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# DEVELOPMENT MANAGEMENT AGENDA

**THURSDAY 18 JUNE 2015 AT 7.00 PM  
DBC COUNCIL CHAMBER - THE FORUM**

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

#### Membership

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

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

For further information, please contact Katie Mogan Ext 2221 or Member Support Ext 2209

## **AGENDA**

**1. MINUTES** (Pages 5 - 28)

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. **PLANNING APPLICATIONS (INDEX)** (Pages 29 - 57)
6. **5.01 IMAGE DEVELOPMENT, LEIGHTON BUZZARD ROAD, HEMEL HEMPSTEAD**  
(Pages 58 - 92)
7. **5.02 EMPIRE CINEMAS, LEISURE WORLD, JARMAN WAY, HEMEL HEMPSTEAD**  
(Pages 93 - 102)

8. **5.03 ABLE HOUSE, FIGTREE HILL, HEMEL HEMPSTEAD, HP2 5XL** (Pages 103 - 122)
9. **5.04 9,11 & 13 HIGH STREET & SWING GATE LANE, BERKHAMSTED, HP4**  
(Pages 123 - 145)
10. **5.05 BOBSLEIGH HOTEL, HEMPSTEAD ROAD, BOVINGDON, HP3 0DS** (Pages 146 - 216)
11. **5.06 THE PENNANT, DOCTORS COMMON ROAD, BERKHAMSTED, HP4 3DW**  
(Pages 217 - 232)
12. **5.07 HIGH DRIVE, AYLESBURY ROAD, TRING, HP23 4DJ** (Pages 233 - 249)
13. **5.08 1 COVERT ROAD & 2 ST MARYS AVENUE, BERKHAMSTED HP4 3RR** (Pages 250 - 260)
14. **5.09 52 & 54 LOCKERS PARK LANE, HEMEL HEMPSTEAD, HP1 1TJ** (Pages 261 - 270)
15. **5.10 OLD FISHERY HOUSE, OLD FISHERY LANE, HEMEL HEMPSTEAD HP1 2BN**  
(Pages 271 - 287)
16. **5.11 7 PICKFORD ROAD, MARKYATE AL3 8RS** (Pages 288 - 304)
17. **5.12 60 CHARLES STREET, BERKHAMSTED, HP4 3DJ** (Pages 305 - 312)
18. **5.13 BRIARS ORCHARD, SHOOTERSWAY LANE, BERKHAMSTED HP4 3NW**  
(Pages 313 - 328)
19. **5.14 9 BARTHOLOMEW GREEN, MARKYATE, AL3 8RX** (Pages 329 - 336)
20. **5.15 10 BRIAR WAY, BERKHAMSTED HP4 2JJ** (Pages 337 - 341)
21. **APPEALS** (Pages 342 - 345)
22. **EXCLUSION OF THE PUBLIC**

## **7. EXCLUSION OF THE 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:

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## **DACORUM BOROUGH COUNCIL**

### **DEVELOPMENT CONTROL COMMITTEE**

**28 MAY 2015**

\*\*\*\*\*

Present

#### **MEMBERS:**

Councillor D Collins (Chairman); Councillors Conway, Clark, Maddern, Matthews, Riddick, Rithchie, R Sutton and Whitman.

Councillors Marshall, G Sutton and Williams also attended

#### **OFFICERS:**

J Doe (Assistant Director of Planning, Development and Regeneration), S Clark (the Interim Group Manager of Development Management and Planning, F Bogle, A Parrish, J Reid, P Stanley, B Curtain, C Watson, N Weeks, T Lawson.

The meeting began at 7.00 pm

#### **001. INTRODUCTIONS**

Councillor D Collins (Chairman) introduced himself and the officers present and went through the fire safety procedure. Councillor D Collins asked Members to remember to declare any Disclosable Pecuniary or other Interests at the beginning of the relevant planning application. He also reminded the members and public about the rules regarding public participation.

Councillor D Collins announced that he would change the order of the applications being considered and bring forward the applications with Public Participation. The applications are minuted numerically to accord with the agenda.

