abstention and it was **RESOLVED** to object to the application.

### *Revised Consultation*

Response awaited.

#### Conservation & Design

This is not the first application for this new development in the rear garden of this site.

There have been some minor changes to the design of the building in its morphs to arrive at this point.

Regarding the south elevation at present the elevation has an over-glazed appearance. The first floor doors should be reduced to double doors only and the balustrading reduced in length to compensate for this. The ground floor folding doors should be reduced by removing the two end lights.

All windows omitting the two small obscure glass windows on first floor and the light at the die of the main entrance of the west elevation should have a central horizontal glazing bar and the windows should be timber flush fitting casements.

The slate roof to the house and garage is acceptable subject to samples being provided.

A sample of the bricks as a brick panel should be constructed on site and this should be conditioned. The brick bond should be Flemish and the mortar colour a creamy white to emulate lime mortar. A sample of the plinth brick should also be supplied.

The garage should either be side hung double doors or if up-and-over, appear as side hung double doors including black door furniture and recessed central panel to emulate this. The garage should emulate the principle building with central glazing bars on windows, and bricks to match as well as bond and mortar colour.

#### Building Control

No response.

#### Trees & Woodlands

No objections based upon the previous advice.

#### Hertfordshire County Council: Highways : Amended Scheme

##### *Recommendation*

Notice is given under article 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

##### *Advice*

This latest amended application is still showing vehicular access to the proposed site will be via St. John's Wells Court. HCC road hierarchy states that St. John's Wells Court does not form part of the adopted public highway. As St. John's Wells Court is a private road, Hertfordshire County Council as highway authority has no jurisdiction over this section of road and considers that the proposal will not have an unreasonable impact on the safety and operation of the adjoining highways.

#### Hertfordshire County Council: Historic Environment

The following advice is based on the policies in the National Planning Policy Framework , and guidance.

The site lies within Area of Archaeological Significance No.21, as described in the Local Plan. This notes that the area contains a number of important prehistoric, Roman and mediaeval sites, including the medieval town. Evidence recovered during archaeological evaluation during 2012 strongly indicates that archaeological deposits or features are likely to survive within the proposed development site.

The position and details of the proposed development are such, that it should be regarded as likely to have an impact on significant heritage assets. It is recommended that the following provisions be made, if planning permission is granted :

- the archaeological monitoring of all groundworks, e.g. drainage, services, new access etc.
- 1. the archaeological investigation of any remains encountered during this process, and a contingency for the preservation of any remains *in situ*, if warranted.

1. the analysis of the results of the archaeological work with provisions for the subsequent production of a report and an archive, and if appropriate, a publication of these results. the analysis of the results of the archaeological work and the production of a report and archive
2. such other provisions as may be necessary to protect the archaeological interest of the site.

Those recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development.

These recommendations closely follow the policies included within National Planning Policy Statement (policies: 135, 141 etc.), and the guidance contained in the Historic Environment Planning Practice Guide.

In this case two appropriately worded conditions would be sufficient to provide for the level of investigation that this proposal warrants:

#### Condition A

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

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

#### Condition B

i) Demolition/development shall take place in accordance with the Written Scheme of Investigation approved under condition (A).

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

Hertfordshire County Council: Property

No response.

Thames Water

## *Waste*

Surface Water Drainage . It is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

There are public sewers crossing or close to the development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the development would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services.

## *Sewerage infrastructure capacity*

No objection.

Note: The agent has recently sent the LPA a letter from Thames confirming formal agreement to connect to the foul sewer in St Johns Well Court.

## Affinity Water

Comments awaited.

## Comments received from local residents/ Response to Newspaper Advertisement/ Site Notices

Note: There have been no responses to the LPA's second consultation letter upon the amended description and the modification to the access road.

## **Response to Neighbour Notification/ Publicity**

### **3. St Johns Court**

6 Objections

## Access/ Highway Safety/ Parking

The junction of St Johns Well Court onto St Johns Well Lane is sited right near the bend and this can be hazardous as traffic is heavy travelling in and out of the car

park and Waitrose. Concern about safety if more traffic is routed through St Johns Well Court.

St Johns Well Lane is at times a very busy and congested one and at peak times it can take some time to exit onto it from St Johns Well Court. Although it is recognised that an additional one or two cars exiting onto St Johns Well Lane will not lead to gridlock, it does put a further traffic burden on to the lane which is not required as access has already been granted onto the High Street.

St Johns Well Court is a cul-de-sac. It is not suitable for large vehicles. It is proposed that all building materials will be delivered via this route. This will create danger and a hazard for residents who continually use the access road. As well as be a major inconvenience to the residents of 30 flats, some of whom are elderly.

Already there have been a few problems with people parking in our private road because they do not wish to use the council's pay-and-display facilities, the station or Waitrose's now-limited option. Residents and their visitors experience packing problems caused by unlawful parking by the public.

The actual right to access through various parcels of land into St Johns Well Court and into 328a is currently unclear.

It is proposed that all building materials will be delivered via St Johns Well Court, via what one can only assume will be large, wide vehicles. This poses a safety risk for local residents who continually use the access road both by car and on foot (via the public right of way).

The verge over which it is proposed there is an access has been maintained by contractors acting on behalf of St Johns Well Residents Association for many years and while others may hold title documents to the land the St Johns Well Residents have rights in respect of the land.

Maintenance of the road itself. This is a private road and maintained at the cost of all three blocks of residents of St Johns Well Court. The delivery of building materials via St Johns Well Court and the additional traffic from an access point has the potential to cause excessive wear and tear on the road which residents of St Johns Well Court should not have to bear the cost.

### Services

The proposal is to connect to services which are under land owned by St Johns Well Court Residents Association and which, if dug up, will again be to the detriment of the local residents who pay to maintenance. If the plans go ahead they wish to dig sewers and services and this will damage tree roots, verges and potentially surrounding pavements/car park.

Trees on the boundary between the proposed development and St Johns Well Court provide screening for privacy and provide amenity value to the surrounding area. These trees would be affected by any plans to dig up the boundary verge for access.

### Visual Amenity/ Conservation Area

Trees on the boundary between the proposed development and St Johns Well Court provide screening for privacy and provide amenity value to the surrounding area. These trees would be affected by any plans to dig up the boundary verge for access

The green rural feel of St Johns Well Court will be reduced. This is the boundary with the Conservation Area, the verdant nature should be maintained.

There are some fine deciduous trees on the boundary verge and these will be affected by any plans to dig up the verge and to give access over it.

### *Residential Amenity*

Very few households are a one-car unit nowadays and whoever lives in that proposed dwelling could have more than one vehicle and will have visitors, with the temptation being to park in our road if they already have access to it. On top of that, there is the loss of privacy, the extra traffic and noise that could arise.

Loss of privacy, car parking, traffic generation and noise and disturbance in a highly attractive quiet road and child safety

### *Precedent.*

#### **1. 330 High Street**

##### Response 1

'We are strongly opposed to this latest revised application to build a new build detached dwelling and garage in the rear garden of 328 High Street Berkhamsted, adjacent to my property. I look forward to possibility of revision 16, where the plans could suggest a block of flats with a pool.

The plans represent an overly sized and grotesque design that neither compliments nor enhances the local area. This project would be an active encouragement to make this 'Conservation Area in Berkhamsted'(an oxymoron, that would make me giggle if I wasn't so confused) into a high density residential development, forever changing the character and appeal of the neighbourhood. The detrimental effects would be irreversible and make a mockery of a so called heritage site, and a place of historical interest.

A construction of this magnitude would have such a negative effect on the quality of my life and that of my family, with one neighbour becoming two overnight. This would not help with any housing issues in the local area.

The top of the garden is overlooked by the current property, with the proposed construction dramatically obscuring the natural light and privacy to a garden that provides a relatively private and safe haven to my family. Construction so close to the boundary would also have a major effect to the pond in our garden that provides a safe mating area for Great Crested newts, frogs and goldfish. This would almost certainly make the garden unusable.

We were contacted by local council at the time of the original application, informing us that our property, and that of 328 were now locally listed buildings. So its ok to build a new build in your garden with a garage, with access over a public footpath into an alleyway frequented by families going to the Canal Fields Playground, but I

need permission from them to paint my front door a different colour. Mmmmmn. Only by the 2<sup>nd</sup> or 3<sup>rd</sup> application revision was a statutory public notice displayed at the property.

If I personally had been responsible for any part in this planning application (to construct the carbuncle, rather than objecting), I would use this case to illustrate how I exposed local planning as impotent, and a waste of tax payers money. Being the boaster that I am (not one of my most endearing features, sorry). I would most definitely use this case, a feather in my cap, to gain more local work. I would be sure to drop in a few clichés in my sales pitch, such as ‘friends in high places’, and ‘it’s not what you know’...and in the face of the outcome where victory was snatched from the jaws of defeat, who could prove me wrong? Win win for me, yah.

I would in no way suggest that this was the case here, but only what I would do if the tables were turned.

This planning application was previously rejected by Berkhamsted Planning, and rejected unanimously by 12 members of the Development Control Committee, before miraculously being granted permission by central government.

As you are actually powerless to stop this development, I should considering invoicing you for my time in writing an objection letter each time a new planning revision is posted through by door. I wonder if they would let my kids use their pool (potentially in revision 16), so they could get a modicum of enjoyment out of our overlooked garden’.

## Response 2

'I object completely to this planning application. It's not worth going over the historical injustice of this application, and the irreversible precedent that this sets. In the future I see absolutely no reason as to why I shouldn't submit a planning application of my own with the same access route to the new property. It's strikes me as comedy of errors that suddenly people have objections to this planning application, when they let is reach the stage where they are powerless to stop this tandem construction. But by doing so, they have made it possible for the vast majority of residents in the strip to follow suit, and exploit the access via St. John's well court. This of course depends on the applicants, and whether they want to use this strip of land behind our properties to deny us the chance to reap the rewards and double our money by building a new house in our back gardens'.

## **Considerations**

The main issues are:

- The principle of accommodating a dwelling at the site,
- The effect upon the character and appearance of Berkhamsted Conservation Area , and
- The range of other environmental/ design/ access- parking implications.

This assessment is with specific reference to what can be built under the extant two



approved schemes as the respective 'fall back positions' and the material differences between these and the proposal.

As confirmed the material differences between the recently granted permission and the proposal is the access from St Johns Well Court and the lack of a planning obligation.

### Policy and Principle

The site is located within the urban area of Berkhamsted wherein the principle of residential development is acceptable.

Due to the land's Conservation Area status it is a requirement for new developments to be carried out in a manner which conserves and enhances the established character or appearance of the area. These are the expectations of Core Strategy Policy 27 (Quality of the Historic Environment), DBLP Policy 120 and the NPFF.

### Design /Layout/Character and Appearance of the Conservation Area

In supporting the previous scheme the Report noted, inter alia, that:

'The enlarged basement will have no material effect upon the appearance of the Conservation Area. Due to its domestic use there will be no change to the CA'S existing character. It is expected that the workshop will be for domestic purposes and therefore there will be no resultant increased noise and disturbance.

The relocated garage's design and location is compatible, complementary and subordinate to the appearance of the proposed dwellinghouse itself with no harm to the CA's appearance. Its use for domestic purposes will be reinforce the existing residential character of the area.

The development will accord with the expectations of Core Strategy Policy 27 and DBLP Policy 120'.

In this context the new material consideration is the effect of the new access. The provision of the access will without doubt definitely change the character and appearance of the current unbroken visually attractive verge to St Johns Well Court. It is far from but ideal. However, on balance, it is considered this in terms of its physical / visual impact and level of use have a neutral effect upon the character and appearance of the Conservation Area. This is only the basis that there are permanent restrictions upon the informal roadway being permanently restricted to 'through traffic' between St Johns Well Court and the High Street.

If an application (s) are submitted for other similar proposals with separate vehicular accesses from St Johns Court each will need to be considered upon its/their individual merits.

### Impact upon the Residential Amenity of 326 , 328 and 330 High Street and St Johns Well Court

In supporting the previous scheme the Report noted , inter alia, that:

'PINS raised no objections to the impact upon the residential amenity of the locality. This fully took into account the objections raised by the neighbour at no.330.

The introduction of a basement should not materially change the impact. The use of part of the basement as a workshop is not for commercial purposes and any associated noise would be 'contained' by the effect of the basement. The garage would not be detrimental to the residential amenity of nos. 328, 330 or wider area in terms of its impact. This is with due regard to privacy, physical impact, the use/receipt of light to the garden, noise and disturbance and the expectations of Core Strategy Policy 12 and the saved DBLP Appendix 3'.

The provision of the access from St Johns Well Court is a **significant material change** to consider. The flats in St Johns Well Court were not adversely affected by the previously approved schemes.

The current proposal's resultant introduction of vehicular movements onto St Johns Well Court will create increased noise, disturbance and headlamp glare. Also there can be use of the vehicular access by no.326 and 328. The impact by further vehicles can be mitigated by the **now** bollard restrictions upon the use of the informal roadway. With this restriction, **on balance**, it is not considered that there would such a high level of harm to justify a refusal. As confirmed above if an application (s) are submitted for other similar proposals with separate vehicular accesses from St Johns Court each will need to be considered upon its/ their individual merits in terms of the effect upon residential amenity.

No. 328 will environmentally benefit from the revised layout.

#### Highway Safety ( Vehicle/ Pedestrian), Traffic Generation, Access and Parking

Hertfordshire County Council Highways has raised no objections as in the case of the approved schemes

With no identified highway safety/ access/ vehicular turning and the provision of bollards within the existing connecting access road, there are no apparent inbuilt highway objections.

Previous Condition 2 of Planning Permission 4/01819/14/FUL is not now recommended as there will be no additional use of the access road, however is subject to an informative given the current poor level of visibility..

There will be a second space in front of the dwelling, with parking available at the side of the dwelling.

Access for persons with disabilities. for persons /with limited mobility will benefit from the revised access arrangements, given the improved accessibility /closeness, layout design and no need to use the elongated gravel access road from the High Street,

There are no fire access objections.

### Ecological Implications/ Biodiversity

Hertfordshire Biological Records Centre previously confirmed there were no inherent objections, reinforced by PINS decision.

In accordance with the Policy CS29 ( Sustainable Construction) the provision of bat and bird boxes and the planting of an additional tree are recommended.

Given the local area character - old buildings, water and trees- these represent the type of habitat conditions favourable to bats.

### Drainage Flooding/ Drainage

The principle of new development is acceptable in this Flood Zone 1. The Environment Agency has previously raised no objections to the provision of the approved smaller basement. Given this background and the Appeal decision there are no apparent objections.

As before surface water will be addressed by a soakaway system. Permeable surfaces are proposed for the car parking area. The foul drainage will by connection to the existing main sewer in St Johns Well Court to which Thames Water raises no objection.

### Contamination

Standard contamination conditions would normally be expected/ recommended in this location due to the site history. However, there is a need to give due weight to PINS decision which very surprisingly disagreed the need for such conditions. Given this and despite the excavation involved a case for 'standard' contamination conditions could not be justified.

### Crime Prevention/Security

There have been such objections to the previous schemes.

With restrictions upon the use of access road for a vehicular link between St Johns Well Court and the High Street there are likely be less resultant conflicts between users.

The garage's location ensures safer environment for car security.

### Approach to Sustainable Construction

The design has sought to take advantage of the North – South axis/ orientation. The garage creates benefits by opening up the garden. With the exception of the above mentioned recommended additional biodiversity benefits the submitted Core Strategy CS29 Sustainable Design construction and Deign submission is otherwise acceptable.

### Archaeological Implications

An archaeological condition is necessary to reflect the approach to Planning Permission 4/01819/14/FUL.

### Exterior Lighting

The approach is acceptable. There will be no new lighting along the existing roadway beyond the dwelling.

### Environmental Impact Assessment

This is not necessary.

### Planning Obligation

This is no longer required due to the national changes upon the provision of contributions.

### Response to the representations from no.330 High Street

As before there has been severe criticism raised about the process. The previous report noted:

*'It is normal practice for the a Case officer with previous experience of a site to deal with subsequent applications as they will know best the issues at hand. It is refuted that the Case Officer, who is bound by the Code of Conduct of their professional body, is biased.'*

*The LPA considers that in the processing of the previous application correct procedures were followed. One site notice displayed at the St Johns Well Lane- St Johns Well Court junction. This was in addition to extensive neighbour notification to residents of the immediately surrounding area. Albeit not necessary, in response to the ongoing criticism by the owner/ occupier of no.330 regarding publicity, the LPA has displayed the second notices. The second is at the High Street frontage.*

For clarification for the current application a site notice was placed upon the site frontage to the High Street. At the time of writing it was still in place. As confirmed a second later site notice has been installed in St Johns Well Court.

### **Conclusions**

The fundamental material differences between the approved schemes and the current proposal are the means of access and the lack of a planning obligation.

The provision of the access will change the character of the current unbroken attractive verge to St Johns Well Court. It is not ideal, but on balance, this will have a neutral effect upon the character and appearance of the Conservation Area. This is only on the basis that there are permanent restrictions upon the informal roadway being permanently restricted to 'through traffic'. The planning obligation is no longer

necessary.

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

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

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

- 2 **The development hereby permitted shall be carried out fully in accordance with the materials specified by Drawing No. 271 Revision B and all the windows and doors shown by this drawing (other than the aluminum patio doors) shall be of stained timber and all rainwater gutters and downpipes shall be of black painted metal timber.**

Reason: In the interests of the character and appearance of the Conservation Area to accord with Policy CS 279 of Dacorum Core Strategy .

- 3 **Before the occupation of the dwellinghouse hereby permitted the access and all the blocked paved area shown on Drawing No. HSI11 272 Revision A shall be upgraded fully in accordance with the specified details on the plans hereby approved. Once carried out the upgraded paved area, bollards and exterior lighting shall all be retained and maintained at all times in accordance with the approved details.**

Reason: In the interests of highway safety and crime prevention in accordance with Policies CS9, CS12, CS29 and CS32 of Dacorum Core Strategy and saved Policies 51, 54 62, 63, 113 and Appendix 8 of Dacorum Borough Local Plan.

- 4 **Before the first occupation of the dwellinghouse hereby permitted the landing window in the west elevation shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.**

Reason: To safeguard the residential amenity of the existing dwellinghouse and No.330 High Street to accord with the requirements of Policy CS12 of the Dacorum Core Strategy.

- 5 **a) The development hereby permitted shall be carried out in accordance with the approved Written Scheme of Investigation for archaeological Strip, Map and Record and Watching Brief submitted in support of planning application.**

**b) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.**

Reason: To safeguard the site archaeology to accord with the requirements of Policy CS27 of the Dacorum Core Strategy and saved Policy 117 of Dacorum Borough Local Plan.

**6 Notwithstanding the details specified by the submitted Sustainable Design and Construction Statement, the development hereby permitted shall be carried out in accordance with the respective requirements of criteria (h) and (j) of Policy CS 29 (Sustainable Design and Construction) of Dacorum Core Strategy requiring:**

- 1. The planting of one new tree following the first occupation of the dwellinghouse hereby permitted , and**
- 2. The installation of bird and bat boxes.**

Reason: To ensure the sustainable development of the site in accordance with the relevant sustainable construction biodiversity and landscaping criteria subject to Policy CS 29 of Dacorum Core Strategy .

**7 The development hereby permitted shall be carried out in accordance with the following plans subject to the requirements of the other conditions of this planning permission:**

**Drawing Nos. 272 B, 271B and 272 C.**

Reason: To safeguard and maintain the strategic policies of the local planning authority and for the avoidance of doubt.

#### ARTICLE 31 STATEMENT

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

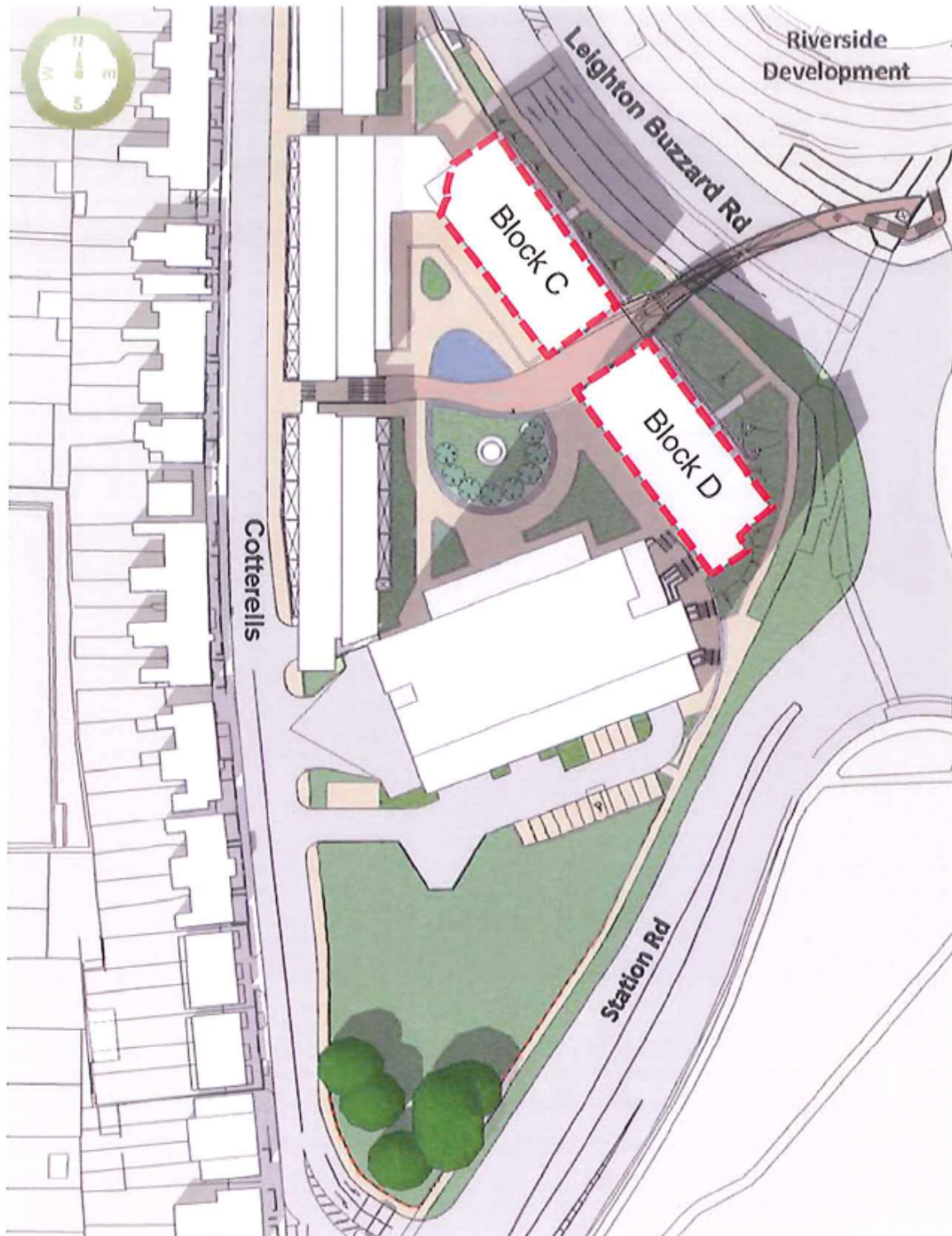
#### Informative

It is recommended that there are improvements to the visibility for the existing access serving the existing parking area serving no. 328 High Street by altering the boundary fence as previously approved.