An addendum to the agenda was circulated before the meeting. A copy of the addendum can be found on the DBC website on the following link:

#### **002. MINUTES**

The minutes of the meeting held on 29 April 2015 were confirmed by the Members present and were then signed by the Chairman

#### **003. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were submitted on behalf of Councillors Birnie, Guest, C Wyatt-Lowe and Tindall.

Councillor Mrs P Hearn substituted for Councillor Birnie.

#### **004. PLANNING APPLICATIONS**

The Committee considered applications for planning permission as set out below and reached the decisions therein.

**005. 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**

Fiona Bogle introduced the report and advised that there had been a late report received today from the Lead Local Flood Authority advising that the flood risk assessment does not comply and further information is required.

The development was debated with concerns being raised by Members with regards to the impact the development would have on the Town Centre.

There was no proposer for the officer's recommendation, so the Officer's recommendation overturned – application **REFUSED**.

Voting:

5 for and 4 abstentions;

whereupon it was:

Resolved:

That the application be refused for the following reason:

The proposal has a substantially harmful impact on the vitality and viability of Hemel Hempstead Town Centre, contrary to policy CS 16 of the Core Strategy.

**006. 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**

Neville Spiers, the applicants' agent, and Jacky Bennett, Chairman of the Trustees made statements in support of the application.

It was proposed by Councillor Matthews and seconded by Councillor P Hearn to refuse the application.

Voting:

5 for, 2 against and 2 abstentions;

whereupon it was:

Resolved:

That the application be refused 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.**

**007. 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**

Nigel Ozier, the applicants' agent, made a statement in Support of the application.

It was proposed by Councillor P Hearn and seconded by Councillor Whitman to grant the application in line with the officer's recommendation.

Voting:

8 for and 1 abstention

Whereupon it was:

Resolved:

That planning permission be granted, 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.

#### **008. 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**

Nigel Ozier, the applicants' agent, made a statement in Support of the application.

It was proposed by Councillor Conway and seconded by Councillor Clark to grant the application in line with the officer's recommendations

Voting:

Unanimously agreed

whereupon it was:

Resolved:

That planning permission be granted, 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.

### **009. 4/01653/15/FUL - CONSTRUCTION OF TWO SEMI DETACHED HOUSES LAND TO THE REAR OF 17 STATION ROAD, TRING, HP23 5NG**

Nigel Ozier, the applicants' agent, made a statement in Support of the application.

It was proposed by Councillor P Hearn and seconded by Councillor Clark to grant the application for the reasons set out above and subject to the following conditions:

Voting:

Unanimously agreed;

whereupon it was:

Resolved:

That planning permission be granted 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**

BBH003/01 Rev B - Proposed Site Plan and Street Scene Elevation

BBH003/02 Rev A- Proposed plans and Elevations

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:**

- (i) hard surfacing materials;**
- (ii) means of enclosure;**
- (iii) bin storage and refuse collection;**
- (iv) 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;**
- (v) 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:**

- (i) a survey of the extent, scale and nature of contamination;**
- (ii) an assessment of the potential risks to:**
  - (vi) human health,**
  - (vii) property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,**
  - (viii) adjoining land,**
  - (ix) groundwaters and surface waters,**
  - (x) ecological systems,**

(xi) 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.

**010. 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**

Councillor Ritchie declared a personal interest in this application. Councillor Ritchie was previously a member of Berkhamsted Town council Planning Committee and has previously spoken in favour of this application. On advice of N Weeks Councillor Ritchie withdrew from the meeting whilst this application was discussed.

Councillor Anthony Armytage, Berkhamsted Town Councillor spoke in objection to the application.

It was proposed by Councillor Conway and seconded by Councillor R Sutton to grant the application.

Voting:

7 for and 2 abstentions

whereupon it was:

Resolved

That planning permission be granted, 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 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.

**011. NEW DETACHED DWELLING AND GARAGE WITH VEHICULAR ACCESS FROM  
ST JOHNS WELL COURT  
328 HIGH STREET, BERKHAMSTED, HP4 1HT**

Penny Ingam, applicant, spoke in support of the application.

It was proposed by Councillor Whitman and seconded by Councillor P Hearn to grant the application in line with the officer's recommendations.