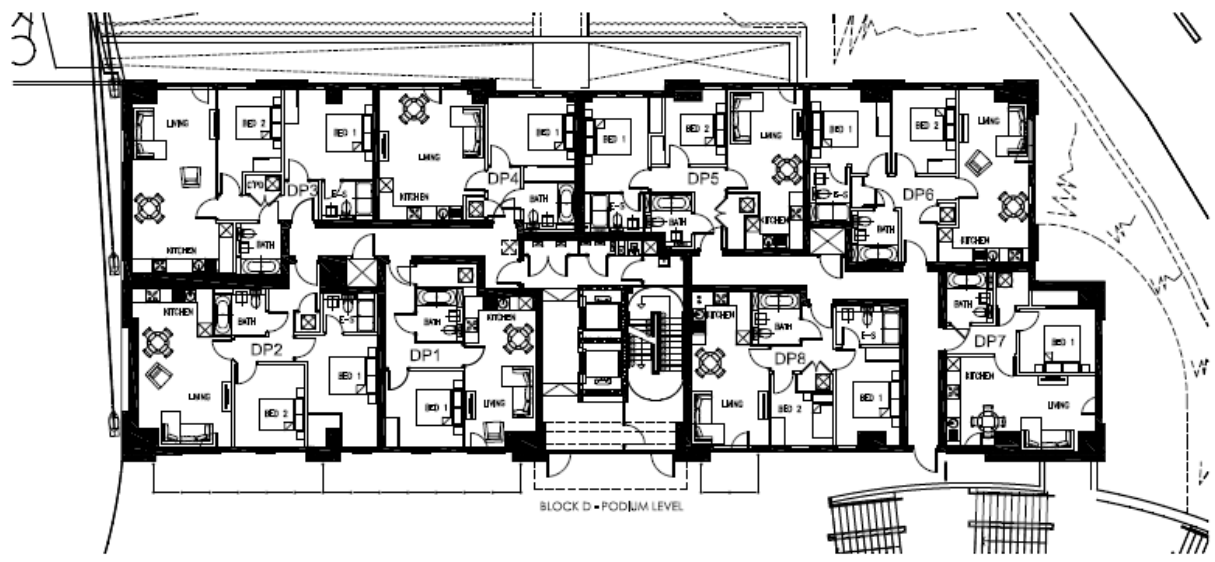
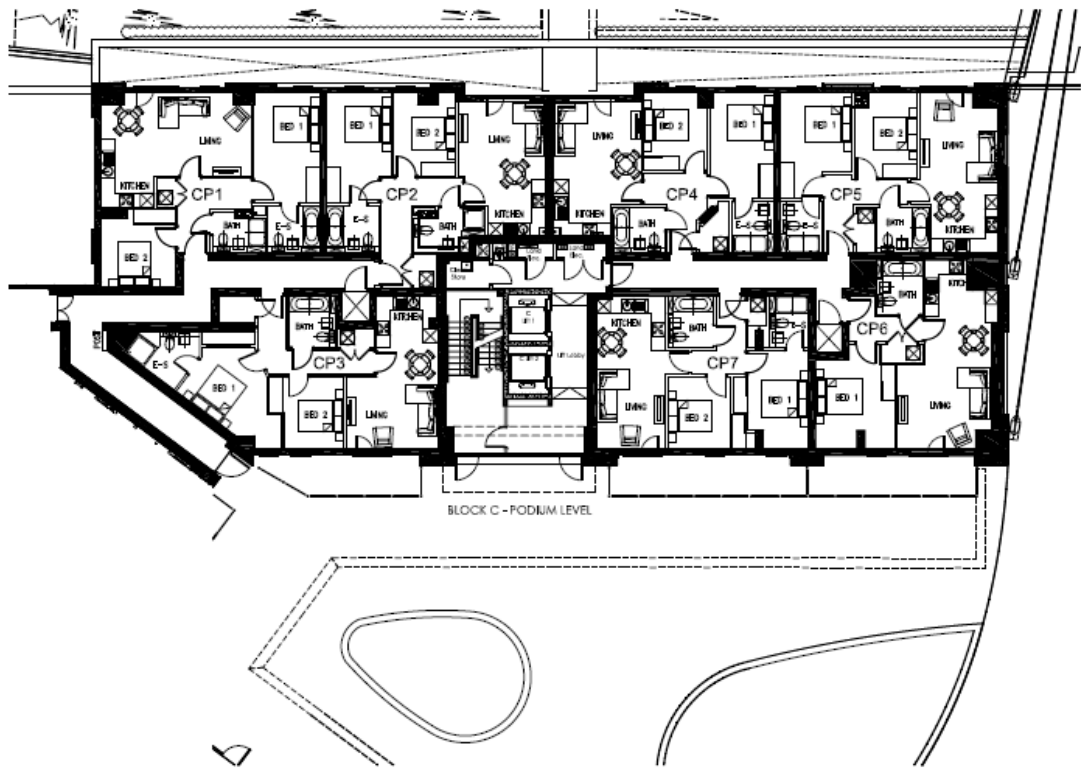
## ITEM 5.08

4/03763/14/MFA - CHANGE OF USE OF FOUR LONG TERM VACANT RETAIL UNITS AT PODIUM LEVEL OF BLOCKS C AND D TO A TOTAL OF 15 ONE AND TWO BEDROOM CLASS C3 APARTMENTS

IMAGE DEVELOPMENT, LEIGHTON BUZZARD ROAD, HEMEL HEMPSTEAD



**4/03763/14/MFA - CHANGE OF USE OF FOUR LONG TERM VACANT RETAIL UNITS AT PODIUM LEVEL OF BLOCKS C AND D TO A TOTAL OF 15 ONE AND TWO BEDROOM CLASS C3 APARTMENTS  
IMAGE DEVELOPMENT, LEIGHTON BUZZARD ROAD, HEMEL HEMPSTEAD**





**4/03763/14/MFA - CHANGE OF USE OF FOUR LONG TERM VACANT RETAIL UNITS AT PODIUM LEVEL OF BLOCKS C AND D TO A TOTAL OF 15 ONE AND TWO BEDROOM CLASS C3 APARTMENTS**

**IMAGE DEVELOPMENT, LEIGHTON BUZZARD ROAD, HEMEL HEMPSTEAD**

**APPLICANT: Spectrum (Hemel Hempstead) Ltd**

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[Case Officer - Andrew Parrish]

## **Summary**

The application is recommended for approval. Despite extensive and robust marketing since 2010, the retail units remain vacant and unlet. This has resulted in the units detracting from the wider podium and public realm with boarded up frontages and the absence of day to day activity. Whilst the marketing of the units has taken place during one of the deepest downturns in recent history, it must nevertheless be recognised that there are significant and specific constraints to the attractiveness of the units in this case. In view of this, it is considered that it would be difficult to object to the current application to convert these vacant units to residential use. The introduction of apartments to the podium area will introduce active frontage to the space, helping to revitalise this public square. The proposal is considered acceptable in its design and layout. Adequate parking and access is available, the proposal would comply with sustainability principles and would mitigate the impacts of the development through provision of contributions to children's play area facilities nearby and cycle infrastructure links in the town centre.

## **Site Description**

The application site comprises the podium level to Blocks C and D (Cranstone Lodge and Moorend Lodge) which form part of the Image development (former Kodak site) which is positioned between Leighton Buzzard Road to the east, Cotterells to the west and Station Road to the south. The site extends to 0.1 ha and comprises four long term vacant retail units benefitting from A1, A2 and A3 flexible uses located on the eastern side of the development. The units front the internal courtyard of the podium level which is a public square linking Cotterells with the town centre via a pedestrian bridge across the Leighton Buzzard Road, onto which the units also front.

Blocks C and D rise to 6 and 8 stories above podium level and contain 119 residential apartments. The recently refurbished KD tower to the north extends to 21 stories. Together with 3 further residential blocks which were developed as part of the same scheme, the Image development comprises in total 455 dwellings, new retail and commercial floorspace with significant public realm improvements including a bridge and public square.

In place of 4-storey office development identified under the governing permission (4/02790/06/MFA), permission has recently been granted for construction of 9 x 2 bed apartments and 49 parking spaces immediately to the south of the KD tower. Further to the south is public open space in the form of Heath Park that forms part of the overall land parcel associated with Boxmoor Trust land. To the west of the site are two storey Edwardian terraced houses and later infill. To the east is the Riverside Shopping Centre.

The site falls within the town centre.

## Proposal

permission of sought to change the use of four long term vacant retail units located at podium level to a mix of 15 one and two bed apartments comprising 4 x 1 bed and 11 x 2 bed units.

## Referral to Committee

The application is referred to the Development Control Committee at the request of the Ward Councillor.

## Planning History

- 4/00519/14/PRE CHANGE OF USE OF VACANT RETAIL UNITS AT PODIUM LEVEL TO RESIDENTIAL.  
Unknown  
11/06/2014
- 4/02013/13/FUL NINE TWO-BEDROOM APARTMENTS AND FORTY NINE CAR PARKING SPACES, WITH ASSOCIATED LANDSCAPING  
Granted  
24/12/2013
- 4/01415/11/MFA THIRTEEN RESIDENTIAL UNITS (TWELVE 3-BEDROOM AND ONE 2-BEDROOM) WITH ASSOCIATED ANCILLARY DEVELOPMENT AND LANDSCAPING  
Granted  
10/04/2012
- 4/00203/13/PRE 6 RESIDENTIAL UNITS AND 61 PARKING SPACES.  
Unknown  
18/06/2013
- 4/00460/11/PRE PROPOSED DEVELOPMENT OF TWELVE TERRACED 3-STOREY TOWNHOUSES WITH ASSOCIATED ANCILLARY DEVELOPMENT  
Unknown  
03/05/2011
- 4/01148/10/VAR VARIATION OF SECTION 106 AGREEMENT  
Granted  
07/06/2011
- 4/01234/08/RO C VARIATION OF CONDITION 5 (THE STAND ALONE OFFICE BUILDING IDENTIFIED AS BLOCK H SHALL BE COMPLETED (SHELL AND CORE) PRIOR TO THE OCCUPATION OF 90% OF THE PRIVATE RESIDENTIAL UNITS) OF PLANNING PERMISSION 4/02790/06 (PART CONVERSION, PART REDEVELOPMENT TO PROVIDE 6983sqm OF OFFICE (CLASS B1), 1631sqm OF RETAIL ACCOMMODATION

(CLASSES A1, A2, A3) AND 434 RESIDENTIAL UNITS WITH TWO LEVELS OF CAR PARKING, CONVERSION OF UPPER FLOORS OF EXISTING TOWER TO RESIDENTIAL AND CREATION OF SIX NEW BUILDINGS WITH PUBLIC SQUARE AND ADDITIONAL LANDSCAPING, REMOVAL OF EXISTING FLYOVER AND CONSTRUCTION OF NEW PEDESTRIAN BRIDGE (AMENDED SCHEME)

Granted  
22/08/2008

4/00407/08/RO C VARIATION OF CONDITION 5 (THE STAND ALONE OFFICE BUILDING IDENTIFIED AS BLOCK H ON THE APPROVED PLANS SHALL BE COMPLETED (SHELL AND CORE) WITHIN 16 MONTHS OF 75% OF ALL PRIVATE RESIDENTIAL UNITS BEING OCCUPIED, UNLESS OTHERWISE AGREED IN WRITING BY THE LOCAL PLANNING AUTHORITY) OF PLANNING PERMISSION 4/02790/06 (PART CONVERSION, PART REDEVELOPMENT TO PROVIDE 6983sqm OF OFFICE (CLASS B1), 1631sqm OF RETAIL ACCOMMODATION (CLASSES A1, A2, A3) AND 434 RESIDENTIAL UNITS WITH TWO LEVELS OF CAR PARKING, CONVERSION OF UPPER FLOORS OF EXISTING TOWER TO RESIDENTIAL AND CREATION OF SIX NEW BUILDINGS WITH PUBLIC SQUARE AND ADDITIONAL LANDSCAPING, REMOVAL OF EXISTING FLYOVER AND CONSTRUCTION OF NEW PEDESTRIAN BRIDGE (AMENDED SCHEME)

Refused  
16/04/2008

4/02790/06/MFA PART CONVERSION, PART REDEVELOPMENT TO PROVIDE 6983sqm OF OFFICE (CLASS B1), 1631sqm OF RETAIL ACCOMMODATION (CLASSES A1, A2, A3) AND 434 RESIDENTIAL UNITS WITH TWO LEVELS OF CAR PARKING, CONVERSION OF UPPER FLOORS OF EXISTING TOWER TO RESIDENTIAL AND CREATION OF SIX NEW BUILDINGS WITH PUBLIC SQUARE AND ADDITIONAL LANDSCAPING, REMOVAL OF EXISTING FLYOVER AND CONSTRUCTION OF NEW PEDESTRIAN BRIDGE (AMENDED SCHEME)

Granted  
29/06/2007

4/01232/06/FUL REFURBISHMENT OF MAIN KODAK TOWER AND REDEVELOPMENT OF SITE TO PROVIDE OFFICE, RETAIL/RESTAURANT (CLASS A1, A2 AND/OR A3), GYM (CLASS D2) USES, AND 470 RESIDENTIAL UNITS WITH TWO LEVELS OF CAR PARKING, PROVISION OF A PUBLIC SQUARE, REMOVAL OF EXISTING FLYOVER AND CONSTRUCTION OF NEW PEDESTRIAN FOOTBRIDGE

Refused  
27/11/2006

## **Policies**

National Policy Guidance

National Planning Policy Framework (NPPF)

## National Planning Policy Guidance (NPPG)

### Adopted Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport  
CS9 - Management of Roads  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS13 - Quality of Public Realm  
CS16 - Shops and Commerce  
CS17 - New Housing  
CS19 - Affordable Housing  
CS25 - Landscape Character  
CS29 - Sustainable Design and Construction  
CS31 - Water Management  
CS32 - Air, Water and Soil Quality  
CS33 - Hemel Hempstead Urban Design Principles  
CS35 - Infrastructure and Developer Contributions

### Saved Policies of the Dacorum Borough Local Plan

Policies 10, 12, 13, 18, 19, 21, 37, 39, 51, 54, 58, 61, 62, 63, 100, 129  
Appendices 1 (*to be updated through the CPlan sustainability checklist*), 3, 5 and 6

### Supplementary Planning Guidance/Documents

Environmental Guidelines  
Accessibility Zones for the Application of Car Parking Standards July 2002  
Water Conservation & Sustainable Drainage  
Energy Efficiency & Conservation  
Advice Note on Achieving Sustainable Development through Sustainability Statements  
Sustainable Development Advice Note  
Planning Obligations SPD April 2011  
Affordable Housing SPD 2013

### Advice Notes

Sustainable Development Advice Note (March 2011) *Note: This is in the process of being updated to reflect the content of the adopted Core Strategy*

## **Summary of Representations**

### SPAR (in summary)

The principle of residential redevelopment is acceptable here in accordance with

Policy CS4 of the Dacorum Core Strategy. Subject to satisfactory plans and information in terms of the details of the scheme and to agreement on affordable housing and other infrastructure provisions through a s106 agreement, I consider that an application could be supported.

We continue to share this general approach providing there is clear evidence of marketing of the units for A-Class Uses. It is outside the core shopping area so we do not envisage any significant impact on the role of the wider town centre. We understand the units have remained vacant since completion of the development in 2010 and that they have been marketed by LSH since then. This would appear to point to a clear lack of interest/suitability for these uses.

The proposal will provide for a mix of 1-2 bed flats which is welcomed (Policy CS18). Obviously, our concern is that the conversion allows for adequate amenities for the new residents in terms of amenity space, parking, etc. (Policy CS12). A degree of flexibility is reasonable given it involves a conversion of an existing building and opportunities are constrained by the wider Image development. In terms of parking, this is a town centre location and some leeway over parking is reasonable (saved DBLP Policy 58) subject to the views of the local Highway Authority.

We note that the number of units proposed would justify a 35% contribution for affordable homes (Policy CS19). We note that the applicant claims that the scheme would not be viable with this level of contribution, and have provided an open book financial appraisal to support their approach. Policy CS19 (c) does allow viability issues to be taken into account. The views of the Strategic Housing team should be sought on this matter taking into account recent changes to the NPPG on affordable housing.

#### Strategic Housing (in summary)

There has been correspondence regarding the vacant building credit. This correspondence established that the site would be exempt from an affordable housing contribution as all the units proposed for conversion have been vacant for over three years.

#### Initial comments

To meet the affordable housing policy requirements 35% of the dwellings should be agreed for affordable housing. Therefore 5 affordable housing units should be agreed for affordable housing on this site. We would specify that the tenure mix of the affordable housing provision is 75% affordable rented and 25% shared ownership in line with our Affordable housing SPD.

#### Highway Authority (in summary)

Does not wish to restrict the grant of permission subject to informatives and conditions covering construction management plan, materials and equipment to be used during the construction to be stored within the curtilage of the site, wheel washing, materials to be stored within site during construction, consents for working on the Highway.

Transport issues are covered in paragraphs 4.16 to 4.19 of the Planning Statement and in the Design & Access Statement. Additional parking spaces have been provided through the revised proposals for Block H (DBC permission ref 4/02013/13/FUL). No further changes to parking arrangements on the site are proposed. There will be minimal changes in trip patterns to and from the site and that these will be mitigated by its relatively high accessibility. I therefore conclude that this development, were it to be granted permission and to be implemented, would not have a material impact on vehicle movements in the vicinity. I therefore recommend that permission is granted as long as any permission is supported by a S106 agreement setting out contributions towards TravelSmart initiatives and cycling infrastructure in the vicinity.

#### HCC Planning Obligations Officer (in summary)

Requests fire hydrant provision, as set out within HCC's Planning Obligations Toolkit.

#### Assistant Team Leader – Design & Conservation

My only concern from a design perspective is the loss of potential mixed use from what is a large expanse of high density residential development.

This scheme has been struggling to sell residential units since its completion and I am concerned that a further 15 units will not help this situation unless a different offer is provided for these units.

I also wonder if the price of these market rents has been the reason for a low commercial take up of the retail units. I think this needs careful consideration given the close proximity of the high density housing.

#### Trees and Woodlands Manager

There are no tree/landscape implications.

#### Herts Fire and Rescue

We have examined the drawings and note that the access for fire appliances and provision of water supplies appears to be adequate.

Further comments may be made when we receive details of the Building Regulations application.

#### Crime Prevention Officer (in summary)

1. Secured by Design physical standard:

- The proposed flats will have their communal entrance off existing communal access doors. Therefore the visual and audible access control should be extended to the new flats.
- The flat entrance doors off the communal corridors should be to BS PAS 24:2012

(internal standard).

- If exterior windows are replaced on the conversion then they should be BS PAS 24:2012 and incorporate laminate glass as one of the panes of the double glazing

## 2. Defensible space:

Where flats abut onto the podium deck they will need defensible space in front of their windows. A line is shown on the plan, but no detail. They should be given an area along the length of the flats, possibly protected by 1.2m railing? This will help residents feel at ease within their flats and hopefully they then won't permanently have their curtains closed to prevent others looking into their flats, and thus keep that elevation active.

### Thames Water In summary)

With regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

### Response to Neighbour Notification / Site Notice / Newspaper Advertisement

### Navigation Estates (in summary)

#### Objects:

- Our business is an Estate Agency, where footfall is a key factor in its ongoing performance. We were sold the retail unit 1 on this basis, have suffered since we occupied the premises in January 2012 and will continue to suffer if the Planning Application is granted. We could point to the fact that the business has continued to lose money given the current lack of retail outlets in the vicinity.
- 1. We were sold 1 KD Plaza on the basis of thriving retail area within 1.5 years and the purchase was a strategic investment by us as a business. The sales information stated 'The appeal of image is obvious: stylish new apartment's right in the heart of Hemel Hempstead, with shops and café's on site.....'
- 2. Part of the original Planning Application – Officers report for Planning Application – 4/00407/08/ROC states that 'The development was assessed under Policy 29 of the Local Plan that sets out the employment strategy ..... one of the main aims of the policy is to sustain the health and prosperity of the local economy.....' The granting of the Application would hinder this in terms of economy and employment.
- 3. Spectrum's marketing of the units seem to be very low key and we are not sure where they are being marketed and that Spectrum are making a concerted effort to sell units at competitive market price, which gives rise to speculation that the long term aim was to apply for Change of Use, as they are more valuable as residential, than retail. On a more specific note we have been asking Spectrum to add directional signage to the retail Plaza as promised at point of purchase, but we are still awaiting this, which again gives an indication of lack of interest in the retail units.
- 4. We also believe all parking originally allocated to retail units have now been committed elsewhere, probably to SJD Accounting. And that each of the 4 retail units has only 1 parking space allocated to them now, which will not be attractive

to would be purchasers. Our retail unit is considerably smaller and we have 4 parking places.

5. In theory the Image development could/should be as successful as that at Apsley Lock (as both developments have very similar numbers of residential units and both have a public amenity space) – indeed the five commercial units at Apsley Lock didn't sell immediately and it was a long drawn out process that took at least 6 or 7 years before occupancy levels reached 100%. Now it's a great place!

Letter from SHP Chartered Surveyors on behalf of Navigation Estates and Advance Insurance - objects:

6. Contrary to policies that seek to protect and provide retail opportunities in particular within town centres. Policy CS16 which seeks to encourage appropriate new retail development in town and local centres and retain sufficient existing shops in those centres.
7. No indication of rents being offered or flexible terms that have been suggested to try and entice potential occupancy.
  - The site lies within a residential hub in a pleasant environment in close proximity to the main retail area of the town, all of which should be appealing to incoming businesses if the financial situation is provided.
  - The recent economic problems are noted but this is improving and the opportunity to retain the commercial element should be considered in light of this.
  - Part of the original permission was to sustain a level of employment generating use within the site as encouraged and supported now by the Core Strategy (Policy CS16). To allow change of use away from this would be contrary to this aim.
  - The lack of demand from national retailers to Hemel Hempstead does not mean that local businesses would not be attracted to the area.
  - The concept of local companies and businesses occupying the space also conforms with promoting sustainable development.
  - Window areas appear unduly small, limiting light into the rooms.
  - Privacy of occupiers will be affected by passing footfall.

163 KD Tower (in summary)

Objects:

The supporting letter from LSH makes it sound as if there is no demand for retail units here and that it is all doom and gloom. Indeed, Hemel Hempstead has struggled to attract new retailers over the last 4 years as we have been in the biggest recession in our lifetimes. It is therefore not at all surprising that Dandara have failed to find retail clients in such circumstances.

However, the situation is changing very significantly due to a number of factors.

1. The section of Riverside development close to Image has been largely empty since it was built. However in the last few months we have seen a number of very encouraging signs demonstrating that the corner has been turned as regards retailers:



a. Firstly we have had Pandora, a national an up-market jewelry chain, open up in Riverside. For such a business to come to Hemel Hempstead indicates a real upside in the local economy.

b. Top Shop are relocating from the Marlowes shopping centre to just opposite H&M. Again, this is moving the focus of the town much closer to the Image development.

2. We have £4M of investment going into the Jellicoe Water Gardens. This will create a very attractive destination, clearly visible from the Image development.

3. We have a total of over £38M of development going into Hemel Hempstead town centre. The owners of both Riverside and Marlowes shopping centres have met with the CEO of DBC and expressed their belief that this will seriously assist the retail industry in the town centre.

4. The governments proposed extension of Crossrail to include Hemel Hempstead will boost very significantly the appeal of Hemel Hempstead.

The supporting evidence of the application fails to mention that the main block of 250 apartments (KD Tower) had a low uptake until relatively recently. This is because it was launched right at the start of the financial crisis. As of the last few months, Dandara has managed to sell all of the apartments. This will result in greater footfall.

The LSH letter cites lack of frontage on to the main street as being off-putting to retailers. However the situation in Apsley Lock, away from the town centre, demonstrates that sites can be extremely viable. Currently if you look at the Apsley Lock development, there are several restaurants, a convenience store, a hairdresser and a pub. These serve primarily the local residents and are well utilised. The parking situation there is extremely limited, much more so than in the vicinity of Image. Furthermore, none of these restaurants are visible from the road. The size of these units is small compared to the vacant Dandara units. One therefore questions the approach Dandara has taken to date.

In questioning their approach, one should consider the size of the empty units at Image. They are all over 2,400 sq ft and three of them are over 2,800 sq ft. These are extremely large for local stores. It is a size more appropriate for a high street and a major chain. It is therefore of little surprise that there has not been greater uptake. If the units were to be split up into smaller sizes there may well be a better uptake. Indeed the evidence of this is that the two units that are taken are only around 1,100 sq ft.

As a resident here, I would be very pleased to see some local stores such as a convenience store, newsagent, café, hairdresser.

In summary, given the economic depression over the last few years, I dont think Dandara have made a compelling case that the units are not viable for retail. I believe it is mainly a symptom of the economic climate and that is why the rest of the town has suffered. I believe they are trying to capitalise on this in order to get the

extra residential developments approved. Now that the economy is picking up I would expect the situation to change. I also think Dandara need to be more flexible in their offer to market. They should be promoting smaller units with an option to combine them should a retailer want a larger space. This is what happens in other places such as Marlowes shopping centre.

## **Considerations**

### Policy and principle

The site falls within Hemel Hempstead town centre where, under Policies CS1 and CS4, a mix of uses is encouraged. The principle of residential redevelopment is acceptable subject to complying with other relevant criteria.

The site falls within the Plough Zone of the Hemel Hempstead Town Centre Masterplan June 2012 wherein improvements are sought to the quality of the public realm, wayfinding and improved pedestrian and cycle movement.

Policy CS17 encourages the development of housing to meet the district housing allocation. Saved Policy 10 of the Dacorum Borough Local Plan 1991-2011 encourages the use of urban land to be optimised.

Policy CS16 encourages appropriate retail development and seeks to retain sufficient existing shops in town and local centres.

Policies CS10, 11, 12 and 13 of the Core Strategy are overarching policies applicable to all development which seek a high quality of design in all development proposals

The main considerations with this proposal relate to the background justification and impact in terms of the vitality and viability of the podium area, the marketing endeavours to retain the retail units, suitability of the site to accommodate residential development, the impact of the proposal in design / public realm and landscaping terms on the podium area, the impact in terms of parking and highway safety, and the impact in terms of physical and social infrastructure requirements.

### Background justification

Following the vacation of the former HQ building by Kodak in 2005 to modern premises on the Maylands Business Park, planning permission was granted in 2007 (4/02790/06/FUL) for the redevelopment of the site to principally comprise residential apartments alongside the provision of commercial space in the form of offices and retail.

The retail units were intended to complement existing town centre uses whilst meeting the needs of existing and future residents. The associated public square and retail units were complementary to each other.

Seven retail units (allowing for A1, A2 and A3 uses) were completed in 2010 on the podium level and units 1 and 2 have since been let to Navigation Estates (an A2

use). Units 3 to 7 have, despite robust and thorough marketing by Lambert Smith Hampton, remained vacant and unlet. This has resulted in the units detracting from the wider podium and public realm with boarded up frontages and the absence of day to day activity. This has created a negative appearance along Leighton Buzzard Road and within the podium area.

The proposal is to convert four of the vacant units (leaving one available to let for A1, A2 or A3 uses) into 15 one and two bed apartments, representing the most efficient and effective use of previously developed land to meet housing need. The introduction of apartments to the podium area will introduce active frontage to the space, helping to revitalise and engage with the public realm area.

### Marketing

Whilst Policy CS16 encourages the provision and retention of retail space, in this case, the four retail units have never been occupied despite extensive marketing since their completion in 2010. In support of this position the applicants have submitted a letter from Lambert Smith Hampton (LSH), the marketing agents for the retail units. The letter explains that the UK retail market has been challenging, particularly Hemel Hempstead which has struggled. LSH conclude that the four retail units have struggled to let for the following reasons:

- Hemel Hempstead is not identified as a key retail destination by retailers. There is a general lack of demand from national retailers to locate in Hemel Hempstead. The core Marlowes area experiences higher footfall than the Image podium, yet still contains significant vacant units. A survey in April 2015 identified 29 vacant units in Marlowes, Bridge Street, Riverside , Marlowes Shopping Centre and Bank Court.
- Of those units which have been let within the 'core' town centre area, these have been at low rents and flexible terms.
- Despite the pedestrian bridge, the Image podium is not physically or perceptibly an extension of the town centre, being separated by the Leighton Buzzard Road and consealed by the building envelope. It therefore experiences significantly less footfall and is marginalised as a result.
- A detailed schedule of interest for the units between July 2011 and April 2014 has been submitted which explains why the interest was not followed up in each case. Principal concerns relate to.
- There are a number of servicing, parking and delivery limitations associated with retail occupation of the units.
- Due to the height of Blocks C and D, it is costly and impactal to install ventilation to terminate at roof level for any uses requiring this.

LHS also confirms that the marketing of the units has taken place as widely as possible, and no less than the market norm, being advertised physically on site and on the LHS website.

The applicant has submitted a report 'Retail Marketing Overview' that summarises the extensive and thorough marketing of the units that has taken place. The Schedule of Enquiries from 2011 to the present indicates the main reasons for turning the units down relate to the following:

- Lack of parking 8
- Location not suitable 6
- Size not suitable 5
- Rent too high / Fit out works excessive 5
- Details sent but no response 3
- Unsuitable for use 2
- Lack of footfall 1
- Deliveries yard too far 1

The objections raised by neighbours / occupants are noted. Whilst the marketing of the units has taken place during one of the deepest downturns in recent history, it must nevertheless be recognised that there are significant and specific constraints to the attractiveness of the units in this case many of which appear not to be within the control of the applicant.

In view of the above, it is considered that it would be difficult to object to the current application to convert these vacant units to residential use. It should be noted that the proposal would still retain three units on the podium level for continued A1, A2 or A3 use, although it is accepted that there is a risk of losing the remaining occupied units. Reference is made by the occupant to the need for directional signage to the retail plaza. It is considered reasonable that signage should be provided if permission is granted in order to assist the retention and attractiveness of the remaining podium units. A condition requiring details is recommended.

#### Suitability of the site to accommodate the development

The retail units fall within an area already developed for flatted residential accommodation. In the circumstances they are well located with regards to a residential use of the land. They are also well related to existing services and facilities and in sustainability terms would have good pedestrian access to the town centre and other nearby facilities such as public open space.

The floorspace would be easily adaptable to residential conversion with ready pedestrian access from the Podium level of the Image development with lift access from the car park below. The layout of the residential units has taken on board pre-application advice in respect of ensuring that none of the units are poorly orientated with regards to sunlight. Unit 3 has been omitted from the application in response.

With regards to private outdoor amenity space, it is acknowledged that little can be provided. However, the flats facing the podium clearly have the opportunity to incorporate part of the area within their frontages and the plans accordingly include provision of some semi-private space onto the podium area. Amended plans indicate enclosure in the form of landscaped box planters which will not only provide the robust means of enclosure that the Police Crime Prevention Officer has sought but

also a feature that will help soften the appearance of the development in keeping with the landscaped concept adopted elsewhere in the podium square whilst providing an element of private space to each unit that will encourage residents to actively use these areas thereby helping to enliven the space and compensate for the reduced level of commercial activity within the square.

Given the proximity to public parks in the area, and the agreement to improvements in play space provision to be secured by a s106 planning obligation, no objection is raised to the sub-standard provision of outdoor amenity space in this case.

A landscaping condition is recommended to seek details of the planting and planters.

Dedicated waste and recycling facilities will be provided at basement level adjacent to stair cores serving Blocks C and D.

The proposal would be in accordance with Policy CS11, 12 and 13, and saved Appendix 3.

#### Impact on appearance of building and street scene

The proposed cladding materials, comprising rendered and timber infill panels, opaque spandrel panels and clear glass would seamlessly integrate with the appearance and rhythm of the existing building, and would deliver a high quality facade which maintains the top-middle-bottom architectural vision of the development.

Subject to details of materials, the proposal would comply with Policy CS12.

#### Parking and highway safety

Parking provision should accord with parking standards as assessed against saved Policy 58 and Appendix 5 of the Borough Plan. The site falls within Zone 2 of the Accessibility Zones for the Application of Car Parking Standards (July 2002) where reduced parking standards apply. For 1 and 2-bed dwellings, the requirement is 1 space per dwelling which equates to 17 parking spaces plus 1 long term cycle space per dwelling.

It is understood that the four car parking spaces originally intended for the four retail units the subject of this application have been reallocated to other commercial tenants.

It should be noted that the existing retail floorspace could potentially generate a similar requirement for car parking as the 15 proposed residential units, even taking account of reductions allowed under the 'Accessibility Zones' discount. In the circumstances, overall it is not considered that there would be any additional parking generation than is currently permitted on the site and therefore there would be no additional impact on highway safety. To support the reduction in private car reliance, there are several large secure cycle stores provided within the existing basement parking area with ample space to accommodate more than one bicycle per unit.

It should be noted that planning permission was recently granted on land to the south of the KD Tower fronting Station Road for 9 x 2 bedroom units together with 49 car parking spaces (4/02013/13/FUL). Nine of the spaces are required to be made available exclusively for the 9 units under that permission and associated s106 agreement. The applicant has noted that the remaining 40 spaces would be made available to existing residential units in the Image development that do not currently benefit from a car parking space, including the 15 new residential apartments under the current application.

That application has not been implemented and there is therefore on the face of it no mechanism to require that these are allocated or that that permission should be implemented to secure the 40 spaces. In the circumstances, these spaces cannot be guaranteed. However, the applicant has indicated that in terms of delivery, if the developer responsible for building-out planning ref. 4/02013/13/FUL fails to do so by 19<sup>th</sup> February 2017, the freehold of the land automatically transfers back to Spectrum (Hemel Hempstead) Ltd. The applicant fully expects the developer to complete planning ref. 4/02013/13/FUL within the next 12 months, but have indicated that they do have it within their control to step-in and complete the scheme, and deliver the associated car parking spaces, if required. The applicant has indicated that they are happy for a condition to be imposed to ensure that the parking spaces are made available to the new occupants, but if not required by individual occupants, will be allocated elsewhere within the Image development.

Access would be as existing. The Highway Authority raise no objections on highway safety grounds subject to contributions to cycling infrastructure in the vicinity.

#### Affordable housing and lifetime homes

The Council's planning policies indicate that a housing scheme at this site should include 35% affordable housing, in accordance with Core Strategy Policies CS18 and CS19 and the recently adopted Affordable Housing Supplementary Planning Document. However, this can no longer be sought given the need to offer vacant building credit.

In accordance with saved Policy 18, it is considered that the flats could be suitably adapted in future to be Lifetime Homes compliant.

#### Physical and social infrastructure requirements

The proposal for 17 dwellings would generate additional social and infrastructure requirements and therefore, in accordance with saved Policy 13 of the Local Plan and Policies CS23 and 35 of the Core Strategy, the Council can seek financial contributions towards the reasonable public facilities, services and infrastructure that the development would generate. In view of the introduction of pooling rules from April 2015, generic tariff style contributions as sought under the Council Planning Obligations SPD are no longer legitimate and specific projects must be identified.

As mentioned above, the proposed development does not provide for any play space for children occupying the development. The designated play area at Wharf Road is within walking distance of the site and serves as a LEAP for the Boxmoor end of

town. Based on a typical cost of £30,000 per play area, a contribution of £11,000 towards the replacement and expansion of this facility with appropriate play facilities is considered proportionate.

The Highway Authority has requested contributions towards cycling infrastructure and TravelSmart in the vicinity. A contribution is considered necessary to encourage alternative means of travel given a lack of parking within the Kodak/Image development and the need to provide a suitable range of alternative sustainable access arrangements to the site and nearby facilities. The Hertfordshire Toolkit generates a charge of circa £8000 towards sustainable transport. It is considered that this should be directed towards the provision of a cycle link between Coombe Street and the Plough roundabout, which is identified in the Infrastructure Delivery Plan and Town Centre Masterplan. This is considered proportionate having regard to toolkit evidence and methodology, the contributions made from other town centre developments and against the cost of cycle links per sq m in the IDP.

The County Council has requested the provision of fire hydrants to serve the development in accordance with their standard form of wording within a s106 planning obligation.

It is recommended that the above are secured by a s106 planning obligation.

#### Impact on neighbours

The nearest neighbours are flats within the Image development. It is not considered that there would be any significant impact on these neighbours given the suitable distances and / or orientation of the flats towards the town centre.

The proposal would comply with Policy CS12.

#### Flood risk

The site has previously been assessed as falling within Flood Risk Zone 1 where the chance of flooding is less than 0.1% in any given year. Policy CS31 is relevant.

A flood risk addendum has been received which confirms that there has been no change. The proposed change of use to residential is categorised as "more vulnerable" and in accordance with PPG Table 3, the Flood Risk and Flood Zone Capatibility Table, the development is considered appropriate for Flood Zone 1.

The impermeable area of the development will not increase (indeed may fall with additional planting) and therefore there is no requirement to modify the current surface water management strategy for the site.

#### Sustainability

Any new development should be consistent with the principles of sustainable design as set out in Policies CS29, CS30 and CS31 of the Core Strategy.

The application should be accompanied by a Sustainability Statement and Energy

Statement as required by Para 18.22 of the Core Strategy and Policy CS29. This should be completed on-line through C-Plan. On-line statements have not been submitted in this case. The principal sustainability credential of this proposal is that it is converting existing vacant buildings into new homes in a sustainable location. Given that the proposal relates to the conversion of an existing building, there are only limited on site sustainability measures that can be introduced. However, a sustainability statement is contained within the submitted Design and Access Statement which indicates that the building fabric can be designed to reduce energy usage and carbon emissions. In addition, recycling facilities will be provided to all units together with low flow water appliances and energy efficient lighting and other fitted appliances. The applicant has advised that the building is currently registered under Building Regulations 2010 but that they will be looking to target a 5% improvement in CO2 reductions. An energy statement has been promised and an update will be provided.

A compliance condition would be recommended.

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

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

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

- 2 No development shall take place until details of the materials proposed to be used on the external walls of the development shall have been submitted to and approved in writing by the local planning authority. The approved materials shall be used in the implementation of the development.**

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

- 3 No development shall take place until details of the following shall have been submitted to and approved in writing by the local planning authority:**

- **box planters;**
- **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.**



**The development shall be carried out in accordance with the approved details. The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted. Any tree, shrub or plant which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the local planning authority.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policies CS12 and CS13 of the Dacorum Core Strategy (September 2013) and Policy 100 of the Dacorum Borough Local Plan 1991-2011.

- 4 No development shall take place until details of directional signage to the retail plaza on the podium level shall have been submitted to and approved in writing by the local planning authority. The approved signage shall be erected before occupation of the units.**

Reason: To assist the retention and attractiveness of the remaining podium retail units in the interests of ensuring the best chances for a vibrant and complementary mixed use development in accordance with the original intentions for the public square in compliance with Policy CS13.

- 5 The 15 residential units hereby approved shall not be occupied until the applicant has provided evidence to the local planning authority that 15 car parking spaces have been made available for the use of the 15 residential units, or if not, that the occupant(s) have turned down the offer of car parking.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities in accordance with Policy CS12 of the Dacorum Core Strategy September 2013 and saved Policy 58 of the Dacorum Borough Local Plan 1991-2011.

- 6 The development hereby permitted shall be carried out in accordance with the approved Sustainability Statement contained within the Design and Access Statement and the separate Energy Statement.**

Reason: To ensure the sustainable development of the site in accordance with Policies CS12 and CS29 of the Dacorum Borough Core Strategy (Sept 2013).

- 7 The development hereby permitted shall be carried out in accordance with the following recommendation of the Crime Prevention Officer:**

- **The proposed flats will have their communal entrance off existing communal access doors. Therefore the visual and audible access control should be extended to the new flats.**

- The flat entrance doors off the communal corridors should be to BS PAS 24:2012 (internal standard).
- If exterior windows are replaced on the conversion then they should be BS PAS 24:2012 and incorporate laminate glass as one of the panes of the double glazing.

The measures above shall be provided before any part of the development is first brought into use and they shall thereafter be permanently retained.

Reason: To ensure the security of the site in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013).

- 8 **No development shall take place until a Construction Management Plan shall have been submitted to and approved in writing by the local planning authority. The statement shall provide for:**

- the parking of vehicles of site operatives, contractors and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- timing and routes to be employed by construction vehicles;
- construction access arrangements;
- the erection and maintenance of security hoarding;
- wheel washing facilities;
- measures to control dust and dirt during construction;

The details shall include a plan showing the proposed location of these areas. The approved statement shall be adhered to throughout the construction period.

Reason: To minimise danger, obstruction and inconvenience to users of the highway in accordance with saved Policy 51 of the Dacorum Borough Local Plan 1991-2011.

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

**LN29-DA-001 P1  
LN29-DA-002 P3  
LN29-DA-004 P4  
LN29-DA-005 P4  
LN29-DA-003 P3  
146 FC  
145 FC**

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

Article 31 Statement

Planning permission has been granted for this proposal. The Council acted

pro-actively through early engagement with the applicant at the pre-application stage and during the course of the application which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

Informative:

Before commencing the development the applicant shall contact Hertfordshire County Council Highways (0300 123 4047) to obtain i) their permission / requirements regarding access for vehicles involved in the construction of the development; ii) a condition survey of any adjacent highways which may be affected by construction vehicles together with an agreement with the highway authority that the developer will bear all costs in reinstating any damage to the highway.

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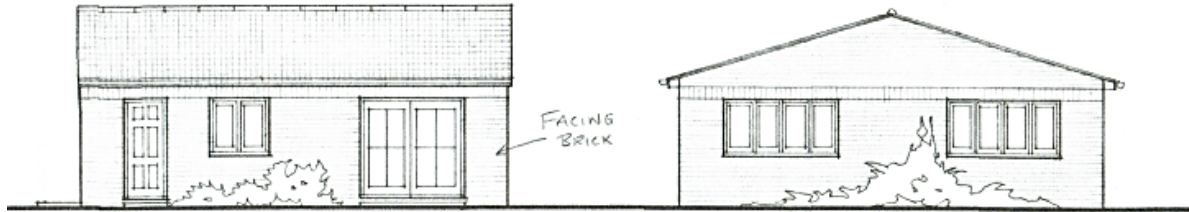
ITEM 5.09

4/00513/15/FUL - CONVERSION OF BUILDING FROM B1(C) TO A RESIDENTIAL DWELLING (C3) WITH REPLACEMENT WINDOW WITH A NEW DOOR (NORTHWEST ELEVATION)

LOWER FARM END, LUTON ROAD, MARKYATE, ST. ALBANS, AL3 8PZ

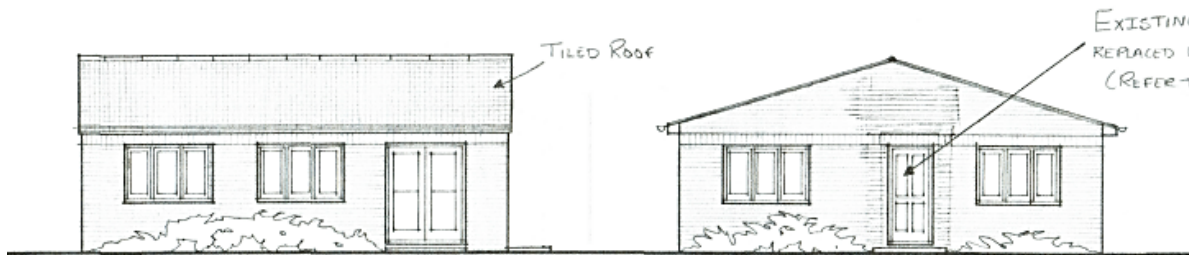


**4/00513/15/FUL - CONVERSION OF BUILDING FROM B1(C) TO A RESIDENTIAL DWELLING (C3) WITH REPLACEMENT WINDOW WITH A NEW DOOR (NORTHWEST ELEVATION)  
 LOWER FARM END, LUTON ROAD, MARKYATE, ST. ALBANS, AL3 8PZ**



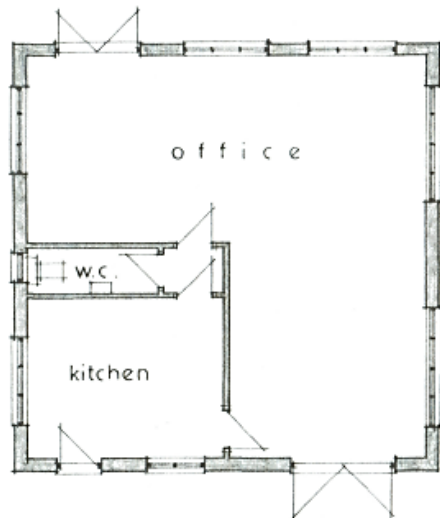
S·W ELEVATION

S·E ELEVATION

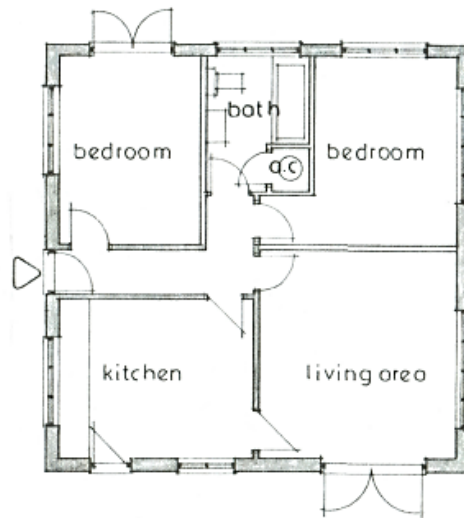


N·E ELEVATION  
 SCALE: 1:100

N·W ELEVATION



EXISTING FLOOR PLAN



PROPOSED FLOOR PLAN

**4/00513/15/FUL - CONVERSION OF BUILDING FROM B1(C) TO A RESIDENTIAL DWELLING (C3) WITH REPLACEMENT WINDOW WITH A NEW DOOR (NORTHWEST ELEVATION)**

**LOWER FARM END, LUTON ROAD, MARKYATE, ST. ALBANS, AL3 8PZ**

**APPLICANT: Mr Wright**

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[Case Officer - Philip Stanley]

## **Summary**

The application is recommended for approval.

The proposed conversion would see the appropriate re-use of a currently vacant building. It is considered to be acceptable development in principle in the Green Belt and, taking into account the very minimal external alterations proposed, would have no impact on the visual amenity or openness of the Green Belt. It is also considered that the proposed conversion to a residential bungalow would result in fewer vehicular movements than that under its current permission and as such would cause no harm to the capacity or safety of the surrounding highway network. Finally the proposed conversion would not injure the residential amenities of surrounding dwellings.

For these reasons it is considered that this application complies with Policies CS5 and CS12 of the Dacorum Borough Core Strategy (September 2014), as well as saved Policy 58 of the Dacorum Borough Local Plan 1991-2011.

## **Site Description**

The application site comprises a modest single storey red brick building set between Luton Road and open farmland, located in the Green Belt. Vehicular access to the site used to be gained from a track linking Luton Road with agricultural land to the south-east. However, a 2 metre high close-boarded fence has been erected on the applicant's side of this track and this blocks off this former access. Now access to the site is gained off Luton Road along the north-east boundary of the site.

To the left of the building are some fruit trees, while there are a small number of these trees to the rear. The frontage has been laid to shingle for parking. There are residential properties on the other side of this tree-lined road. The trees along the north-eastern boundary are subject to tree preservation orders.

## **Proposal**

It is proposed to convert the existing building from B1(c) to a residential dwelling (C3).

Internally the conversion would see the office space (with ancillary kitchen and W.C.) replaced by two bedrooms, living area, kitchen, bathroom and hallway. As such the proposal would see the creation of a tw-bed bungalow.

Externally, it is proposed to replace the central window on the north-west elevation with a new door (into the new hallway).

## Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Markyate Parish Council.

## Planning History

**4/00948/88:** Use of land for growing trees etc, erection of single storey building (office, tool shed, garage) and provision of parking area for use by landscape gardening contractor - **Granted**, but not implemented.

**4/01004/94:** Erection of single storey building (office, tool shed and garage) - **Granted** 29/09/94 with conditions attaching both the land and the building for agricultural purposes or for purposes incidental to the agricultural use of the land.

**4/01894/97/RES:** Submission of materials pursuant to planning permission 4/1004/94 - **Granted** 23/07/98.

**4/00100/08/LDE:** Use of building as an office - **Refused** 05/11/09. The application was refused because the Council was not satisfied, on the evidence provided and available, that the building shown within the red outline of the 1:2500 Ordnance Survey Plan had been used as an office for a continuous period of 10 years. The development was not lawful, and planning permission was therefore required.

**4/00503/11/FUL:** Hard surfacing of existing access with recessed gates. 2m high close boarded fence along boundary with luton road and private access – **Granted** 08/06/11.

**4/00241/12/FUL:** Change of use of barn from agricultural use to B1 light industrial use - **Granted** 07/06/12.

**4/02875/14/OPA:** Change of use of office (Use Class B1(A)) to residential - single dwelling unit (Use Class C3) - **Refused** 03/12/14. This application was refused because the existing building has a lawful use within Class B1 (c) of the use Class Order and this is restricted by planning permission 4/00241/12/FUL, condition 2 to remain within B1(c). The existing use is therefore not within Class B1 (a) and as such the conversion of the building using permitted development rules was not possible and a formal planning permission was therefore required.

## Policies

### National Policy Guidance

National Planning Policy Framework (NPPF)  
Circular 11/95



## Adopted Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS5 - The Green Belt  
CS8 - Sustainable Transport  
CS12 - Quality of Site Design  
CS17 - New Housing  
CS25 - Landscape Character  
CS29 - Sustainable Design and Construction

## Saved Policies of the Dacorum Borough Local Plan

Policies 58, 99 and 110  
Appendix 5

## Supplementary Planning Guidance / Documents

Landscape Character Assessment (May 2004)  
Planning Obligations (April 2011)

## Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

## **Summary of Representations**

### Markyate Parish Council

Object for the following reasons:

1. Change of use.
2. Traffic Congestion, access, traffic, parking and road safety.

### Hertfordshire Highways

Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission for this application, which is for the conversion of the B1 Light Industrial building to C3 residential use.