Voting:

7 for and 1 against;

whereupon it was:

Resolved:

That planning permission be granted, 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.

#### **012. 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**

John Richards spoke in support of the application.

John Harris spoke in objection to the application.

Councillor Marshall as Ward Councillor made a statement in objection to the application.

It was proposed by Councillor Conway and seconded by Councillor Matthews to defer the application:

Voting:

Unanimously agreed

Whereupon it was:

Resolved:

The application be **DEFERRED** to enable further information to be provided regarding the marketing of the units, the offer price of the floorspace and the prospects of attracting retail tenants in this location. Information was also sought on the precise location of the car parking spaces for the proposed residential units.

**013. 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**

It was proposed by Councillor Whitman and seconded by Councillor P Hearn to grant the application for the reasons set out above.

Voting:

Unanimously agreed;

whereupon it was:

Resolved:

That planning permission be granted, 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.

**014. 4/00586/15/RET - RETENTION OF RAISED DRIVEWAY WITH A RETAINING WALL  
22 MANORVILLE ROAD, HEMEL HEMPSTEAD, HP3 0AP**

It was proposed by Councillor Conway and seconded by Councillor R Sutton to grant the application for the reasons set out above.

Voting:

Unanimously agreed

Whereupon it was

Resolved:

That planning permission be granted, 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.

**015. 4/00661/15/FHA - INSERTION OF FOUR SMALL CONSERVATION WINDOWS TO  
REAR ROOF SLOPE  
BANK MILL WHARF, 2 BANK MILL LANE, BERKHAMSTED, HP4 2NT**

Councillor Anthony Armytage, Berkhamsted Town Councillor spoke in objection to the application.

It was proposed by Councillor Matthews and seconded by Councillor Whitman to grant the application for the reasons above.

Voting:

8 for and 1 abstention

Whereupon it was

Resolved

That planning permission be granted 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.

**016. 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**

Councillor Anthony Armytage, Berkhamsted Town Councillor spoke in objection to the application.

It was proposed by Councillor Whitman and seconded by Councillor Matthews to grant the application for the reasons above.

Voting:

8 for and 1 against

Whereupon it was:

Resolved

That planning permission be granted, 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.

**017. 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**

It was proposed by Councillor Matthews and seconded by Councillor R Sutton to grant the application for the reasons above.

Voting:

8 for and 1 abstention

Whereupon it was:

Resolved

That planning permission be granted, 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.

**018. 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**

It was proposed by Councillor P Hearn and seconded by Councillor Whitman to grant the application.

Voting:

8 for and 1 abstention

Whereupon it was

Resolved

That planning permission be granted 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.

**019. 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**

Councillor Anthony Armytage, Berkhamsted Town Councillor spoke in objection to the application.

#### **Summary**

It was proposed by Councillor P Hearn and seconded by Councillor R Sutton to grant the application for the reasons above

Voting:

5 for and 4 against

Whereupon it was:

Resolved

That planning permission be delegated with a view to approval subject to 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.

- 5 **Details of the replacement garage door are to be submitted to and approved by the Local Planning Authority:**

Reason: To ensure a satisfactory appearance to the development and to accord with core strategy policy CS12.

**020. APPEALS**

Noted the following reports:

- 1.Appeals Lodged;
- 2.Appeals Allowed
- 3.Appeals Dismissed
- 4.Decisions on Appeals

The meeting ended at 10.30pm



# DEVELOPMENT CONTROL COMMITTEE AGENDA

THURSDAY 18 JUNE 2015 AT 7.00 PM

COUNCIL CHAMBER, HEMEL HEMPSTEAD CIVIC CENTRE

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.

Birnie	Riddick
Collins (Chairman)	Ritchie
Conway	R Sutton
Clark	Whitman
Guest (Vice-Chairman)	C Wyatt-Lowe
Maddern	Tindall
Matthews	

### Substitute Members

Councillors Bateman, P Hearn, Peter, Link and Ransley

For further information please contact: Catriona Lawson, Member Support Team Leader on Tel: 01442 228209, E-mail [Catriona.lawson@dacorum.gov.uk](mailto:Catriona.lawson@dacorum.gov.uk) or visit our web-site [www.dacorum.gov.uk](http://www.dacorum.gov.uk)

### PART I

Item	Page No.
1. Minutes	2
2. Apologies for Absence	2
3. Declarations of interest	2
4. Public Participation	2
5. Planning Applications (Index – see page 4)	5
6. Appeals	x
7. Exclusion of the Public	x

\* \* \*

**1. MINUTES**

The minutes of the meeting held on 28 May 2015 will be 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.