In broad terms C3 use will not generate as many two trips as a similar size building being used for B1 office use although the peak time movements to and from the site may change the net movements are likely to be less.

This application will continue to see the existing access and there are no plans to modify or change this arrangement.

Hertfordshire County Councils five year rolling personal injury statistics has been checked and there are no recorded details of injury accidents at this location.

On balance the highway authority considers that the proposed change of use will not

have a detrimental impact on the adjacent highway in terms of capacity, congestion, safety or amenity.

### Trees and Woodlands

There are some trees on this site, but they will not be adversely affected by the proposed development.

### Public Rights of Way Officer

Site abuts Public Footpath Markyate

### Response to Neighbour Notification / Site Notice / Newspaper Advertisement

#### The Lodge, Luton Road

The B4540 is not suitable for further residential development at this site. There are only 4 street lights in approx.0.5 mile from the A5 junction to the Caddington Common turn so the site concerned is in darkness. Accordingly access is very dangerous for egress. Views to the right and left on the decontrolled are difficult and there is no pedestrian footpath on that side of the road so, particularly during busy periods, pedestrians take their life in their hands in crossing the road to the footpath on the other side. I can assure you that the traffic moves very fast, often exceeding 60mph as the site is on the slope downhill to the A5. In addition, the B544o is a convenient connecting connecting road between M1 J9 and M1 J10. When traffic is heavy on the M1, and certainly when there has been an accident on the motorway, the B4540 is very heavily used indeed. Furthermore, normal commuter traffic builds up in the morning and evening rush hours to the extent that a queue can build-up past Lower End Farm and my property and the traffic can be stationary sometimes from the A5 junction past Caddington Common turn and approaching the County boundary some 1 mile from the A5 traffic lights.

#### Lower Farm, Luton Road

We wish to object against this planning application.

We have a number of concerns in this regard having read through the application documents and given our experience as close neighbours to this property with the actions taken by Mr Wright in relation to Lower Farm End since he took ownership.

1) the conversion of this small building from B1(C) to residential, a small 1-bedroom bungalow, will in no way solve any housing shortage issues there may be in the local area or proactively drive and support sustainable economic development or deliver houses the country needs. Markyate currently has such a development with over 70 houses being built close to the village centre on a brown field site.

2) this area of green belt has been adversely affected by the construction of this building in the green belt. The planning consent given in 1994 was on the basis that the building and surrounding land should only be used for agricultural purposes. This 1994 consent was found in the 2012 planning consent (4/00241/12/FUL) to have

been an error on the part of the planning office, effectively saying the planning consent in 1994 should not have been given but as the building had been constructed it could be put to use under B1(C).

3) there has already been a significant and demonstrable negative impact on the area from this building and from the actions, both permitted and those outside of the planning consents, and change of use to residential will not lead to an enhancement of the immediate area. Quite the contrary, the owner has actually to date made every effort to act in a way detrimental to the area, 2 metre high close board fencing which despite a previous planning application stating quite clearly it would be 5 metres away from Luton Road and would not be visible from Luton Road clearly is all year round, HGVs and ground work equipment and vehicles have been and are stored on the site, including large diggers, road rollers and dump trucks. We have had a 20 foot shipping container on site for months until an enforcement order was issued to have it removed and for the last 6 months we have lived with a static caravan on site. If the Planning Office consent to this latest application for change of use to residential how will they protect the immediate area from further negative impact, ensure the current issues are dealt with and the owner actually follows the applicable conditions because to date they have failed to do so?

- vehicles allowed to be parked on site
- residential exterior lighting scheme
- size and scale of garden
- removal of any permitted development

4) Mr Wright is clearly not interested in enhancing or maintaining the vitality of this rural community. He has removed several trees from the site and has spoken openly about the fact in his words he 'could make it very difficult' for the local residents should they get in the way of his plans for the property, which appear to change on a very frequent basis.

5) We were interested to read about the need to avoid new isolated homes in the countryside unless this is a re-use of a redundant or disused building. The 2012 planning application and consent on this property shows to us the owner and the Planning Office recognised the building as an office under B1(C). Mr Wright apparently was able to rent it out as such for over a year as documented in a recent application for a change from B1(A) to residential providing evidence to the satisfaction of the Planning Office that it was indeed used as an office. As such we do not see how this building can now be seen as a redundant or disused building. Even if it were to be viewed differently now by the Planning Office our own experience in relation to planning consent on such buildings would suggest a need for a substantial reduction in the size of the building and for it not to be used at all for residential purposes.

6) the site has 24 / 7 access rights to the local farmer to permit movement of heavy machinery to attend to the crops in the adjoining 30 and 80 acre fields. Such access rights and the movement of farm machinery across this property are not conducive to the safety of residents of this property, especially children.

## Considerations

### Policy and Principle

The site is located within the Green Belt, wherein Policy CS5 permits small-scale development such as the appropriate reuse of permanent, substantial buildings, provided that firstly, it has no significant impact on the character and appearance of the countryside; and secondly, it supports the rural economy and maintenance of the wider countryside.

This view conforms to paragraph 90 of the NPPF, which states that the re-use of buildings (provided that the buildings are of permanent and substantial construction) is not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.

Other policies of greatest relevance are CS1 (which expects the rural character of the Borough to be conserved); CS12 (which relates to the quality of the proposals and seeks to avoid harm to neighbouring properties); CS29 (relating to sustainable construction); DBLP 58 (which expects adequate parking provision to be provided on site) and DBLP 99 (where encouragement will be given to the preservation of trees, hedgerows and woodlands throughout the Borough).

### Impact on Green Belt

The principle of re-using this Green Belt building is acceptable because it is of a permanent and substantial construction. In other words this building is here to stay. Should this application be refused then it is likely that the building would remain vacant but would have the same impact on the openness and visual amenity as the proposed conversion to a residential dwelling.

It is considered that the re-use of this building for residential purposes would not have a significant impact on the character and appearance of the countryside. Indeed it has the potential to improve the appearance of the area compared to a commercial use of the building.

A neighbouring property has recommended the removal of permitted development rights. According to the Planning Practice Guidance, "*Conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances*". However, in this case the residential re-use of the existing building is only acceptable provided it preserves the openness of the Green Belt (para.90 of the NPPF). Under permitted development rights the future owner of the dwelling would be able to construct both extensions and outbuildings that would reduce the openness of the Green Belt, thereby negating the reason why this conversion is acceptable in principle. As such it is recommended that Class A, B and E permitted development rights are removed should this application be granted.

According to Policy CS5 this application should also only be supported if it supports the rural economy and maintenance of the wider countryside. In this case the application would see the loss of a commercial unit. However, it is noted that this

building has been vacant for several months with no likelihood of it being re-occupied due to site security concerns and a weak demand for office space in the Luton/Markyate/Dunstable area. Therefore, it is considered that bringing this building back into beneficial use would have greater benefits for the local economy, especially bearing in mind the proximity of the site to the village centre of Markyate.

#### Re-use of building

Markyate Parish Council have stated their objections to the proposal on the grounds of change of use. However, the Parish Council has not specified the actual harm that this change of use would cause.

As stated above the principle of re-using this Green Belt building is acceptable because it is of a permanent and substantial construction and because it would have no impact on the openness of the area or the character of the countryside. In addition the applicant has provided additional justification for the change of use by explaining through a Surveyors Report the problems of re-letting the premises. This report makes several key points:

- The premises is not in an established / sought after commercial location.
- The building requires substantial modernisation before any commercial operator would consider occupying it.
- The Luton/Dunstable office market (which encompasses Markyate) remains very depressed with very little in the way of new office development, and much more the other way (office to residential conversions).

As such this report concludes that letting the premises will be difficult. It is considered that the applicant has attempted to seek a commercial re-use of the building, however, it is now acknowledged that a residential conversion would be the most appropriate way to secure a beneficial re-use of the building.

#### Effects on appearance of building

The proposed external alterations are very minor. The proposed change from a window to a door on the north-west elevation would have no impact on the original building's appearance.

#### Impact on Street Scene / Landscape

Due to the very minimal external changes, and the fact that the site is very well screened by existing perimeter vegetation, the proposed conversion would have no adverse impact on the character or appearance of the surrounding area.

#### Impact on Trees and Landscaping

As this is a conversion there would be no harm to the trees within the site, in particular the protected specimens along the site's north-west boundary. The Council's Trees & Woodlands Officer has raised no objections to the proposals.

#### Impact on Highway Safety

Both Markyate Parish Council and a local resident have raised an objection to this application on the grounds that the proposed conversion would have a negative impact on traffic congestion and road safety. They highlight the nature of the B4540 (Luton Road) in terms of the speed vehicles travel along this stretch, the absence of a pavement on one side and the build up of traffic at peak times from the A5 traffic lights.

However, it is considered that a refusal to this application on the grounds of adverse highway impact could not be sustained. Firstly, it must be noted that the problems outlined above are caused by existing road users. Certainly the traffic generated by one additional two-bedroom house would have a negligible impact on overall usage levels of the surrounding road network.

Secondly, it must be remembered that the site has an extant permission as a commercial unit. Should this building be occupied by a commercial operator then the total number of vehicle movements would be higher than for a two-bed bungalow. In that sense this application represents an improvement over the existing situation.

Finally, it is noted that Hertfordshire Highways have no recorded details of injury accidents at this location and that they raise no objections to this proposal.

#### Impact on Neighbours

It is considered that there would be no adverse impact on neighbouring properties. As the built form is to remain the same (other than one fenestration change) then the proposals could not be considered overbearing on these neighbours, nor result in any loss of daylight, sunlight or privacy. Furthermore, the existing separation distances and the trees between the properties would also ensure that no harm is caused.

#### Sustainability

This application would involve minimal changes to the external appearance of the building. However, it would likely result in a modernisation of the internal qualities of the building. The applicant has provided a CS29 checklist and it is recommended that a condition be added seeking compliance with this checklist.

### **Other Material Planning Considerations**

#### Extent of residential curtilage / Removal of permitted development rights

The applicant's Planning Statement states that, "*part of the site would be used for domestic garden land*". However, the extent of the residential curtilage was not defined on the plans originally submitted. Therefore, an amended plan was sought and received which shows a more tightly defined garden area, excluding the tree belt on the north-west boundary (approximately one-third of the overall land) from the garden area / curtilage.

### Other Enforcement matters

A local resident has commented on other breaches of planning control at the site, namely:

- close board fencing incorrectly sited;
- HGVs and ground work equipment and vehicles have been and are stored on the site, including large diggers, road rollers and dump trucks;
- a 20 foot shipping container on site for months;
- for the last 6 months a static caravan on site.

Overall, it is considered that these are matters that will be resolved through the conversion of the commercial building to a dwelling, together with appropriate conditions. For example, it is recommended that a condition be added restricting the area on which vehicles can park and limiting this parking to vehicles associated with the residential use of the building. In addition the siting of the caravan has been a result of security concerns following two thefts at the site. Once the building is occupied as a residential dwelling the caravan will be moved off the site.

It is also considered that these are enforcement matters that can be dealt separately to this planning application. The shipping container has already been moved from the site as a result of planning enforcement action and any future use of the site for commercial storage can be subject to an enforcement investigation and the appropriate action taken.

### Farmer's access

A local resident has objected to this application on the grounds that the site is crossed by a farmer's access to the adjacent field and that this is not conducive for a residential environment, especially for children.

In response to this the Planning Department is waiting for confirmation from the applicant as to the exact position of the farmer's right of access across the site. However, from aerial photographs it appears that this runs in front of the building and therefore it would be possible to erect low level fencing protecting the side and rear of the site from this access. Furthermore, it is noted that this is a two-bed bungalow and is therefore not of a typical size for a family dwelling.

### **Conclusions**

The proposed conversion of the building from B1(c) use to a residential two-bed bungalow would bring the building back into beneficial use without harming the aims and objectives of national and local Green Belt policies. Furthermore, it would not cause any harm to the surrounding highway network, trees within the site, or the residential amenities of neighbouring properties.

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

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

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

- 2 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:**

**Schedule 2 Part 1 Classes A, B and E.**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the openness and visual amenity of the Green Belt in accordance with Policy CS5 of the Dacorum Borough Core Strategy (September 2013).

- 3 **The development hereby permitted shall be carried out in accordance with the submitted CS29 Checklist and the additional sustainability information submitted in point 2 of the e-mail from the Agent dated 15/05/15.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policy CS29 of the Dacorum Borough Core Strategy (September 2013).

- 4 **No development shall take place until full details of the following means of enclosure have been submitted to and approved in writing by the local planning authority:**

- means of enclosure, separating the garden area from the tree belt along the north-west boundary;
- means of enclosure, separating the side and rear garden areas from the area in front of the building.

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policy CS5 of the Dacorum Borough Core Strategy (September 2013).

- 5 **No development shall take place until full details of the car parking layout and other vehicle and pedestrian access and circulation areas**



**have been submitted to and approved in writing by the Local Planning Authority.**

**No vehicles shall be parked in any area other than the approved designated parking area. The designated parking area shall only be used for the parking of vehicles ancillary to the approved residential use of the site.**

**The approved parking layout and circulation works shall be carried out prior to the first occupation of the development hereby permitted.**

Reason: To ensure a satisfactory provision of off-street parking for the new dwelling in accordance with Policy 58 of the Dacorum Borough Local Plan (1991-2011).

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

**Site Location Plan  
DWG 3 (15/05/2015)  
55.14.1**

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

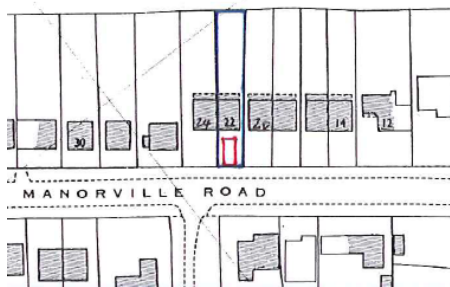
#### ARTICLE 31 STATEMENT

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

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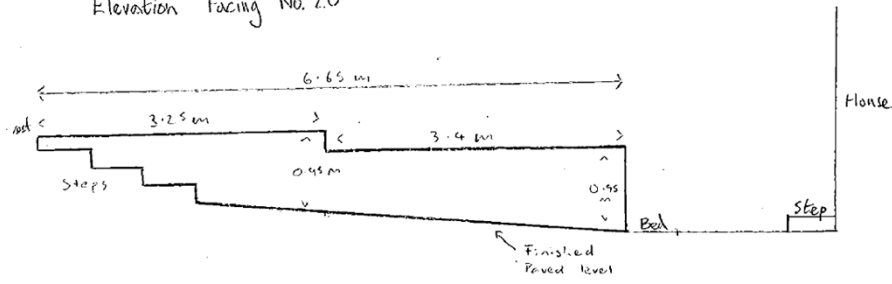
ITEM 5.10

4/00586/15/RET - RETENTION OF RAISED DRIVEWAY WITH A RETAINING WALL  
22 MANORVILLE ROAD, HEMEL HEMPSTEAD, HP3 0AP

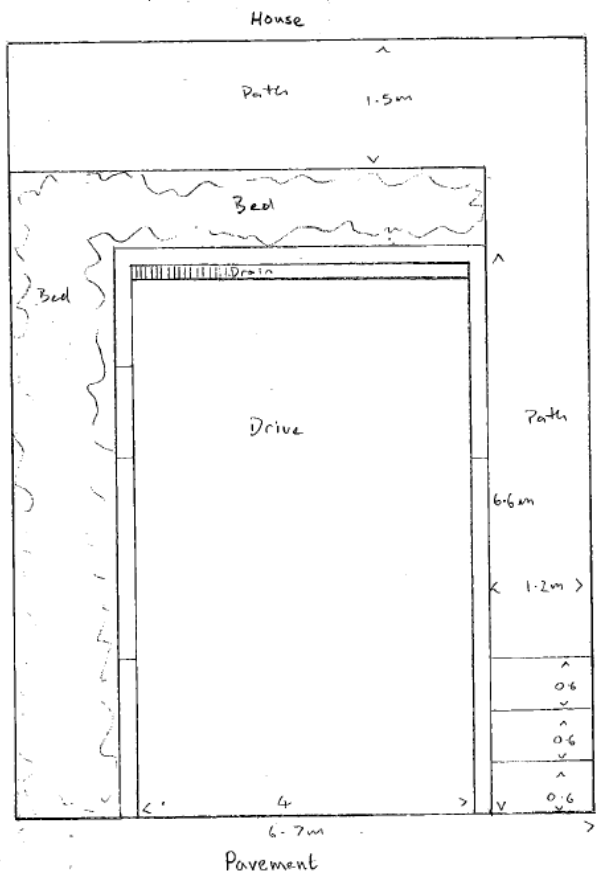
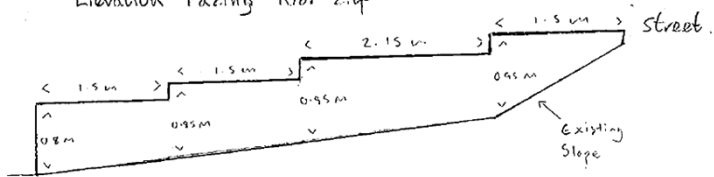


**4/00586/15/RET - RETENTION OF RAISED DRIVEWAY WITH A RETAINING WALL  
22 MANORVILLE ROAD, HEMEL HEMPSTEAD, HP3 0AP**

Elevation Facing No. 2.0



Elevation Facing No. 2.4



**4/00586/15/RET - RETENTION OF RAISED DRIVEWAY WITH A RETAINING WALL  
22 MANORVILLE ROAD, HEMEL HEMPSTEAD, HP3 0AP  
APPLICANT: Mrs Joshi-Thomson**

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[Case Officer - Martin Stickley]

## **Summary**

The application is recommended for approval.

The principle of residential development is considered acceptable in the sites location within a residential area. Although the original scheme did not conflict with policy, concerns were raised by the immediate neighbours. An amended scheme was requested and no further objections were received.

The proposed works would not have any adverse impact on the appearance of the dwelling and would not significantly detract from the street scene. The development would not have a detrimental impact on the amenity of neighbouring properties. The access and car parking is deemed satisfactory. Therefore, the proposal is acceptable in accordance with the aims of the National Planning Policy Framework; Policies CS4, CS11 and CS12 of the Core Strategy, and saved Policy 58 and saved Appendices 5 and 7 of the Dacorum Borough Local Plan (DBLP).

## **Site and Surroundings**

The application site is located on the north-western side of Manorville Road, within the residential area of Hemel Hempstead. The plot comprises a two-storey dwelling characterised by white render and a hipped-roof with plain tiles. The property is set down from the road by approximately 1.2 metres.

## **Proposal**

The application seeks planning permission for the retention of a raised driveway with a retaining wall.

## **Referral to Committee**

The application is referred to the Development Control Committee because the applicant is a Dacorum Borough Council employee.

## **Planning History**

4/00871/10/FHA SINGLE AND TWO STOREY REAR EXTENSION  
Granted  
20/07/2010

## **Relevant Policy**

National Planning Policy Guidance

National Planning Policy Framework (NPPF)

National Planning Policy Guidance

Dacorum Core Strategy 2006-2031

NP1 - Supporting Development  
CS4 - The Towns and Large Villages  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS29 - Sustainable Design and Construction  
CS31 - Water Management  
CS32 - Air, Water and Soil Quality

Dacorum Borough Local Plan 1991-2011

Policy 58 - Private Parking Provision  
Appendix 5 - Parking Provision  
Appendix 7 - Small-scale House Extensions

## **Summary of Representations**

Neighbouring Properties

Cherry Tree House (10-Mar-15)

*No comments.*

20 Manorville Road (10-Mar-15)

*We wish to object to the proposed retention of the construction at 22 Manorville Road, ref: 4/00586/15/RET.*

*Our main concerns are as follows:*

*Visual Intrusion*

*The proposal results in a visual intrusion, which is currently having a serious and adverse affect on the amenity of our front garden. With the addition of one or more parked vehicles, our front garden will be overshadowed by over 3 metres, given that the neighbouring garden is already embanked by 0.5 metres prior to the proposed construction.*

*This, together with the loss of sunlight from a southerly direction as detailed below, will have the effect of making our front garden significantly less enjoyable for day-to-day use.*

*Loss of Light / Overshadowing*

*According to the current works and the plans submitted, the retaining wall and safety rail will have a combined height of 2 metres. This blocks out light to our garden from*

*the main southerly direction, and will overshadow our garden for a significant proportion of the day. With the addition of a vehicle, this overshadowing will be made significantly worse.*

#### *Overlooking / Loss of Privacy*

*Our property features a bay window, and our front garden is in use on a daily basis. The additional height of the raised driveway will mean that anyone pulling up into the proposed driveway will have a direct view into our living room.*

#### *Design, Appearance and Type of Materials*

*The raised platform is out of keeping with other driveways in the street. The few driveways which have been added to gardens nearby slope with the natural incline of the hill. This engineering work to provide a flat slope creates a visual feature which is notable and visually unappealing.*

*The breeze-blocks currently forming the construction are proposed to be coated with a rendered surface. We have received advice that the rendering is not likely to last long, and will quickly take on a shabby appearance, whilst crumbling off.*

#### *Noise and Disturbance Resulting from Use*

*The front two rooms of our house are used by our 20-month-old children. Vehicles moving in and out of the adjacent property at a distance of less than three metres will disturb them during day and night time sleep.*

*We would ask that you take the above concerns into account. It would be entirely possible for the owners of 22 Manorville Road to use their front garden as a driveway without maintaining this very significant engineering work, which has had a negative and ongoing effect on our enjoyment and use of our property.*

24 Manorville Road (10-Mar-15)

*Initial conversations with the owner of 22 prior to the build revealed that the structure would be 60cm. The built structure retaining wall is almost double this height and will be taller again with the addition on top of a 90cm high handrail. This presents the structure as dominant feature when viewed from number 24. However, should the height of the retaining wall be lower at 90cm tall the appearance and dominance of the structure would be lessened.*

#### **Considerations**

The main issues of relevance to the consideration of this application relate to the impact of the works upon the character and appearance of the dwelling in accordance with Policies CS12 and CS13 of Dacorum's Core Strategy. Other issues of relevance relate to the impact of the proposal on the character and appearance of the street scene, the impact on neighbouring properties and the impact on car parking.

#### Effect on Appearance of Building and Street Scene

An assessment of the impact of the proposed works has considered the impact on the appearance of the building and street scene. The proposal would not have an adverse impact on the visual amenity of the property or the wider street scene. Many of the properties in Manorville Road have extended and altered their driveways such that the current proposal would not appear incongruous. The amended scheme reduced the height of the proposed driveway to lessen the visual impact on the street scene.

The proposal would be finished with a white render to match the existing dwelling and would therefore harmonise with the parent building in accordance with Policy CS12 of the Core Strategy. The proposal would also include the installation of two flower-beds to soften the image of the driveway and preserve an attractive streetscape as required by Policy CS11 of the Core Strategy.

In conclusion, it is felt that the retention of the raised driveway would not significantly detract from the appearance of the building or character of the street scene in accordance with Policies CS11 and CS12 of the Core Strategy.

#### Effect on Amenity of Neighbours

Consideration has been given to the impact that the proposed extension would have on the adjoining neighbours. Policy CS12 states that regarding the effect on the amenity of neighbours, development should avoid visual intrusion, loss of light and loss of privacy.

The application site currently has two directly adjoining neighbours, 20 and 24 Manorville Road. Both neighbours objected to the original plans. However, no comments were received after re-consultation on the amended scheme, which reduced the height of the raised driveway considerably.

A summary of the objections received are listed and addressed below.

#### 1. Visual intrusion, overlooking and loss of privacy

Due to the fact that the neighbouring properties are set down 1-2m lower than the road level, views from public vantage points into ground floor windows and front gardens are fairly intrusive. This is a pre-existing condition and would not be worsened by the proposal.

#### 2. Loss of light and overshadowing

Using the criteria set out in saved Appendix 7 of the DBLP, this proposal would not have any impact with regards to loss of light to the neighbouring ground floor windows. It should be noted that the applicant could erect a 1.8m fence along the boundary without requiring planning permission, which would cause more of an issue with regards to loss of light to the front garden.

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



As mentioned previously, the proposal would be finished with a white render to match the existing dwelling. The proposal would also include flower-beds to aid the aesthetics of the driveway. Therefore, it is felt that the design and appearance is acceptable accordance with Policies CS11 and CS12 of the Core Strategy.

The proposal is to be constructed of a porous permeable paving solution and has a linear drainage channel to ensure that water does not discharge onto the adjacent highway. Therefore, the proposed materials are also deemed acceptable.

#### 4. Noise and disturbance resulting from use

The ability for vehicles to park some 2-3 metres closer to the neighbouring property would not significantly increase the noise of parking cars to the neighbouring properties.

The original scheme proposed a driveway with a height that exceeded two metres in certain points. To help mitigate the issues raised by neighbours, a reduction in height was proposed. The amended scheme removed railings and reduced the height of the brick walls. The height of the proposal has been significantly reduced to approximately one metre at its highest point. The assessment above is based on the amended scheme.

To conclude, there would be no significant harm to the residential amenities of the neighbouring properties as a result of this proposal. The proposed extension would not impact the immediate neighbouring properties in terms of visual intrusion, loss of light and loss of privacy in accordance with Policy CS12 of the Core Strategy and saved Appendix 7 of the DBLP.

#### Access and Parking

The proposal would not have an adverse impact on the safety or operation of the adjacent highway. The proposed driveway would provide an off-street parking space for the property, reducing the number of cars parked on the street. Although this means that area used as an on-street parking space adjacent to the driveway can no longer be used, this leaves a gap for passing cars to safely pull in to let other cars past. The proposal would therefore generally benefit the street with regards to access and parking in accordance with saved Policy 58 and saved Appendix 5 of the DBLP.

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

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

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

- 2 **The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match in colour and texture those used on the existing building.**

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

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

**Proposed elevations - no reference (received 28-Apr-15),  
Proposed floor plans - no reference (received 28-Apr-15).**

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

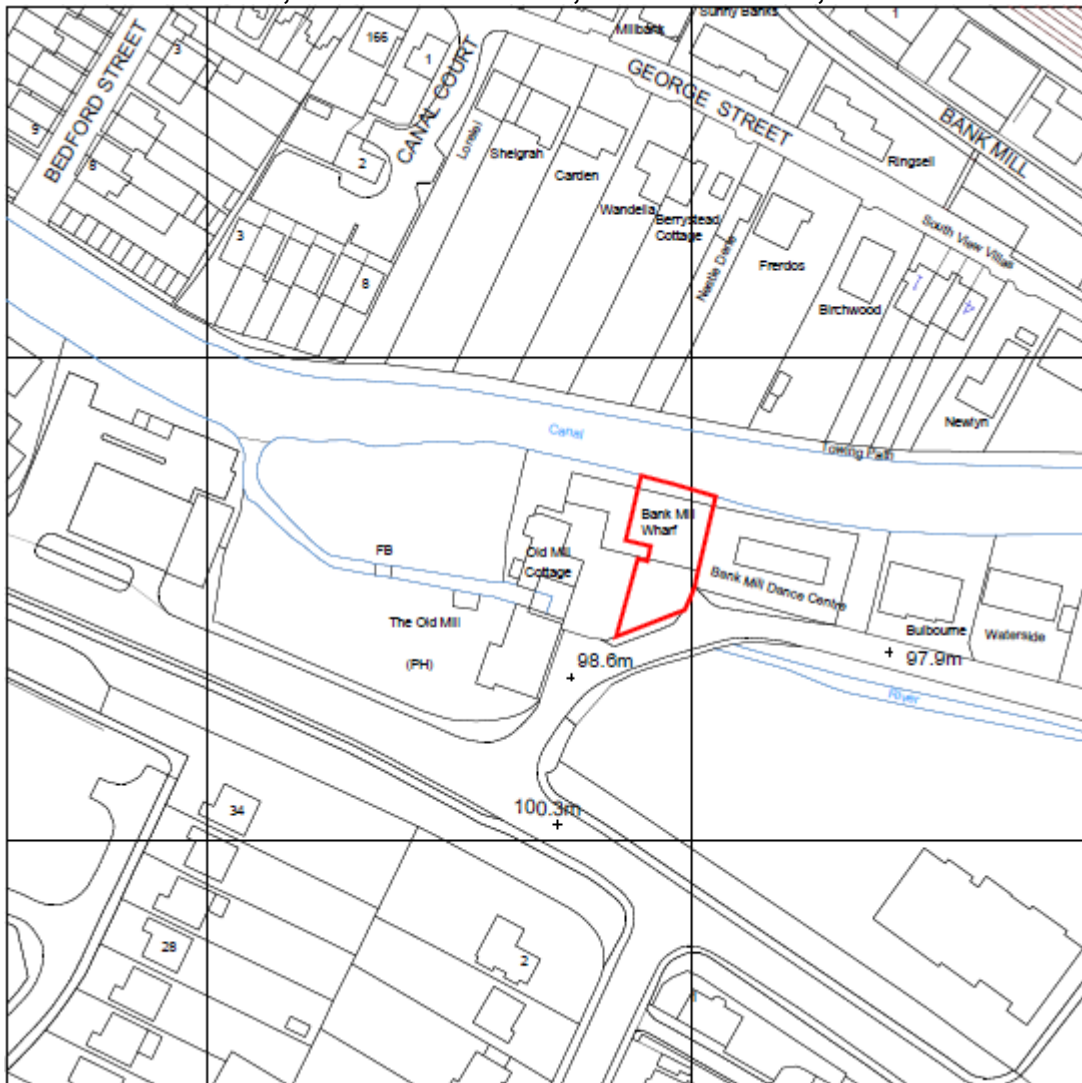
### **Article 31 Statement**

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

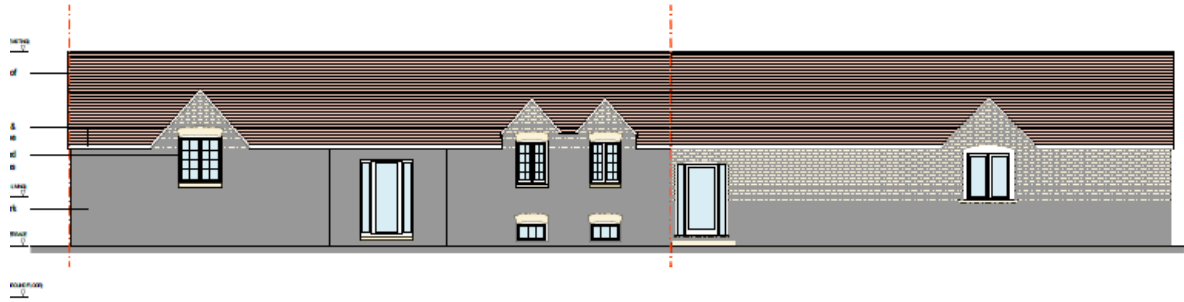
ITEM 5.11

4/00661/15/FHA - INSERTION OF FOUR SMALL CONSERVATION WINDOWS TO REAR ROOF SLOPE

BANK MILL WHARF, 2 BANK MILL LANE, BERKHAMSTED, HP4 2NT



**4/00661/15/FHA - INSERTION OF FOUR SMALL CONSERVATION WINDOWS TO REAR ROOF SLOPE  
BANK MILL WHARF, 2 BANK MILL LANE, BERKHAMSTED, HP4 2NT**



**SIDE (EAST) ELEVATION**

**4/00661/15/FHA - INSERTION OF FOUR SMALL CONSERVATION WINDOWS TO REAR ROOF SLOPE**

**BANK MILL WHARF, 2 BANK MILL LANE, BERKHAMSTED, HP4 2NT**

**APPLICANT: MR AND MRS M AND L JOHANSEN**

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[Case Officer - Tineke Rennie]

## **Summary**

The application is recommended for approval. The application site is curtilage listed and therefore consideration has been given to preserving the character and setting of the building. The proposed rooflights are located on the northern elevation and therefore would not have a visual impact on the setting of the building, which is focused on the group of listed buildings located to the southwest of the site fronting London Road.

Modern interventions have been permitted as part of the approved residential conversion of the dwelling, and it is considered that the proposals would not have an adverse impact on the character of the building over and above the recent development.

The proposed roof lights would allow for flexible and improved living accommodation that include downstairs accommodation to cater for a relative with disability requirements.

## **Site Description**

Bank Mill Wharf forms part of a group of historic buildings that include Bank Mill Cottage and the Grade II listed Old Mill House Hotel (known as The Old Mill). Bank Mill Wharf, together with Bank Mill Cottage, is a curtilage listed building due to its longstanding historic connection with the The Old Mill. The building adjoins the Grand Union Canal on its northern boundary with Old Mill Cottage to the west and The Old Mill positioned south-west of the site fronting London Road.

Bank Mill Wharf is a two storey brick built building in multi-stock gault type bricks under a plain clay tiled roof. The building appears to date from the 17th century, enlarged in the 19th century and altered through the 19th century. The extensions to the front and side have, through the use of materials to match the principle building, maintained the sense of a working building.

Planning permission and listed building consent was granted in 2014 (ref. 4/01278/13/FUL; 4/00077/14/LBC) to convert the former light industrial building into two dwellings. The application site relates to the second of the pair of attached dwellings on the eastern side of the development and comprises kitchen/lounge, sitting room and bedroom at ground floor level; two bedrooms and a living area at first floor. An external door opens out onto a substantial terrace to the front of the building over the ground floor extension. The terrace is bounded by a glass balustrade.

The area is characterised by a range of buildings including a number of bungalows further east along Bank Mill Lane and a single storey commercial building to the

adjacent site which houses a hairdressers and printworks. Residential development located on the northern side of the canal comprises predominantly modern houses in a range of styles and is generally set back and screened from the canal towpath. Construction of 54 residential units is currently being undertaken at the New Lodge site on the opposite side of Bank Mill Lane.

## **Proposal**

The application seeks planning permission for the insertion of four conservation type roof lights to the canal side (north elevation) roof slope and the installation of a single flue on the north roof slope for an internal stove to a first floor room.

Listed building consent is also being sought for the proposals and a listed building consent application (ref. 4/00662/15/LBC) is being considered in conjunction with this application.

The proposed roof lights and flue are the result of a re-configuration of the internal layout. Bedrooms are being located downstairs in the existing kitchen/lounge area to accommodate elderly relatives with disability requirements who are to occupy the premises in the not too distant future. The principle living accommodation will be relocated to the first floor, comprising a kitchen/dining space and living room that would benefit from the additional natural light obtained by the rooflights.

The application has been submitted following pre-application advice that confirmed that rooflights may be acceptable on the rear elevation providing they are conservation type, smaller and with a vertical emphasis. Similarly, the flue penetration was considered to be potentially acceptable on the rear elevation only. The application has been amended to comply with the requests from Conservation and Design that the chimney flue is positioned below the ridge line and is black.

An application to enlarge the dormer and replace the single door accessing the roof terrace with double doors has been withdrawn. This is following comments from Conservation and Design that the proposals would alter the new part of the building that had been specifically designed to mimic the existing details of the building.

## **Referral to Committee**

The application is referred to the Development Control Committee due to the contrary views of Berkhamsted Town Council.

## **Planning History**

4/00077/14/LBC CHANGE OF USE FROM BUSINESS (B1) TO RESIDENTIAL (C3), FORMING 2 DWELLINGS WITH ASSOCIATED ALTERATIONS AND EXTENSIONS.  
Granted  
24/04/2014

4/00075/14/DRC DETAILS OF MATERIALS, DESIGN, LANDSCAPING, SUSTAINABILITY AND CONTAMINATION AS REQUIRED BY CONDITIONS 2, 3, 4, 5 AND 7 OF

PLANNING PERMISSION 4/01278/13/FUL (CHANGE OF USE FROM BUSINESS (B1) TO RESIDENTIAL (C3), FORMING 2 DWELLINGS WITH ASSOCIATED ALTERATIONS AND EXTENSIONS)  
Granted  
22/10/2014

4/01278/13/FUL CHANGE OF USE FROM BUSINESS (B1) TO RESIDENTIAL (C3), FORMING 2 DWELLINGS WITH ASSOCIATED ALTERATIONS AND EXTENSIONS  
Granted  
05/09/2013

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)

### Adopted Core Strategy

NP1 - Supporting Development  
CS4 - The Towns and Large Villages  
CS12 - Quality of Site Design  
CS27 - Quality of the Historic Environment  
CS29 - Sustainable Design and Construction

### Saved Policies of the Dacorum Borough Local Plan

Policies 10, 19 and 119  
Appendix 7

### Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)  
Area Based Policies (May 2004) - Residential Character Area BCA 3:Bank Mill

### Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

## **Summary of Representations**

### Berkhamsted Town Council

The proposed insertion of windows would be detrimental to the character of this Listed Building as would the insertion of the proposed flue.

Contrary to Core Strategy Policy CS 11 and Saved Local Plan Policy 119.

## Conservation and Design

Bank Mill Wharf, 2 Bank Mill Lane has historic connections to what was known as the Lower Mill, now Old Mill House Hotel London Road a statutory listed building, and the Old Mill Cottage. Together they form a group of historic buildings, the two unlisted structures being considered curtilage listed to the Old Mill due to their longstanding historic connection.

A scheme was presented in 2014 to convert Bank Mill Wharf which was formerly used as a light industrial building, into a series of dwellings. A great deal of officer time was given to this conversion and the sensitivity of the structure and its external appearance was of paramount importance. It was considered at the time that the building had been pushed as far as it could to achieve the aims of the developer whilst satisfying the concerns of the local authority.

The Planning (Listed Building & Conservation Areas) Act 1990 requires special regard to the desirability of preserving the setting of a listed building and also special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

NPPF 131: In determining planning applications local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- The positive contribution that heritage assets can make to sustainable communities including their economic vitality
- The desirability of new developments making a positive contribution to local character and distinctiveness

Para 132 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation ... Significance can be harmed or lost through alteration or destruction of the heritage asset ... As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

POLICY CS27: Quality of the Historic Environment: All development will favour the conservation of heritage assets. The integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced.

The NPPF core principles firstly are to always seek to secure high quality design and second, conserve heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations.

One of the aims of the 2014 conversion of this historic industrial building was to maintain the unbroken roofscape - any proposals for the introduction of rooflights would have been robustly refused. My additional concern is that if this should be supported it could set a precedent for the introduction of further punctuations within the roofscape which should be avoided at all costs. The canalside view of the building remains much as it was which due to controlled and careful design details, despite the increase to the length of the building, has been maintained. This is also my argument regarding the stainless steel flue – even if it had been considered to be supported it would have been for something below the ridgeline and also black.

Another paramount aim of the 2014 scheme was to maintain the industrial character of the building as well as maintaining this as an impression with its public views: from London Road (hence the glass balustrading) and the canalside (hence unbroken roofscape).



There is a failure by the applicant to recognise the importance of the heritage asset and instead to focus on the 'merits' of removing historic fabric, replacing it with unsuitable interventions or obscuring it with unsuitable materials, or changing the form of a carefully considered modern addition to an historic building which has been supported for conversion in 2014 but with the particular aim of maintaining the overall historic integrity which will not be maintained by the proposed introduction of rooflights.

I therefore recommend this application for refusal.

## **Considerations**

### Policy and Principle

Bank Mill Wharf is a curtilage listed building and therefore it is important to have special regard to the impact of the alterations on the character and setting of the building.

Paragraph 131 of the NPPF requires consideration to be given to sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

Policy 119 of the DBLP states that: "*Consent to alter or extend listed buildings will only be granted where it can be satisfactorily demonstrated that the proposal will be carried out in a manner appropriate to the scale, proportion and external and internal appearance or historic character of the building to which it relates.*" In this regard, consideration should be given to the intrinsic architectural and historic interest of the building; the physical features of the building which justify its inclusion as a listed building; its setting and contribution to the local scene; and the extent to which it would bring substantial benefits to the local community.

On the basis that the building is curtilage listed and does not have a statutory listing in its own right, the historic or architectural interest of the building is not documented. The officer's report for the application for the residential conversion of the building established that "*the main two storey element is of some architectural merit, retaining a number of traditional features including metal shutters to a number of windows.*" As outlined above, consideration should therefore be given to the overall character and setting of the building which is established by the Old Mill House and Old Mill Cottage, located to the south-west of the building. The impact that the proposals would have on the setting and the building itself is discussed further in the sections below.

The residential use of the building has been established by the previous planning permission where it was considered that the development was designed to a high standard without having an adverse affect on the architectural or historic interest of the building and its setting. The development has been implemented however the applicant is seeking the revise the living accommodation in accordance with their circumstances. They have submitted that inadequate levels of daylighting are being achieved in accordance with Building Regulations (AD L). It is recognised that historic buildings often experience lower levels of daylighting; however the application seeks to improve these levels resulting in an improved standard of

accommodation whilst also sustaining and enhancing the significance of the heritage asset.

It is considered that the proposals are appropriate to the scale, proportion and external appearance and historic character of the building for the reasons set out below.

#### Effects on appearance and setting of the building

The approved development sought to maintain most of the existing traditional features of the building together with constructing a side extension which forms approximately one third of the application site. A number of modern features were also introduced such as a fully glazed conservatory (that has not been implemented) together with the glass balustrading surrounding the front terrace. Conservation and Design stated in their comments to this application that one of the aims of the conversion was to maintain the unbroken roofscape. However, it is considered that the insertion of four conservation type roof lights to the rear elevation would, similar to the fully glazed conservatory and glass balustrading, introduce a modern adaption enabling flexible and improved living arrangements. They are of a small scale that would not detract from the 'working wharf' character and appearance of the building. A flue would be consistent with a 'working wharf' industrial type building and would similarly not detract from the character of the building.

The setting of the building is established by the statutory listed building Old Mill House and curtilage listed Old Mill Cottage which are located to the south-west of the site, surrounding the paved courtyard area to the front of the application site and fronting London Road. The positioning of the roof lights on the northern slope (rear elevation) of the building would not have an impact on the focus of this setting. This is reflected in the pre-application advice that set out that acceptability of the insertion of roof lights to the rear slope.

The small size of the roof lights would be proportionate to the roof slope. They would not protrude beyond the roof slope and would therefore have a minimal visual impact on the appearance of the building to the rear. As the eastern half of the application site is a new-build, the two roof lights positioned on the western side of the dwelling only would result in an intervention to historic roof fabric. Given the small size of the roof lights this minor area of intrusion is considered acceptable in the context of the overall alterations to the building that have recently taken place.

In order to re-arrange the internal layout, the openings from the living room to the library and the hallway to the kitchen at first floor levels would result in a larger opening between the respective rooms. Each of these openings are to the new extensions to the building and therefore the changes would not result in any unacceptable alterations to the original plan form. Conservation and Design have not raised any objection to the proposed internal alterations. The applicant has also submitted that the proposals present an opportunity to remove the flat ceilings at first floor level and expose the sweep of the roof slope internally which is more in keeping with a working wharf building and is welcomed.

## Impact on Street Scene

The surrounding area is characterised by predominantly modern dwellings comprising bungalows, detached and semi-detached dwellings together with the new-build of the New Lodge site. Many dwellings in this location including those backing onto the canal have roof lights. The introduction of roof lights at the application site would therefore not have an adverse visual impact on the street scene.

## Sustainability

Calculations undertaken by the applicant demonstrate that all of the existing rooms have windows of less than 20 percent of floor area providing inadequate lighting, resulting in a reliance on artificial lighting. The addition of two rooflights to the proposed living area and kitchen would increase the amount of glazing by 50% and significantly increase the amount of natural light to these rooms resulting in improved energy efficiency.

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

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

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

- 2 The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings or such other materials as may be agreed in writing by the local planning authority.**

Reason: To safeguard the character and appearance of the curtilage Listed Building and to accord with adopted Core Strategy Policies CS12 and CS27.

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

**P-21 Site Location Map;  
P-10 Rev A;  
P-11 Rev A;  
P-12 Rev A;  
P-29.**

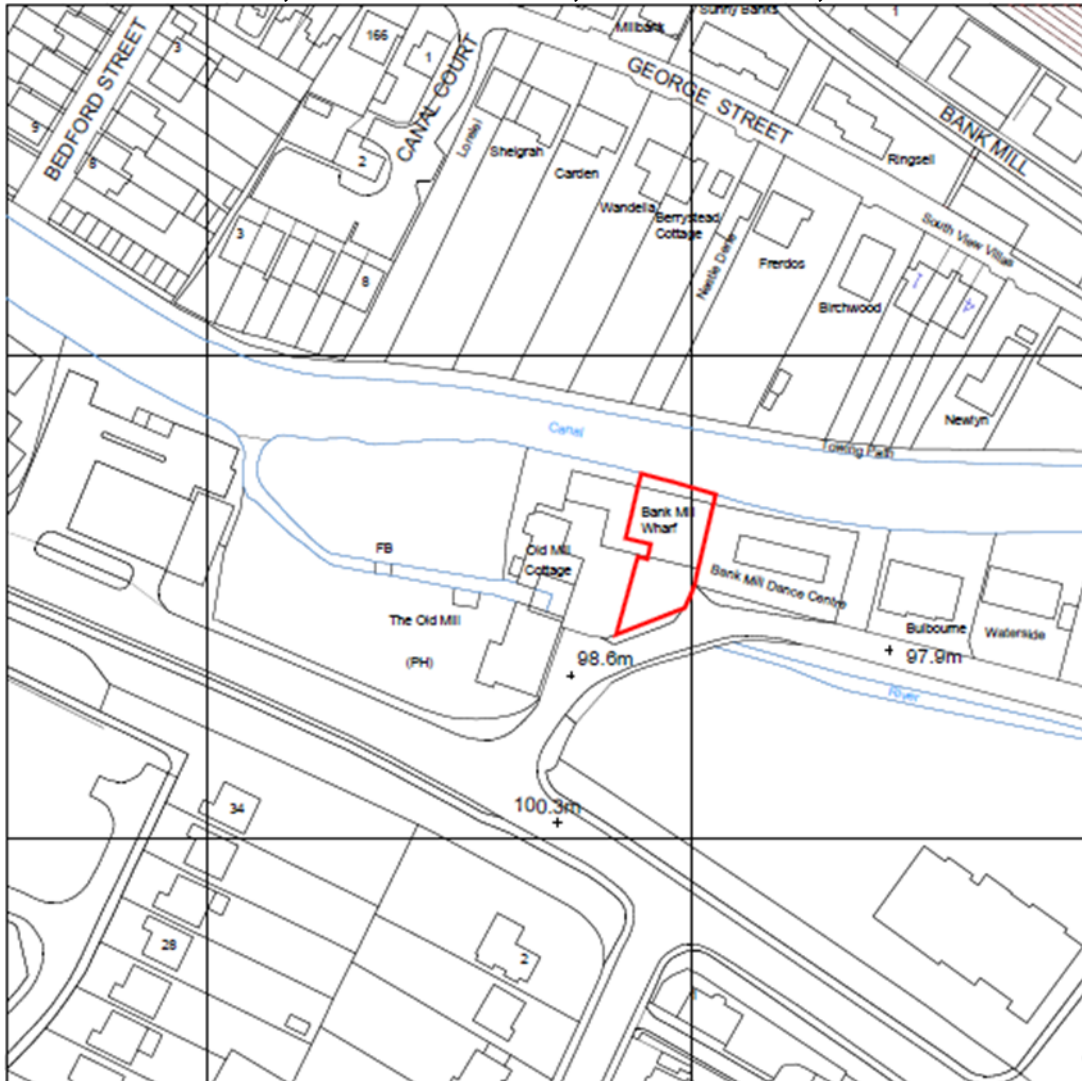
Reason: For the avoidance of doubt and in the interests of proper planning.

### Article 31 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

ITEM 5.12

4/00662/15/LBC - INSERTION OF 4 SMALL CONSERVATION ROOF WINDOWS TO REAR ROOF SLOPE AND ASSOCIATED INTERNAL ALTERATIONS  
BANK MILL WHARF, 2 BANK MILL LANE, BERKHAMSTED, HP4 2NT



**4/00662/15/LBC - INSERTION OF 4 SMALL CONSERVATION ROOF WINDOWS TO REAR ROOF SLOPE AND ASSOCIATED INTERNAL ALTERATIONS  
BANK MILL WHARF, 2 BANK MILL LANE, BERKHAMSTED, HP4 2NT**



**SIDE (EAST) ELEVATION**

**4/00662/15/LBC - INSERTION OF 4 SMALL CONSERVATION ROOF WINDOWS TO  
REAR ROOF SLOPE AND ASSOCIATED INTERNAL ALTERATIONS  
BANK MILL WHARF, 2 BANK MILL LANE, BERKHAMSTED, HP4 2NT  
APPLICANT: MR AND MRS M & L JOHANSEN**

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[Case Officer - Tineke Rennie]

## **Summary**

The application is recommended for approval. The application site is curtilage listed and therefore consideration has been given to preserving the character and setting of the building. The proposed rooflights are located on the northern elevation and therefore would not have a visual impact on the setting of the building, which is focused on the group of listed buildings located to the southwest of the site fronting London Road.