(i) The questioner may not ask the same or a similar question within a six month period except for the following circumstances:

(ii)

(a) deferred planning applications which have foregone a significant or material change since originally being considered

(iii)

(b) resubmitted planning applications which have foregone a significant or material change

(iv)

(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.

## INDEX TO PLANNING APPLICATIONS

Item No	Application No.	Description and Address
5.01	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
5.02	4/01190/15/MFA	CHANGE OF USE OF FOUR EXISTING CINEMA AUDITORIA FROM CLASS D2 ASSEMBLY & LEISURE TO CLASS A3 RESTAURANTS & CAFE'S. ADDITIONALLY THE APPLICATION IS TO INCLUDE ALTERATIONS TO THE EAST ELEVATION OF THE BUILDING TO SUIT THE NEW USE. EMPIRE CINEMA, LEISURE WORLD, JARMAN WAY, HEMEL HEMPSTEAD, HP2 4JW
5.03	4/00779/15/MFA	DEMOLITION OF EXISTING OFFICE BUILDING. CONSTRUCTION OF 14 NEW FLATS IN A FOUR-STOREY BUILDING WITH ASSOCIATED CAR PARKING AND LANDSCAPING. ABLE HOUSE, FIGTREE HILL, HEMEL HEMPSTEAD, HP2 5XL
5.04	4/01895/15/MFA	DEMOLITION OF FORMER GARAGE BUILDINGS AND REDEVELOPMENT TO PROVIDE 11 NEW DWELLINGS THROUGH A COMBINATION OF CONVERSION AND NEW BUILD. LAND AT 9, 11 & 13 HIGH STREET AND SWING GATE LANE, BERKHAMSTED, HP4
5.05	4/01088/13/MFA	DEMOLITION OF EXISTING HOTEL PREMISES AND ASSOCIATED BUILDINGS WITHIN THE EXISTING COMPLEX AND CONSTRUCTION OF A NEW 100 BEDROOM HOTEL TOGETHER WITH REVISED ACCESS REQUIREMENTS AND CAR PARKING. RELOCATION OF 2 CARAVANS/MOBILE HOMES. BOBSLEIGH HOTEL, HEMPSTEAD ROAD, BOVINGDON, HEMEL HEMPSTEAD, HP3 0DS
5.06	4/01228/15/FUL	DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF TWO DETACHED DWELLINGS WITH INTEGRAL GARAGES AND CAR PARKING, LANDSCAPING AND REVISED VEHICULAR ACCESS THE PENNANT, DOCTORS COMMONS ROAD, BERKHAMSTED, HP4 3DW
5.07	4/01454/15/OUT	CONSTRUCTION OF TWO DWELLINGS HIGH DRIVE, AYLESBURY ROAD, TRING, HP234DJ
5.08	4/00221/15/FUL	CONSTRUCTION OF DETACHED DWELLING WITH INTEGRAL GARAGE. NEW DETACHED GARAGE TO SERVE 2 ST MARYS AVENUE, CLOSURE OF VEHICLE ACCESS TO DARRS LANE AND FORMATION OF NEW VEHICLE ACCESS TO DARRS LANE. DEMOLITION OF TWO GARAGES R/O 1 COVERT ROAD AND 2 ST. MARYS AVENUE, NORTHCHURCH, BERKHAMSTED, HP4 3RR
5.09	4/00280/15/FUL	CONSTRUCTION OF FOUR 3 BEDROOM SEMI-DETACHED