Modern interventions have been permitted as part of the approved residential conversion of the dwelling, and it is considered that the proposals would not have an adverse impact on the character of the building over and above the recent development.

The proposed roof lights would allow for flexible and improved living accommodation that include downstairs accommodation to cater for a relative with disability requirements.

## **Site Description**

Bank Mill Wharf forms part of a group of historic buildings that include Bank Mill Cottage and the Grade II listed Old Mill House Hotel (known as The Old Mill). Bank Mill Wharf, together with Bank Mill Cottage, is a curtilage listed building due to its longstanding historic connection with the The Old Mill. The building adjoins the Grand Union Canal on its northern boundary with Old Mill Cottage to the west and The Old Mill positioned south-west of the site fronting London Road.

Bank Mill Wharf is a two storey brick built building in multi-stock gault type bricks under a plain clay tiled roof. The building appears to date from the 17th century, enlarged in the 19th century and altered through the 19th century. The extensions to the front and side have, through the use of materials to match the principle building, maintained the sense of a working building.

Planning permission and listed building consent was granted in 2014 (ref. 4/01278/13/FUL; 4/00077/14/LBC) to convert the former light industrial building into two dwellings. The application site relates to the second of the pair of attached dwellings on the eastern side of the development and comprises kitchen/lounge, sitting room and bedroom at ground floor level; two bedrooms and a living area at first floor. An external door opens out onto a substantial terrace to the front of the building over the ground floor extension. The terrace is bounded by a glass balustrade.

The area is characterised by a range of buildings including a number of bungalows further east along Bank Mill Lane and a single storey commercial building to the

adjacent site which houses a hairdressers and printworks. Residential development located on the northern side of the canal comprises predominantly modern houses in a range of styles and is generally set back and screened from the canal towpath. Construction of 54 residential units is currently being undertaken at the New Lodge site on the opposite side of Bank Mill Lane.

## **Proposal**

The application seeks listed building consent for the insertion of four conservation type roof lights to the canal side (north elevation) roof slope and the installation of a single flue on the north roof slope for an internal stove to a first floor room.

Planning permission is also being sought for the proposals and a planning application (ref. 4/00661/15/FHA) is being considered in conjunction with this application.

The proposed roof lights and flue are the result of a re-configuration of the internal layout. Bedrooms are being located downstairs in the existing kitchen/lounge area to accommodate elderly relatives with disability requirements who are to occupy the premises in the not too distant future. The principle living accommodation will be relocated to the first floor, comprising a kitchen/dining space and living room that would benefit from the additional natural light obtained by the rooflights.

The application has been submitted following pre-application advice that confirmed that rooflights may be acceptable on the rear elevation providing they are conservation type, smaller and with a vertical emphasis. Similarly, the flue penetration was considered to be potentially acceptable on the rear elevation only. The application has been amended to comply with the requests from Conservation and Design that the chimney flue is positioned below the ridge line and is black.

An application to enlarge the dormer and replace the single door accessing the roof terrace with double doors has been withdrawn. This is following comments from Conservation and Design that the proposals would alter the new part of the building that had been specifically designed to mimic the existing details of the building.

## **Referral to Committee**

The application is referred to the Development Control Committee due to the contrary views of Berkhamsted Town Council.

## **Planning History**

4/00077/14/LBC CHANGE OF USE FROM BUSINESS (B1) TO RESIDENTIAL (C3), FORMING 2 DWELLINGS WITH ASSOCIATED ALTERATIONS AND EXTENSIONS.  
Granted  
24/04/2014

4/00075/14/DRC DETAILS OF MATERIALS, DESIGN, LANDSCAPING, SUSTAINABILITY AND CONTAMINATION AS REQUIRED BY CONDITIONS 2, 3, 4, 5 AND 7 OF



PLANNING PERMISSION 4/01278/13/FUL (CHANGE OF USE FROM BUSINESS (B1) TO RESIDENTIAL (C3), FORMING 2 DWELLINGS WITH ASSOCIATED ALTERATIONS AND EXTENSIONS)  
Granted  
22/10/2014

4/01278/13/FUL CHANGE OF USE FROM BUSINESS (B1) TO RESIDENTIAL (C3), FORMING 2 DWELLINGS WITH ASSOCIATED ALTERATIONS AND EXTENSIONS  
Granted  
05/09/2013

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)

### Adopted Core Strategy

NP1 - Supporting Development  
CS4 - The Towns and Large Villages  
CS12 - Quality of Site Design  
CS27 - Quality of the Historic Environment  
CS29 - Sustainable Design and Construction

### Saved Policies of the Dacorum Borough Local Plan

Policies 10, 19 and 119  
Appendix 7

### Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)  
Area Based Policies (May 2004) - Residential Character Area BCA 3:Bank Mill

### Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

## **Summary of Representations**

### Berkhamsted Town Council

The proposed insertion of windows would be detrimental to the character of this Listed Building as would the insertion of the proposed flue.

Contrary to Core Strategy Policy CS 11 and Saved Local Plan Policy 119.

## Conservation and Design

Bank Mill Wharf, 2 Bank Mill Lane has historic connections to what was known as the Lower Mill, now Old Mill House Hotel London Road a statutory listed building, and the Old Mill Cottage. Together they form a group of historic buildings, the two unlisted structures being considered curtilage listed to the Old Mill due to their longstanding historic connection.

A scheme was presented in 2014 to convert Bank Mill Wharf which was formerly used as a light industrial building, into a series of dwellings. A great deal of officer time was given to this conversion and the sensitivity of the structure and its external appearance was of paramount importance. It was considered at the time that the building had been pushed as far as it could to achieve the aims of the developer whilst satisfying the concerns of the local authority.

The Planning (Listed Building & Conservation Areas) Act 1990 requires special regard to the desirability of preserving the setting of a listed building and also special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

NPPF 131: In determining planning applications local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- The positive contribution that heritage assets can make to sustainable communities including their economic vitality
- The desirability of new developments making a positive contribution to local character and distinctiveness

Para 132 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation ... Significance can be harmed or lost through alteration or destruction of the heritage asset ... As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

POLICY CS27: Quality of the Historic Environment: All development will favour the conservation of heritage assets. The integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced.

The NPPF core principles firstly are to always seek to secure high quality design and second, conserve heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations.

One of the aims of the 2014 conversion of this historic industrial building was to maintain the unbroken roofscape - any proposals for the introduction of rooflights would have been robustly refused. My additional concern is that if this should be supported it could set a precedent for the introduction of further punctuations within the roofscape which should be avoided at all costs. The canalside view of the building remains much as it was which due to controlled and careful design details, despite the increase to the length of the building, has been maintained. This is also my argument regarding the stainless steel flue – even if it had been considered to be supported it would have been for something below the ridgeline and also black.

Another paramount aim of the 2014 scheme was to maintain the industrial character of the building as well as maintaining this as an impression with its public views: from London Road (hence the glass balustrading) and the canalside (hence unbroken roofscape).

There is a failure by the applicant to recognise the importance of the heritage asset and instead to focus on the 'merits' of removing historic fabric, replacing it with unsuitable interventions or obscuring it with unsuitable materials, or changing the form of a carefully considered modern addition to an historic building which has been supported for conversion in 2014 but with the particular aim of maintaining the overall historic integrity which will not be maintained by the proposed introduction of rooflights.

I therefore recommend this application for refusal.

## **Considerations**

### Policy and Principle

Bank Mill Wharf is a curtilage listed building and therefore it is important to have special regard to the impact of the alterations on the character and setting of the building.

Paragraph 131 of the NPPF requires consideration to be given to sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

Policy 119 of the DBLP states that: "*Consent to alter or extend listed buildings will only be granted where it can be satisfactorily demonstrated that the proposal will be carried out in a manner appropriate to the scale, proportion and external and internal appearance or historic character of the building to which it relates.*" In this regard, consideration should be given to the intrinsic architectural and historic interest of the building; the physical features of the building which justify its inclusion as a listed building; its setting and contribution to the local scene; and the extent to which it would bring substantial benefits to the local community.

On the basis that the building is curtilage listed and does not have a statutory listing in its own right, the historic or architectural interest of the building is not documented. The officer's report for the application for the residential conversion of the building established that "*the main two storey element is of some architectural merit, retaining a number of traditional features including metal shutters to a number of windows.*" As outlined above, consideration should therefore be given to the overall character and setting of the building which is established by the Old Mill House and Old Mill Cottage, located to the south-west of the building. The impact that the proposals would have on the setting and the building itself is discussed further in the sections below.

The residential use of the building has been established by the previous planning permission where it was considered that the development was designed to a high standard without having an adverse affect on the architectural or historic interest of the building and its setting. The development has been implemented however the applicant is seeking the revise the living accommodation in accordance with their circumstances. They have submitted that inadequate levels of daylighting are being achieved in accordance with Building Regulations (AD L). It is recognised that historic buildings often experience lower levels of daylighting; however the application seeks to improve these levels resulting in an improved standard of

accommodation whilst also sustaining and enhancing the significance of the heritage asset.

It is considered that the proposals are appropriate to the scale, proportion and external appearance and historic character of the building for the reasons set out below.

#### Effects on appearance and setting of the building

The approved development sought to maintain most of the existing traditional features of the building together with constructing a side extension which forms approximately one third of the application site. A number of modern features were also introduced such as a fully glazed conservatory (that has not been implemented) together with the glass balustrading surrounding the front terrace. Conservation and Design stated in their comments to this application that one of the aims of the conversion was to maintain the unbroken roofscape. However, it is considered that the insertion of four conservation type roof lights to the rear elevation would, similar to the fully glazed conservatory and glass balustrading, introduce a modern adaption enabling flexible and improved living arrangements. They are of a small scale that would not detract from the 'working wharf' character and appearance of the building. A flue would be consistent with a 'working wharf' industrial type building and would similarly not detract from the character of the building.

The setting of the building is established by the statutory listed building Old Mill House and curtilage listed Old Mill Cottage which are located to the south-west of the site, surrounding the paved courtyard area to the front of the application site and fronting London Road. The positioning of the roof lights on the northern slope (rear elevation) of the building would not have an impact on the focus of this setting. This is reflected in the pre-application advice that set out that acceptability of the insertion of roof lights to the rear slope.

The small size of the roof lights would be proportionate to the roof slope. They would not protrude beyond the roof slope and would therefore have a minimal visual impact on the appearance of the building to the rear. As the eastern half of the application site is a new-build, the two roof lights positioned on the western side of the dwelling only would result in an intervention to historic roof fabric. Given the small size of the roof lights this minor area of intrusion is considered acceptable in the context of the overall alterations to the building that have recently taken place.

In order to re-arrange the internal layout, the openings from the living room to the library and the hallway to the kitchen at first floor levels would result in a larger opening between the respective rooms. Each of these openings are to the new extensions to the building and therefore the changes would not result in any unacceptable alterations to the original plan form. Conservation and Design have not raised any objection to the proposed internal alterations. The applicant has also submitted that the proposals present an opportunity to remove the flat ceilings at first floor level and expose the sweep of the roof slope internally which is more in keeping with a working wharf building and is welcomed.

### Impact on Street Scene

The surrounding area is characterised by predominantly modern dwellings comprising bungalows, detached and semi-detached dwellings together with the new-build of the New Lodge site. Many dwellings in this location including those backing onto the canal have roof lights. The introduction of roof lights at the application site would therefore not have an adverse visual impact on the street scene.

### Sustainability

Calculations undertaken by the applicant demonstrate that all of the existing rooms have windows of less than 20 percent of floor area providing inadequate lighting, resulting in a reliance on artificial lighting. The addition of two rooflights to the proposed living area and kitchen would increase the amount of glazing by 50% and significantly increase the amount of natural light to these rooms resulting in improved energy efficiency.

**RECOMMENDATION** – That listed building consent be **GRANTED** for the reasons referred to above and subject to the following conditions:

- 1 **The works for which this consent is granted shall be begun before the expiration of three years from the date of this consent.**

Reason: To comply with section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

- 2 **The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings or such other materials as may be agreed in writing by the local planning authority.**

Reason: To safeguard the character and appearance of the curtilage Listed Building and to accord with adopted Core Strategy Policies CS12 and CS27.

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

**P-21 Site Location Map;  
P-10 Rev A;  
P-11 Rev A;  
P-12 Rev A;  
P-29.**

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

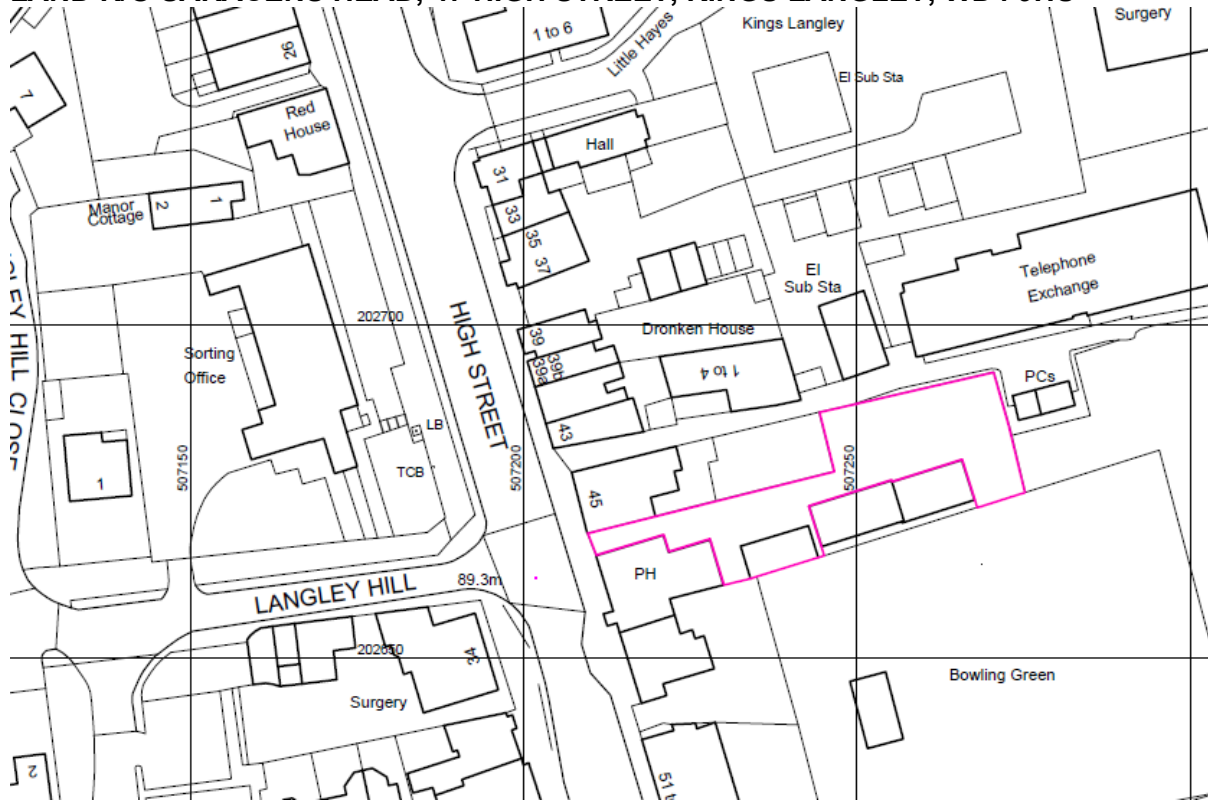
### Article 31 Statement

Listed building consent 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 2012.

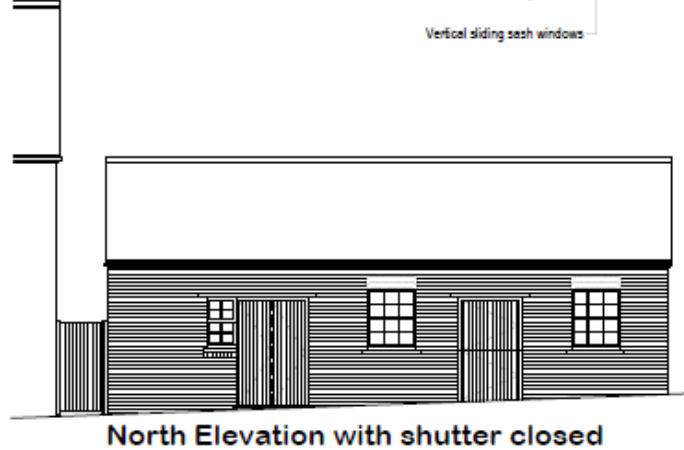
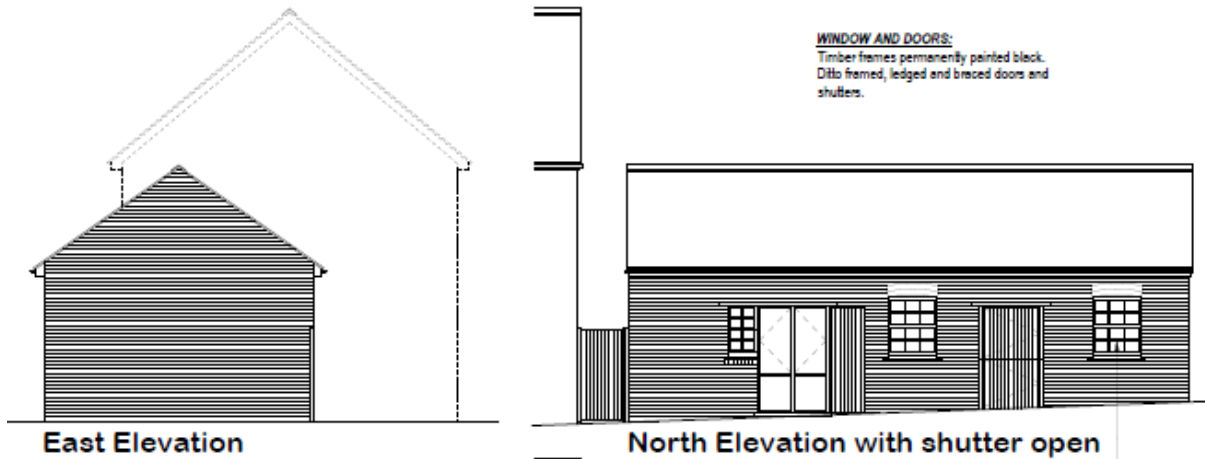
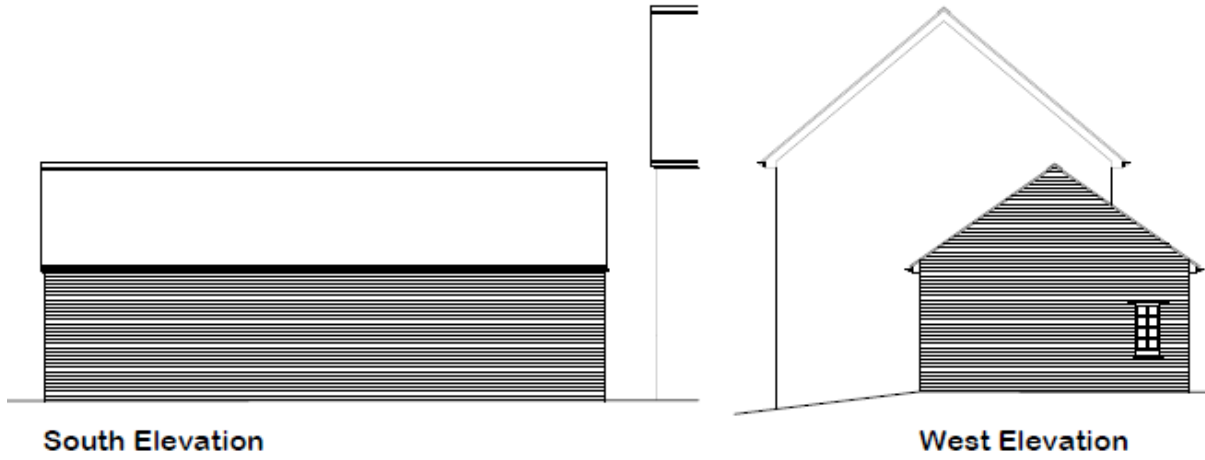
## ITEM 5.13

**4/00756/15/FUL - CHANGE OF USE TO PRIVATE DWELLING, REPLACEMENT WINDOWS AND DOORS, INTERNAL WORKS.**

**LAND R/O SARACENS HEAD, 47 HIGH STREET, KINGS LANGLEY, WD4 9HU**



**4/00756/15/FUL - CHANGE OF USE TO PRIVATE DWELLING, REPLACEMENT WINDOWS AND DOORS, INTERNAL WORKS.  
LAND R/O SARACENS HEAD, 47 HIGH STREET, KINGS LANGLEY, WD4 9HU**





**4/00756/15/FUL - CHANGE OF USE TO PRIVATE DWELLING, REPLACEMENT WINDOWS AND DOORS, INTERNAL WORKS.  
LAND R/O SARACENS HEAD, 47 HIGH STREET, KINGS LANGLEY, WD4 9HU  
APPLICANT: Mr Mitchell**

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[Case Officer - Andrew Parrish]

## **Summary**

The application is recommended for approval. The proposed alterations would not harm the character, appearance or historic interest of this curtilage listed building. The proposals would provide satisfactory parking, access, private amenity space and refuse storage facilities in association with the conversion to a one-bedroom dwelling. The proposal would not result in an over-development of the site and there would be no harm to the Conservation Area.

## **Site Description**

The area surrounding the application site comprises the existing car park and outbuilding to the Saracens Head PH, High Street, Kings Langley which is Grade II listed. The wider site has recently completed construction work following permission in 2012 for a two storey block of 4 x 2-bed flats together with amenity space and car parking, and the conversion of the existing outbuilding to a B1 office unit.

Alterations have been carried out to the latter building to convert it to a dwelling rather than a B1 use, which have not been approved.

The application site comprises an outbuilding which is curtilage listed. The site adjoins a bowling green to its south, and recently constructed refuse store to its west, flats to the east together with associated access and parking. The wider site adjoins a public footpath to its northern boundary together with a number of buildings, including a telephone exchange and an electricity sub-station north of this and public conveniences immediately to the east. Public open space lies beyond this. The surrounding area comprises a mix of commercial uses together with residential properties to the rear of the High Street frontages. There are a number of mature trees close to and adjoining the northern and eastern boundaries of the site.

## **Proposal**

Permission is sought for change of use of the outbuilding from office to residential together with alterations to the fenestration and internal layout.

Car parking would comprise a small layby alongside an access road that has already been constructed in connection with the 2012 permission.

A small dedicated private amenity space is proposed adjacent to the refuse storage area.

## **Referral to Committee**

The application is referred to the Development Control Committee due to the

contrary views of Kings Langley Parish Council.

## **Planning History**

- 4/00757/15/LBC CHANGE OF USE TO PRIVATE DWELLING, REPLACEMENT WINDOWS AND DOORS, INTERNAL WORKS.  
To be determined
- 4/01939/14/FUL CONVERSION AND CHANGE OF USE OF B1 OFFICE SPACE (FORMER STORAGE BUILDING) TO FORM DETACHED DWELLING WITH EXTERNAL ALTERATIONS.  
Refused  
22/10/2014
- 4/00774/14/LBC CONSTRUCTION OF FOUR (TWO BED) FLATS WITH ANCILLARY PARKING AND CHANGE OF USE OF BIN STORE TO B1 (OFFICE SPACE)  
Granted  
04/06/2014
- 4/00045/14/FUL CONVERSION AND CHANGE OF USE OF STORAGE BUILDING TO FORM DETACHED DWELLING WITH ADDITION OF DORMER WINDOW EXTENSIONS.  
Refused  
12/03/2014
- 4/00733/12/FUL CONSTRUCTION OF FOUR (TWO BED FLATS) WITH ANCILLARY PARKING AND CHANGE OF USE OF BIN STORE TO B1 (OFFICE SPACE). (AMENDED SCHEME)  
Granted  
14/05/2012
- 4/01515/11/FUL CONSTRUCTION OF FOUR (TWO BED FLATS) WITH ANCILLARY PARKING AND CHANGE OF USE OF BIN STORE TO B1 (OFFICE SPACE)  
Withdrawn  
30/12/2011
- 4/00224/10/PRE CONSTRUCTION OF THREE TERRACED DWELLINGS  
Raise objection  
27/05/2010

## **Policies**

National Policy Guidance

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

Adopted Core Strategy (CS)

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS2 - Selection of Development Sites  
CS4 - The Towns and Large Villages  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS13 - Quality of Public Realm  
CS19 - Affordable Housing  
CS23 - Social Infrastructure  
CS27 - Quality of the Historic Environment  
CS29 - Sustainable Design and Construction  
CS30 - Sustainability Offset Fund  
CS31 - Water Management  
CS32 - Air, Water and Soil Quality  
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan (DBLP)

Policies 10, 13, 18, 21, 34, 51, 54, 58, 63, 99, 100, 111, 119 and 120  
Appendices 1 (*to be updated through the C-Plan sustainability checklist*), 3 and 5

Supplementary Planning Guidance / Documents

Environmental Guidelines Sections 1, 3, 7, 9, 10, 12  
Water Conservation  
Energy Efficiency and Conservation  
Planning Obligations  
Affordable Housing (originally adopted January 2013)

Advice Notes

Sustainable Development Advice Note (March 2011) *Note: This is in the process of being updated to reflect the content of the adopted Core Strategy*

**Summary of Representations**

Kings Langley Parish Council

Objects on the grounds that the residential uses of the whole plot would become over-cramped, and this additional residential use would be out of keeping with the commercial uses in the High Street Conservation Area.

Conservation and Design - The proposal including a large window to the left of the north elevation is unacceptable. This has always functioned as a simple outbuilding

relating to the public house. The proposal over-domesticates the building to the point where it loses its historic resonance and character.

It is my strong opinion that the building is returned to its original form regarding its openings. I may consider the large door that originally dominated the left side of the north façade (with a small side window) having a recessed glass door whilst retaining the ledged and braced door which could be pinned back or when required used to cover this opening.

The windows should also return to their original form (timber vertical sliding sashes) and should along with the doors be painted black and this should form part of a condition that this colour must be retained ad infinitum. I recommend the application as presented for refusal.

Scientific Officer - A contaminated land investigation was undertaken at the site in respect of planning permission 4/00733/12/FUL for the construction of 4 flats and change of use of bin store to office (the further change of use of this office to residential being the subject of this application). The resulting report was submitted and approved under planning reference 4/01321/13/DRC. No remedial works were deemed necessary and condition 10 was recommended for discharge subject to a watching brief during ground works (see memo dated 19 July 2013).

In respect of this application, I would reiterate the requirement for a watching brief to be undertaken during any associated ground works for 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.

#### Strategic Planning

Any comments received will be reported at the meeting.

#### Building Control

Any comments received will be reported at the meeting.

#### Trees and Woodlands

Any comments received will be reported at the meeting.

#### Hertfordshire Highways

Any comments received will be reported at the meeting.

#### HCC Planning Obligations Officer

Any comments received will be reported at the meeting.

#### HCC Historic Environment Officer

Any comments received will be reported at the meeting.

### Affinity Water

Any comments received will be reported at the meeting.

### Response to Neighbour Notification / Site Notice / Newspaper Advertisement

None

### **Considerations**

This is an amended application following two previous refusals in 2014.

The 2012 permission / 2014 consent for four flats have largely been built out.

### Policy and Principle

The site falls within the local centre of Kings Langley wherein a mix of uses including housing is acceptable under Policies CS1 and CS4 of the Dacorum Core Strategy (September 2013). Saved Policy 10 of the DBLP encourages the use of urban land to be optimised. Policies CS10, 11, 12 and 13 of the CS are overriding policies that seek a high quality of design in all development proposals.

The Saracens Head PH is a Grade II listed building. Under saved Policy 119, any new development liable to affect the character of an adjacent listed building must be of such a scale and appearance, and must make use of such materials, as will retain the character and setting of the listed building.

The outbuilding the subject of this application is curtilage listed and therefore, in accordance with saved Policy 119, consent to alter or extend the listed building will only be granted where it can be satisfactorily demonstrated that the proposal will be carried out in a manner appropriate to the scale, proportion and external and internal appearance or historic character of the building to which it relates.

The site lies within the Kings Langley Conservation Area wherein under saved Policy 120 development proposals must preserve or enhance the established character or appearance of the area.

The key issues in the determination of this application relate to the impact of the proposal on the character, setting and historic interest of this curtilage listed structure, the setting of the main listed building, the character and appearance of the Conservation Area, and the impact in terms of the layout, access and car parking arrangements.

### Impact on Listed Building and Conservation Area

The site is within Kings Langley High Street Conservation Area. The Saracens Head public house is a Grade II listed building and there are a number of other listed buildings along the High Street frontage. The outbuilding is curtilage listed.

Section 72(1) of the Planning (Listed Building & Conservation Areas) Act 1990 requires that special regard be given to the desirability of preserving or enhancing the character or appearance of conservation areas and that special regard is had to the desirability of preserving the setting and character and historic interest of listed buildings.

Saved Local Plan Policy 120 supports this, and includes an expectation that new development in a conservation area will respect the existing pattern of development and be of a design which is compatible with that of the surrounding area.

Saved Policy 119 draws attention to development affecting and in proximity to listed buildings, requiring that the character or appearance is not harmed and that the scale, appearance and materials used in construction retain the character and setting of the listed building.

Policy CS27 states that:

**"The integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced."**

Policies CS10, 11, 12 and 13 of the Dacorum Borough Local Plan are overarching policies that seek to ensure that all development is of a high quality and respects the townscape and general character of the area.

The application seeks permission to convert a small storage outbuilding, historically associated with the Saracens Head PH, to a dwelling.

the key issue in this case is the impact on the setting of the listed building and the fact that this building is curtilage listed. A further important issue is the effect of the proposals on the character and appearance of this part of the Conservation Area.

The existing building is a representation of a small outbuilding used in relation to the public house. While in itself not of great merit architecturally, it is part of its intrinsic interest as a small building related to the use of the public house. The change of use (under the recent 2012 application) did little to alter its appearance, allowing its association with the public house still to be read (i.e. it does not visually distort its association). For this reason the Conservation Officer was happy to support the conversion of the building to an office use.

Officers have previously advised that they are not against the principle of conversion provided it would not result in major change to the appearance of the building. The previous alterations, which included extensions to the roof, did result in major change to the appearance of the building and were not sympathetic in design, colour or materials.

The Conservation Officer has advised that the current proposed fenestration alterations would over-domesticate the building to the point where it loses its historic resonance and character. She has therefore advised that the building should be returned to its original form regarding the openings.

Two iterations of amended plans have subsequently been received which introduce shutters to the left hand full length windows to replicate the original wooden doors, sliding sash windows with timber frames, and framed ledged and braced doors and shutters, all painted black.

The Conservation Officer is happy with the amendments in Conservation terms which address the previous reasons for refusal. The right hand door has not changed in width as suggested by the Conservation Officer.

The Design and Access Statement indicates that the previously raised issue of the cement render plynth will be removed. It is recommended that this be done before occupation.

The proposal would preserve the architectural and historic interest of the listed building and its setting, and the character and appearance of the Conservation Area. It would comply with Policies CS12 and CS27 of the CS, and saved Policies 119 and 120 of the DBLP.

### Layout and amenities

The previous issue with regards to windows overlooking the adjacent refuse storage area has been addressed with the inclusion of a gated 1 m margin leading to a small yard. With regards to refuse, the agent has previously stated that the refuse area is as existing for the implemented development. The red line plan encompasses this which is considered satisfactory.

The layout of the development previously failed to give adequate consideration to the provision of private amenity space to serve the dwelling as no specific amenity space was designed in to serve the new dwelling, contrary to guidance in Appendix 3 of the DBLP. The proposal now includes shared provision of the communal space with Saracens Mews and the unit also has a small private yard adjacent to the refuse area.

With regards to the Parish Council's objections on "over-cramped" grounds, whilst detailed concerns were raised about amenity space, refuse storage and parking on the previous refusals, these shortcomings have been adequately addressed under the current application and the number of bedrooms has also been reduced from two to one, alongside the omission of the raised roof and first floor. Consequently, it is not considered that a refusal on cramped or over-developed grounds could be substantiated in this case. It should also be noted that there is an extant permission for its use as offices which in car parking terms could have an equally if not more intensive use than a single bedroom residential use.

The proposal would comply with Policy CS12 and Appendix 3 of the DBLP.

### Access and parking

Access would be as existing which is shared with four other dwellings.

On the previous but one application, the highway engineer noted that the proposed car parking bays that would serve the new residential unit did not meet the required standards as set down in Appendix 5 of the DBLP (i.e. Manual for Streets says that parallel parking spaces should be 6 m long). Amendments were requested at the time but no changes were made to those plans. Under the current application a two bay layby is proposed in front of the building and the dimensions of each space have been adjusted accordingly to comply with the 6 m request.

Consequently the proposal is considered acceptable in terms of parking facilities and complies with Manual for Streets and Appendix 5, in accordance with Policy CS12 of the CS and saved Policies 51 and 58 of the DBLP.

### Impact on neighbours

It is considered that the proposal would have an acceptable relationship to existing dwellings in terms of residential amenities.

The proposal would therefore comply with Policy CS12(c) of the CS.

### Sustainability

The previous applications were refused on grounds of the absence of a sustainability statement to demonstrate a sustainable approach to the development.

A satisfactory C-Plan sustainability statement has been submitted as required under Policy CS29 and Para. 18.22 of the CS and the Sustainable Development Advice Note. The proposal would therefore comply with Policy CS29 by demonstrating a sustainable approach to the development in terms, inter alia, of water, drainage, energy conservation, waste reduction, reuse of materials, etc.

### Planning Obligation

The previous applications were refused on grounds of the lack of a completed s106 unilateral undertaking to secure affordable housing and SPD contributions.

However, a written Ministerial Statement on 28 November 2014 (House of Commons Written Statement - reference HCWS50) sets out proposed changes to national policy with regard to Section 106 planning obligations, and has resulted in an amendment to the National Planning Practice Guidance (NPPG), paragraph 012 of Planning Obligations notes the following:

'There are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development.'

The NPPG goes onto state that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm.

This ministerial guidance and note within the NPPG are considered to represent significant weight as material considerations to be balanced against the requirements of Policy CS35 of the Core Strategy, saved Policy 13 of the Local Plan and Planning Obligations Supplementary Planning Document which aim to secure planning obligations to offset the impact of new residential development upon local services and infrastructure. The commitment of the Government to revise the s106 process indicates that the existing policies of the Development Plan are out-of-date with the current Government guidance. In line with Policy NP1 of the Core Strategy, it is therefore proposed to apply more weight to the revised guidance in the NPPG.



It is noted that the proposal falls beneath the threshold of ten dwellings and would also have a gross floor space of less than 1000m<sup>2</sup>. It therefore falls beneath the threshold where the exemption from Section 106 affordable housing contributions and tariff style contributions applies. On this basis it is not justified to seek Section 106 contributions for this proposal.

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

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

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

- 2 The development hereby permitted shall be constructed in accordance with the materials and details specified on the approved drawings or such other materials as may be agreed in writing by the local planning authority.**

Reason: To safeguard the character and appearance of the Listed Building and Conservation Area in accordance with Policies CS12 and 27 of the Dacorum Core Strategy September 2013 and saved Policies 119 and 120 of the Dacorum Borough Local Plan 1991-2011.

- 3 The development hereby permitted shall be carried out in accordance with the approved C-Plan Sustainability Statement.**

Reason: To ensure the sustainable development of the site in accordance with Policy CS29 and Paragraph 18.22 of the Dacorum Core Strategy September 2013.

- 4 If it has not already been removed, the existing cement render plynth shall be removed from the building before first occupation.**

Reason: To safeguard the character and appearance of the Listed Building and Conservation Area in accordance with Policies CS12 and 27 of the Dacorum Core Strategy September 2013 and saved Policies 119 and 120 of the Dacorum Borough Local Plan 1991-2011.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:**

**Schedule 2 Part 1 Class A, C, D, G, H**

## **Part 2 Class C.**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the character and appearance of the Listed Building and Conservation Area in accordance with Policies CS12 and 27 of the Dacorum Core Strategy September 2013 and saved Policies 119 and 120 of the Dacorum Borough Local Plan 1991-2011.

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

**9189-L-00-LP**  
**9189-L-00-01**  
**9189-L-00-02**  
**9189-L-00-03B**

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

### Article 31 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

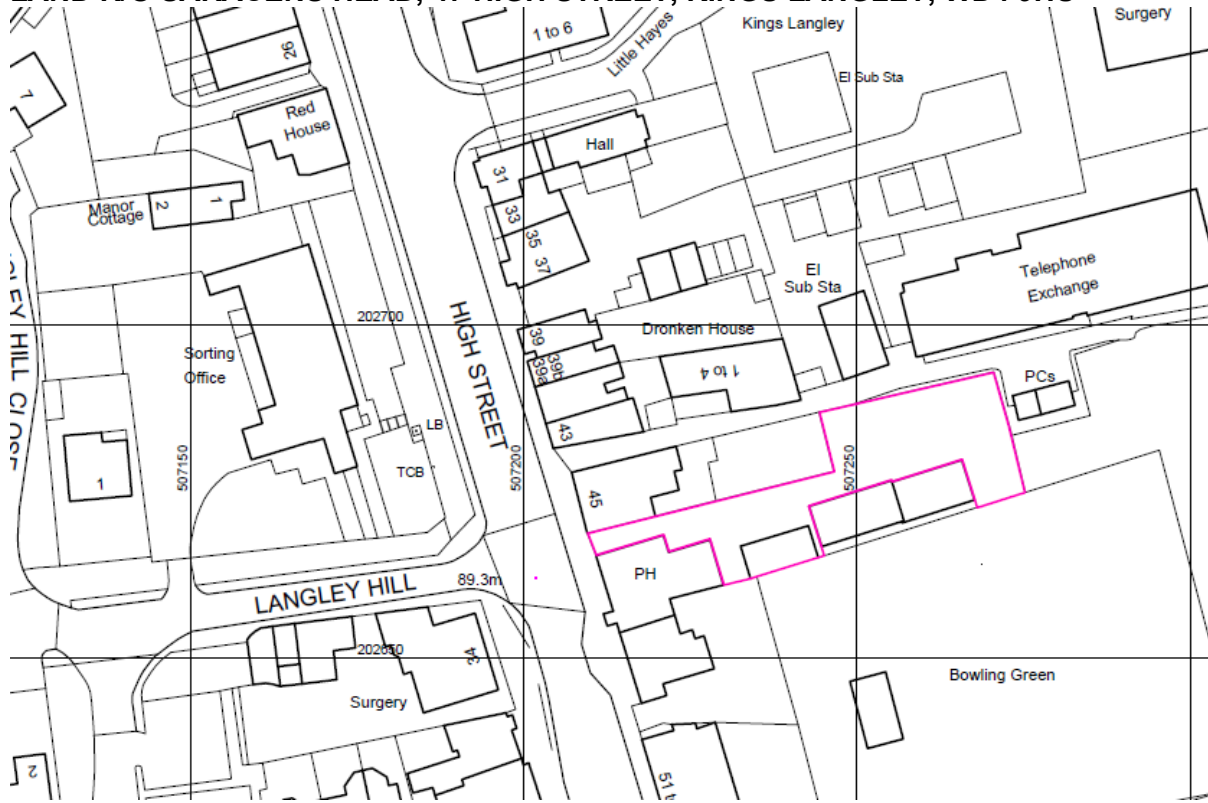
### INFORMATIVE:

The applicant is advised that a watching brief should be undertaken during any associated ground works for 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.

## ITEM 5.14

**4/00757/15/LBC - CHANGE OF USE TO PRIVATE DWELLING, REPLACEMENT WINDOWS AND DOORS, INTERNAL WORKS.**

**LAND R/O SARACENS HEAD, 47 HIGH STREET, KINGS LANGLEY, WD4 9HU**

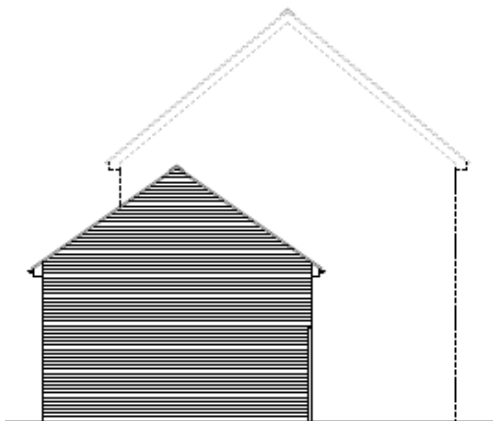


**4/00757/15/LBC - CHANGE OF USE TO PRIVATE DWELLING, REPLACEMENT WINDOWS AND DOORS, INTERNAL WORKS.  
LAND R/O SARACENS HEAD, 47 HIGH STREET, KINGS LANGLEY, WD4 9HU**

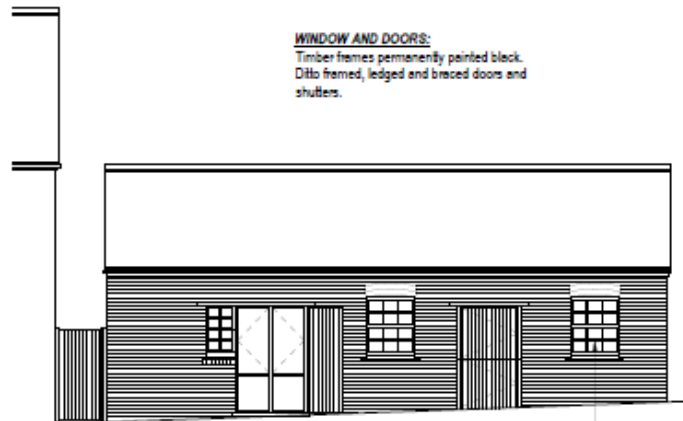


**South Elevation**

**West Elevation**



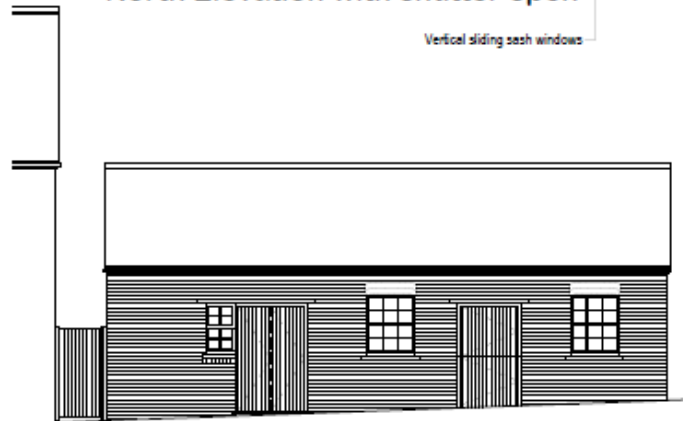
**East Elevation**



**WINDOW AND DOORS:**  
Timber frames permanently painted black.  
Ditto framed, ledged and braced doors and shutters.

**North Elevation with shutter open**

Vertical sliding sash windows



**North Elevation with shutter closed**

**4/00757/15/LBC - CHANGE OF USE TO PRIVATE DWELLING, REPLACEMENT  
WINDOWS AND DOORS, INTERNAL WORKS.  
LAND R/O SARACENS HEAD, 47 HIGH STREET, KINGS LANGLEY, WD4 9HU  
APPLICANT: Mr Mitchell**

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[Case Officer - Andrew Parrish]

### **Summary**

The application is recommended for approval. The proposed alterations would not harm the character, appearance or historic interest of this curtilage listed building.

### **Site Description**

The area surrounding the application site comprises the existing car park and outbuilding to the Saracens Head PH, High Street, Kings Langley which is Grade II listed. The wider site has recently completed construction work following permission in 2012 for a two storey block of 4 x 2-bed flats together with amenity space and car parking, and the conversion of the existing outbuilding to a B1 office unit.

Alterations have been carried out to the latter building to convert it to a dwelling rather than a B1 use, which have not been approved.

The application site comprises an outbuilding which is curtilage listed. The site adjoins a bowling green to its south, and recently constructed refuse store to its west, flats to the east together with associated access and parking. The wider site adjoins a public footpath to its northern boundary together with a number of buildings, including a telephone exchange and an electricity sub-station north of this and public conveniences immediately to the east. Public open space lies beyond this. The surrounding area comprises a mix of commercial uses together with residential properties to the rear of the High Street frontages. There are a number of mature trees close to and adjoining the northern and eastern boundaries of the site.

### **Proposal**

Consent is sought for change of use of the outbuilding from office to residential together with alterations to the fenestration and internal layout.

There is a concurrent planning application that deals with the car parking and amenity space, etc.

### **Referral to Committee**

The application is referred to the Development Control Committee due to the contrary views of Kings Langley Parish Council.

### **Planning History**

4/00756/15/FUL CHANGE OF USE TO PRIVATE DWELLING, REPLACEMENT  
WINDOWS AND DOORS, INTERNAL WORKS.  
To be determined

4/01939/14/FUL CONVERSION AND CHANGE OF USE OF B1 OFFICE SPACE  
(FORMER STORAGE BUILDING) TO FORM DETACHED DWELLING  
WITH EXTERNAL ALTERATIONS.

Refused  
22/10/2014

4/00774/14/LBC CONSTRUCTION OF FOUR (TWO BED) FLATS WITH ANCILLARY  
PARKING AND CHANGE OF USE OF BIN STORE TO B1 (OFFICE  
SPACE)

Granted  
04/06/2014

4/00045/14/FUL CONVERSION AND CHANGE OF USE OF STORAGE BUILDING TO  
FORM DETACHED DWELLING WITH ADDITION OF DORMER  
WINDOW EXTENSIONS.

Refused  
12/03/2014

4/00733/12/FUL CONSTRUCTION OF FOUR (TWO BED FLATS) WITH ANCILLARY  
PARKING AND CHANGE OF USE OF BIN STORE TO B1 (OFFICE  
SPACE). (AMENDED SCHEME)

Granted  
14/05/2012

4/01515/11/FUL CONSTRUCTION OF FOUR (TWO BED FLATS) WITH ANCILLARY  
PARKING AND CHANGE OF USE OF BIN STORE TO B1 (OFFICE  
SPACE)

Withdrawn  
30/12/2011

4/00224/10/PRE CONSTRUCTION OF THREE TERRACED DWELLINGS

Raise objection  
27/05/2010

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

### Adopted Core Strategy (CS)

CS27 - Quality of the Historic Environment

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

Policies 119 and 120

### Supplementary Planning Guidance / Documents

Environmental Guidelines Section 7

## **Summary of Representations**

### Kings Langley Parish Council

Objects on the grounds that the residential uses of the whole plot would become over-cramped, and this additional residential use would be out of keeping with the commercial uses in the High Street Conservation Area.

Conservation and Design - The proposal including a large window to the left of the north elevation is unacceptable. This has always functioned as a simple outbuilding relating to the public house. The proposal over-domesticates the building to the point where it loses its historic resonance and character.

It is my strong opinion that the building is returned to its original form regarding its openings. I may consider the large door that originally dominated the left side of the north façade (with a small side window) having a recessed glass door whilst retaining the ledged and braced door which could be pinned back or when required used to cover this opening.

The windows should also return to their original form (timber vertical sliding sashes) and should along with the doors be painted black and this should form part of a condition that this colour must be retained ad infinitum. I recommend the application as presented for refusal.

## **Considerations**

This is an amended application following two previous refusals in 2014.

The 2012 permission / 2014 consent for four flats has largely been built out.

### Policy and Principle

The Saracens Head PH is a Grade II listed building and therefore important to have special regard to the impact of the alterations on the character and setting of the listed building.

Under saved Policy 119, any new development liable to affect the character of an adjacent listed building must be of such a scale and appearance, and must make use of such materials, as will retain the character and setting of the listed building.

The outbuilding the subject of this application is curtilage listed and therefore, in accordance with saved Policy 119, consent to alter or extend the listed building will

only be granted where it can be satisfactorily demonstrated that the proposal will be carried out in a manner appropriate to the scale, proportion and external and internal appearance or historic character of the building to which it relates.

Policy CS27 states that:

"The integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced."

### Impact on Listed Building

The site is within Kings Langley High Street Conservation Area. The Saracens Head public house is a Grade II listed building and there are a number of other listed buildings along the High Street frontage. The outbuilding is curtilage listed.

Section 72(1) of the Planning (Listed Building & Conservation Areas) Act 1990 requires that special regard is had to the desirability of preserving the setting and character and historic interest of listed buildings.

Saved Policy 119 draws attention to development affecting and in proximity to listed buildings, requiring that the character or appearance is not harmed and that the scale, appearance and materials used in construction retain the character and setting of the listed building.

Policy CS27 states that:

"The integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced."

The application seeks permission to convert a small storage outbuilding, historically associated with the Saracens Head PH, to a dwelling.

the key issue in this case is the impact on the setting of the listed building and the fact that this building is curtilage listed.

The existing building is a representation of a small outbuilding used in relation to the public house. While in itself not of great merit architecturally, it is part of its intrinsic interest as a small building related to the use of the public house. The change of use (under the recent 2012 application) did little to alter its appearance, allowing its association with the public house still to be read (i.e. it does not visually distort its association). For this reason the Conservation Officer was happy to support the conversion of the building to an office use.

Officers have previously advised that they are not against the principle of conversion provided it would not result in major change to the appearance of the building. The previous alterations, which included extensions to the roof, did result in major change to the appearance of the building and were not sympathetic in design, colour or materials.

The Conservation Officer has advised that the current proposed fenestration alterations would over-domesticate the building to the point where it loses its historic resonance and character. She has therefore advised that the building should be returned to its original form regarding the openings.



Two iterations of amended plans have subsequently been received which introduce shutters to the left hand full length windows to replicate the original wooden doors, sliding sash windows with timber frames, and framed ledged and braced doors and shutters, all painted black.

The Conservation Officer is happy with the amendments in Conservation terms which address the previous reasons for refusal. The right hand door has not changed in width as suggested by the Conservation Officer.

The Design and Access Statement indicates that the previously raised issue of the cement render plinth will be removed. It is recommended that this be done before occupation.

The proposal would preserve the architectural and historic interest of the listed building and its setting. It would comply with Policy CS27 of the CS, and saved Policy 119 and of the DBLP.

### Other Matters

The Kings Langley Parish Council objections are noted and dealt with under the concurrent planning application.

**RECOMMENDATION** – That listed building consent be **GRANTED** for the reasons referred to above and subject to the following conditions:

- 1 The works for which this consent is granted shall be begun before the expiration of three years from the date of this consent.**

Reason: To comply with section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

- 2 The development hereby permitted shall be constructed in accordance with the materials and details specified on the approved drawings or such other materials as may be agreed in writing by the local planning authority.**

Reason: To safeguard the character and appearance of the Listed Building in accordance with Policy 27 of the Dacorum Core Strategy September 2013 and saved Policy 119 of the Dacorum Borough Local Plan 1991-2011.

- 3 The existing cement render plinth shall be removed from the building before first occupation.**

Reason: To safeguard the character and appearance of the Listed Building in accordance with Policy CS27 of the Dacorum Core Strategy September 2013 and saved Policy 119 of the Dacorum Borough Local Plan 1991-2011.

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

**9189-L-00-LP**

**9189-L-00-01**  
**9189-L-00-02**  
**9189-L-00-03B**

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

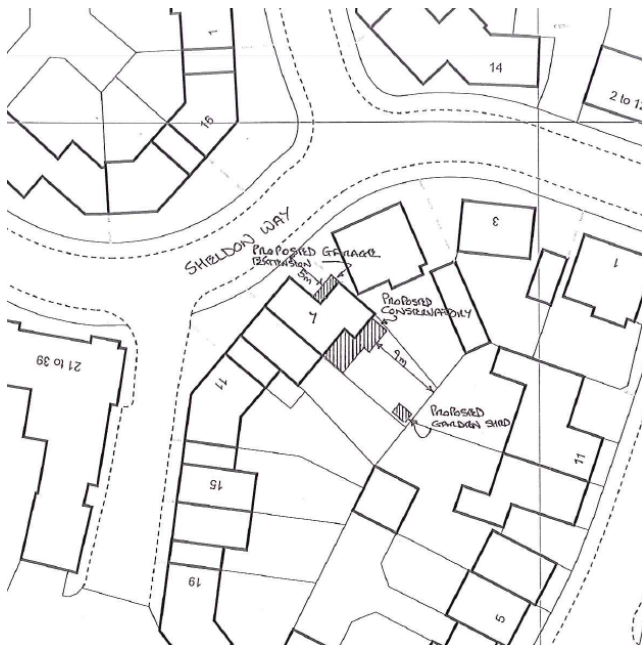
Article 31 Statement

Listed Building consent 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 2012.

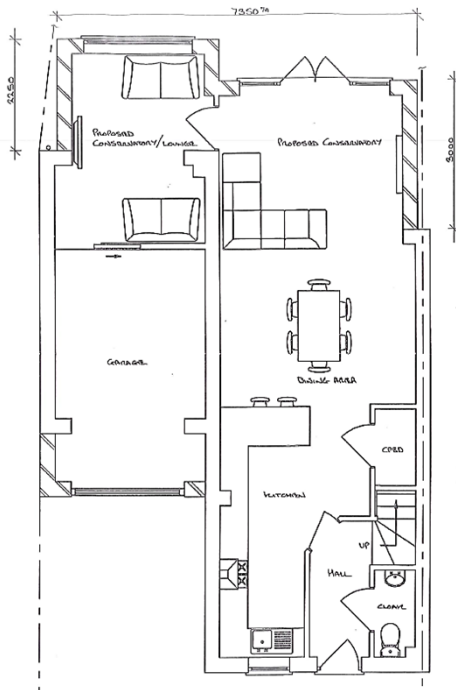
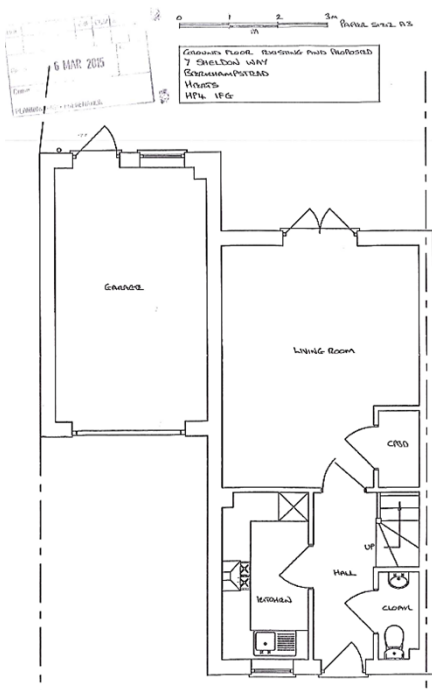
**ITEM 5.15**

**4/00909/15/FHA - SINGLE STOREY REAR CONSERVATORY, SINGLE STOREY EXTENSION TO GARAGE AT FRONT/SIDE, CANOPY OVER FRONT ENTRANCE DOOR, WOODEN GARDEN SHED TO REAR GARDEN.**

**7 SHELDON WAY, BERKHAMSTED, HP4 1FG**



**4/00909/15/FHA - SINGLE STOREY REAR CONSERVATORY, SINGLE STOREY EXTENSION TO GARAGE AT FRONT/SIDE, CANOPY OVER FRONT ENTRANCE DOOR, WOODEN GARDEN SHED TO REAR GARDEN.  
7 SHELDON WAY, BERKHAMSTED, HP4 1FG**



**4/00909/15/FHA - SINGLE STOREY REAR CONSERVATORY, SINGLE STOREY EXTENSION TO GARAGE AT FRONT/SIDE, CANOPY OVER FRONT ENTRANCE DOOR, WOODEN GARDEN SHED TO REAR GARDEN.  
7 SHELDON WAY, BERKHAMSTED, HP4 1FG  
APPLICANT: Ms C Legg**

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[Case Officer - David Lane]

## **Summary**

The application is recommended for approval.

The application site is located within the residential area of Berkhamsted where residential extensions are acceptable in principle. The scale, design and materials of the proposals are appropriate to the existing building and there would be no harm to residential amenity. Car parking within the site would be appropriate. The proposal is therefore acceptable in terms of policies CS4, CS11 and CS12 of the Dacorum Core Strategy (September 2013) and in terms of saved policy 58 and Appendix 7 of the Dacorum Borough Local Plan 1991-2011.

## **Site Description**

The site is located on the south-east side of Sheldon Way and comprises a two storey semi-detached dwelling. There is an integral garage to the side which is set back from the main frontage to allow parking for one car on the front drive in front of the garage.

The property sits within the Stag Lane development, towards the northern end of Berkhamsted.

## **Proposals**

The application comprises a number of proposals:

- 1) Single storey conservatory to the rear which extends the full width of the property and is stepped in plan form such that it has a depth of 3m to one side and 2.25m to the other side.
- 2) Single storey front extension to the side garage which would bring forward the garage by 1.25m and introduce a small mono-pitch tiled roof. Consequently, part of the existing garage would be converted to living accommodation.
- 3) Mono-pitch canopy porch over the front door.
- 4) Timber shed to rear garden measuring 1.3m x 1.8m x 2m in height.

## **Referral to Committee**

The application is referred to the Development Control Committee due to the

contrary views of Berkhamsted Town Council who objects to the application on the basis of impact on parking, reduction in garden area, reduction in privacy distances and setting a precedent.

## **Planning History**

Informal enquires were made to the Council prior to the submission of the application.

There is no formal planning history relevant specifically to the application property, but it should be noted that the Stag Lane development was approved as part of a scheme for 150 dwellings under 4/02672/05/MFA. Permitted development rights were removed.

## **Policies**

The site lies within the designated housing proposal Site H2 which has now been developed.

### National Policy Guidance

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

### Adopted Core Strategy

NP1, CS4, CS11, CS12

### Saved Policies of the Dacorum Borough Local Plan

Policy 58 and Appendices 3, 5 and 7

## **Summary of Representations**

### Berkhamsted Town Council

Object.

The proposed front extension will leave inadequate space for designated off-road parking provision without encroaching on the pavement. The new extension to the rear of the building (other than the Conservatory) will leave a garden depth below the policy requirement of 11.5m.

This new extension will also leave a distance of less than the required 23m between 7 Sheldon Way and 11 Stag Lane.

Were this application to be approved, it would set an unwelcome precedent in this development, which was originally designed to very tight and minimum specifications in planning policy terms.

As yet no notice has been posted to inform residents of this application.

Contrary to Core Strategy Policy CS 12 and Saved Local Plan Policies Appendix 3 and Appendix 5.

## **Considerations**

### Policy and Principle

The principle of extending an existing residential property within Berkhamsted is acceptable in accordance with Policy CS4 of the Dacorum Core Strategy (September 2013).

Policies CS11, CS12 of the Core Strategy and Saved Appendix 7 of the Dacorum Borough Local Plan are also relevant as they set out the general and specific guidelines relating to design. In particular CS11 (b) seeks to preserve attractive streetscapes and CS12 refers to the quality of site design. Saved Appendix 7 includes specific requirements and guidance for extensions.

### Impact on Appearance of the Building

The proposed conservatory at the rear of the property is not considered to be detrimental to the appearance of the property as a whole. Although it would extend the whole width of the dwelling, it is single storey and modest in depth. There is a significant amount of glazing proposed, including the material to be used for the roof, but this would not detract from the building.

At the front, the extension will be set back from the main frontage and will have a mono-pitch using matching tiles. The extension is limited in size and is set down and set back from the original dwelling and will not detract from it. Similarly, the canopy porch will use matching tiles and is a modest addition to the dwelling.

The shed in the rear garden is small and will have no impact on the appearance of the host dwelling.

The proposals are therefore acceptable for approval in light of Policy CS12.

### Impact on the Streetscene

The rear conservatory extension and shed will not be visible in the streetscene.

The front extension to the garage and the canopy porch will be visible in the wider street scene, but are considered acceptable. Whilst the Stag Lane development is a densely developed area of new housing in the town, many of the dwellings vary in type, size and character. There is no specific uniformity within this part of the development and therefore the modest extensions, which are in keeping with the dwelling, will not be harmful in the streetscene. The garage extension is significantly set back from the main frontage and the canopy porch is minimal in scale and similar to one already in existence on the next door, adjoining property.

The proposal is therefore acceptable for approval in the context of Policy CS11.

### Impact on Amenity of Neighbouring properties

No aspect of this proposal will be harmful to residential amenity in terms of loss of light, privacy or visual intrusion.

The conservatory sits close the boundary with the neighbour on either side, but will not have any windows in either side elevation. Each boundary is presently a close boarded fence approximately 1.5 – 1.8m in height. Whilst the proposed conservatory will be visible above the boundary fences, this does not amount to a visual intrusion. It is noted that the proposed conservatory will reduce the 23m privacy distance between the application site and the property to the rear at 11 Stag Lane. However, as the extension is single storey and a close boarded fence exists between the two properties, there will be no loss of amenity.

The front alterations are not close to any neighbouring windows, nor will they cause a visual intrusion.

The proposed garden shed is small scale and will not cause any harm to neighbour amenity.

### Amenity Space

It is noted that the proposed conservatory will reduce the size of the garden below the 11.5m depth. However, there will still be a 9m deep garden at the shallowest point with lawn area remaining. This will not alter significantly the way in which the garden can be used and is not therefore considered to be significantly harmful such that planning permission should be refused.

### Car Parking

Sufficient space (5m) will remain at the front of the extended garage such that a car can be parked off street. There will not be space for the opening of the garage door with a car parked, but this is not considered reason to refuse the application. Internal alterations within the property will allow sufficient space within the garage for a further car, thus two parking spaces will remain once the alterations have been completed.

### Precedent

The Town Council has raised the issue of precedent. However, there is a lot of variation of property types and site specific circumstances within the Stag Lane development such that each application should be dealt with on its own merits.

**RECOMMENDATION** – That the planning application be **DELEGATED WITH A VIEW TO APPROVAL** subject to the expiry of the neighbour notification period and subject to the following conditions:



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

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

- 2 **The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match in size, colour and texture those used on the existing building.**

Reason: To ensure a satisfactory appearance to the development and to accord with Core Strategy Policy CS12.

- 3 **There shall be no side windows inserted within the conservatory hereby permitted.**

Reason: In order to protect the amenities of neighbouring properties and to accord with Policy CS12 of the Core Strategy.

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

1:1250 site location plan, 1:500 block plan, 27226/1, existing and proposed floorplans, technical specification of shed, photographs of shed

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

Article 31 Statement

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

## **6. APPEALS**

### **A. LODGED**

- 4/01368/15/ENA DOE  
APPEAL AGAINST ENFORCEMENT NOTICE.  
COCKS HEAD WOOD, SHENDISH, LONDON ROAD, HEMEL  
HEMPSTEAD, HP3 0AB
- 4/01369/14/OUT Peplow  
DEMOLITION OF SIDE EXTENSION TO NUMBER 20 AND  
CONSTRUCTION OF DETACHED FAMILY DWELLING AND  
PEDESTRIAN ACCESS - OUTLINE APPLICATION (INCLUDING  
ACCESS, APPEARANCE, LAYOUT AND SCALE) WITH CAR PARKING  
IN AREA OF DEMOLISHED GARAGE AND PEDESTRIAN PATH ONLY  
TO DWELLING.  
LAND TO REAR 18 & 20 MILLFIELD, BERKHAMSTED, HP4 2PB
- 4/01878/14/FHA MR & MRS BROWNE  
CONSTRUCTION OF FRONT PORCH  
STUART HOUSE, FERRERS HILL FARM, PIPERS LANE, MARKYATE,  
ST. ALBANS, AL3 8QG
- 4/01879/14/LBC MR & MRS BROWNE  
CONSTRUCTION OF FRONT PORCH  
STUART HOUSE, FERRERS HILL FARM, PIPERS LANE, MARKYATE,  
ST. ALBANS, AL3 8QG

### **B. ALLOWED**

- 4/03457/14/FHA Mrs H Barnett  
PROPOSED RAISING OF ROOF (IN COMBINATION WITH THE  
PROPOSED AT NO 55) TO CREATE LOFT CONVERSION AND  
SINGLE STOREY REAR EXTENSION TO KITCHEN/DINING AREA.  
57 MISWELL LANE, TRING, HP234DD
- 4/03458/14/FHA Trew  
RAISING OF ROOF TO CREATE SPACE FOR LOFT CONVERSION  
55 MISWELL LANE, TRING, HP23 4DD

The proposal relates to an increase in the height of the roof and new dormer window extension in combination with a concurrent appeal proposal at No. 57. The main issue relates to the impact on the character and appearance of the area. The appeal property is an end of terrace Victorian property which adds to the character and qualities of the area. Whilst not in a Conservation Area or listed, the Inspector considered the traditional design, simple form and largely unaltered roofscape and fenestration of this terrace was sufficient to warrant consideration as a non-designated heritage asset.

The Inspector considered the increase in height would introduce a stepped profile to the roof of the terrace disrupting its consistent roofline. The introduction of decorate brickwork would further interrupt the rhythm and broad unity of the terrace resulting in a discordant element to an otherwise harmonious built frontage. In this way it would be materially

harmful to the visual character of the host building, terrace and adjacent semi-detached pair.

With regards to the proposed rear dormer the Inspector noted that this would be a sizeable addition, covering the major part of the roof. He considered that it would visually dominate the rear of the dwelling and the terrace to which it belongs, to the detriment of their visual character. In views from longfield Road it would appear as an overly large and incongruous addition, the visual effect of which would be accentuated by the timber weatherboarding, which would markedly contrast with the brick and slate construction of the host building and the terrace. A similar new rear dormer to No 57 in addition to that of No 55 would exacerbate this harmful visual impact.

#### **B. WITHDRAWN**

None

#### **C. FORTHCOMING INQUIRIES**

None

#### **D. FORTHCOMING HEARINGS**

None

#### **E. DISMISSED**

4/00647/14/RET

MR & MRS LUCAS  
RETENTION OF ANCILLARY OUTBUILDING  
4 MYRTLE COTTAGES, BULBOURNE ROAD, BULBOURNE,  
TRING, HP23 5QE

To sum up, the cabin building is inappropriate development in the Green Belt. Substantial weight has to be attached to any harm to the Green Belt. There would be no harm to the AONB and, with a suitable condition, the harm to the living conditions of neighbouring occupiers would be mitigated. However even when taken together, the other considerations reviewed above do not clearly outweigh the principal objection. The very special circumstances required to justify the development do not exist and the development is contrary to Policy CS5 of the CS. Therefore for the reasons given I conclude that the appeal should fail.

4/03458/14/FHA

Trew  
RAISING OF ROOF TO CREATE SPACE FOR LOFT  
CONVERSION  
55 MISWELL LANE, TRING, HP23 4DD

The proposal relates to an increase in the height of the roof and new dormer window extension in combination with a concurrent appeal proposal at No. 57. The main issue

relates to the impact on the character and appearance of the area. The appeal property is an end of terrace Victorian property which adds to the character and qualities of the area. Whilst not in a Conservation Area or listed, the Inspector considered the traditional design, simple form and largely unaltered roofscape and fenestration of this terrace was sufficient to warrant consideration as a non-designated heritage asset.

The Inspector considered the increase in height would introduce a stepped profile to the roof of the terrace disrupting its consistent roofline. The introduction of decorative brickwork would further interrupt the rhythm and broad unity of the terrace resulting in a discordant element to an otherwise harmonious built frontage. In this way it would be materially harmful to the visual character of the host building, terrace and adjacent semi-detached pair.

With regards to the proposed rear dormer the Inspector noted that this would be a sizeable addition, covering the major part of the roof. He considered that it would visually dominate the rear of the dwelling and the terrace to which it belongs, to the detriment of their visual character. In views from Longfield Road it would appear as an overly large and incongruous addition, the visual effect of which would be accentuated by the timber weatherboarding, which would markedly contrast with the brick and slate construction of the host building and the terrace. A similar new rear dormer to No 57 in addition to that of No 55 would exacerbate this harmful visual impact.

## **F. ALLOWED**

4/02108/14/FUL      CHIPPERFIELD LAND COMPANY LTD  
DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF  
THREE DETACHED 4-BED DWELLINGS WITH ASSOCIATED  
ACCESS (AMENDED SCHEME)  
37 ASHLYNS ROAD, BERKHAMSTED, HP4 3BL

The site has a planning history, which includes a previous appeal where proposals for the demolition of No 37 Ashlyns Road and replacement with three houses and associated access was dismissed. The issues before the inspector in that instance related to character and appearance and the effect on the living conditions of neighbours.

The scheme has been refused by the Council solely on the basis of a lack of a S106 Unilateral Undertaking (UU) relating to contributions towards local infrastructure.

Taking the above background into account, the main issue is whether the particular contributions sought in respect of local infrastructure contributions are necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind to the development.

The Council considers that financial contributions are required towards the provision of local infrastructure. This would be in accordance with Policy 13 of the Dacorum Local Plan (LP) 1991- 2011 and Policy CS35 of the Dacorum Core Strategy.

Both parties refer to the changes to the Planning Practice Guidance (PPG). This is the result of a change to the Government's policy on planning obligations as expressed in the Written Ministerial Statement on 28 November 2014. The changes indicate that contributions for tariff style obligations should not be sought from developments of 10 units or less, and which have a combined maximum combined gross floorspace of no more than 1000sqm.

The Council accepts that its current approach to S106 and affordable housing would need

to be amended in the light of this. However, it also considers that its policy approach remains sound and its requirements for infrastructure contributions are in accordance with the tests set out in the Community Infrastructure Levy (CIL) Regulations 2010.

I have considered the need for a UU in respect of the requirements set out in paragraph 204 of the National Planning Policy Framework (the Framework) and regulation 122 of CIL Regulations. These set out that any contributions sought should be necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind to the development.

I understand that the calculations are based on the Council's methodology contained in the Planning Obligations Supplementary Planning Document (SPD) and Hertfordshire County Council's obligation toolkit. I note the appellant does not dispute this matter. However, very little information is provided by the Council in respect of where the contributions would be spent, either in the Council's officer report or appeal statement.

The Council's appeal statement simply provides a financial breakdown of the specific elements, including individual sums and a total amount. These elements include play and open space, libraries, education, childcare and youth facilities and sustainable transport measures. No further detail other than individual amounts is provided. It is therefore not clear whether the sums sought would be spent within the local area, nor is there any information demonstrating how these contributions relate specifically to the development.

The Council have referred to the Infrastructure Delivery Plan (IDP) 2014 as containing details of projects on which the contributions would be spent. I accept that the IDP is used by the Council to direct funds to appropriate projects and I note that it forms part of the evidence base for the Council's Core Strategy and CIL examinations. However, I have not been provided with a copy of this nor does the Council provide any indication of what the relevant elements of the delivery plan would be in relation to the appeal proposal. In respect of the contribution requested by the Highway Authority, the Council's appeal statement does refer to a contribution towards a traffic calming and speed management scheme in relation to Kings Road, which is close to the appeal site. However, it is not clear from this what sum is being sought. I note that the Highway Authority do not specifically refer to scheme or concerns in respect of this road within their comments on the planning application.

Moreover, the appellant refers to correspondence from the County Council, relating to another planning application on the same site (4/02118/14/FUL). This correspondence confirms that the Highway Authority would no longer be seeking contributions in relation to this site. On this basis, I consider that no clear justification for the highways contribution has been put forward and the need for it has not been properly demonstrated.

In the light of the lack of adequate evidence on where the contributions would be spent or how they relate specifically to the development, I consider that the Council has not demonstrated that they are necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind to the development; in accordance with the Framework and the CIL Regulations 2010. As a consequence of the above reasoning, the updated advice of the PPG does not alter my final conclusions.

The Council does not object to the proposed scheme in respect of the effect on the character and appearance of the area and refer to the scheme now acknowledging the site constraints and topography. Based on the evidence before me, I see no reason to disagree with this view.

The Council also does not object to the proposed development in respect of the effect on

the living conditions of No 43 Ashlyns Road with regard to outlook. Based on my observations on my site visit including noting the separation of the appeal site from No 43 by an adjoining access road and taking account of the position of Plot C and the proposed design of the west elevation and roof, I agree with the Council that the scheme would not have an adverse impact in this respect.

I have considered the conditions in the light of the tests set out in paragraph 206 of the Framework and the PPG. For the avoidance of doubt and in the interests of proper planning, a condition is necessary specifying the approved plans.

In order to protect the character and appearance of the area, conditions are necessary in relation to materials, hard and soft landscaping. For the sake of clarity, I have amended the condition relating to landscaping to refer to the title of the submitted ecological report. In the interests of highway safety, conditions relating to parking and visibility splays are necessary. In order to protect the living conditions of adjoining occupiers at No 36 Ashlyns Road and also in respect of protected species, a condition is necessary relating to exterior lighting on the dwellings.

For the above reasons and having regard to all other matters raised, I conclude that subject to the conditions set in the attached schedule, the appeal should be allowed.

#### COSTS AWARD

I consider that the Council have failed to provide substantive evidence that demonstrates that the contributions are justified and that they are necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind to the development. Accordingly, I conclude that the Council has inadequately substantiated its reason for refusal. The applicant incurred unnecessary expense in defending this matter.

I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that a full award of costs is justified.