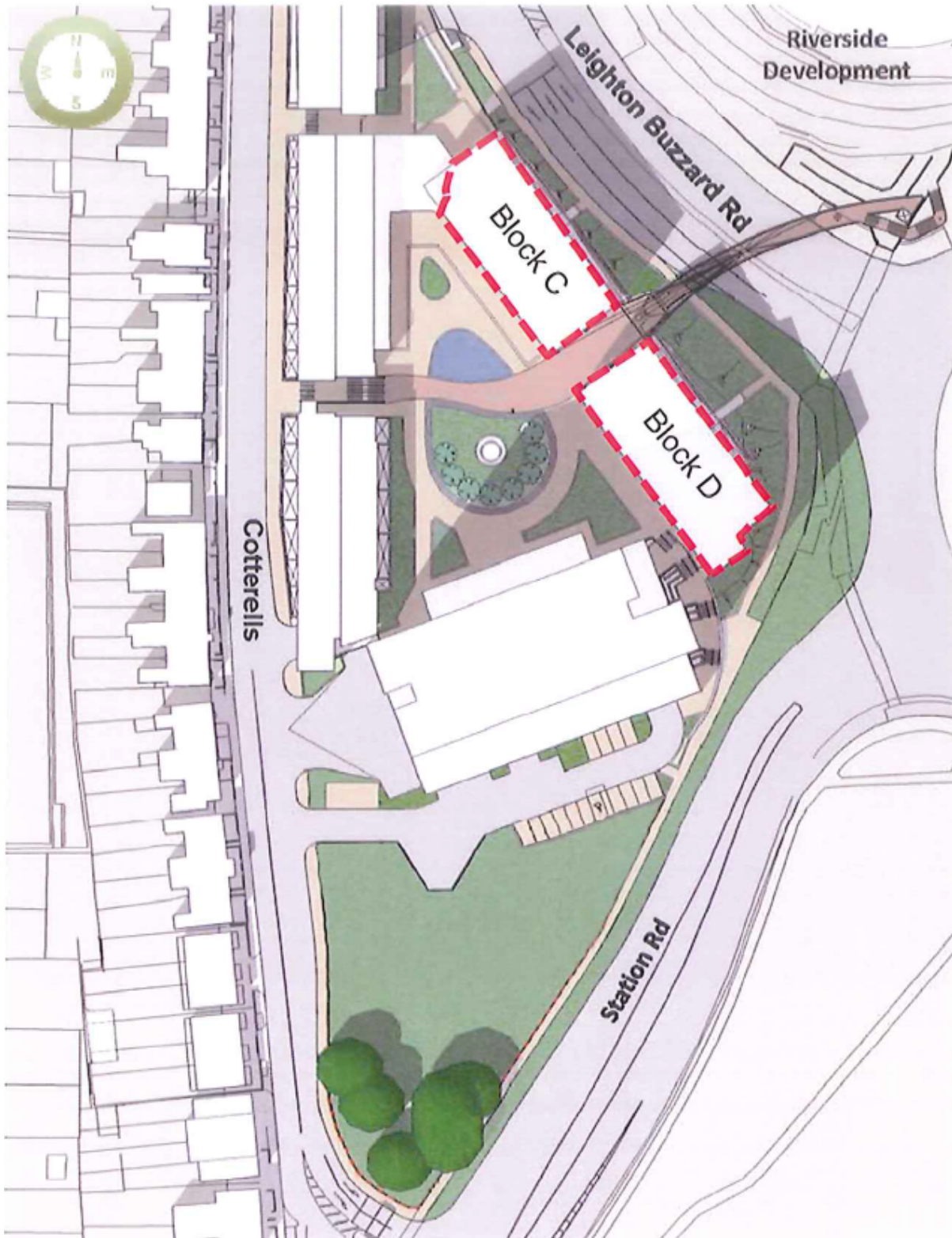
HOUSES

52 & 54 LOCKERS PARK LANE, HEMEL HEMPSTEAD, HP1 1TJ

- 5.10 4/03601/14/FUL DEVELOPMENT OF 2 NEW DETACHED DWELLINGS ON LAND ADJOINING OLD FISHERY HOUSE WITH ACCESS ROAD AND SINGLE GARAGE ATTACHED TO EACH DWELLING  
OLD FISHERY HOUSE, OLD FISHERY LANE, HEMEL HEMPSTEAD, HP1 2BN
- 5.11 4/01813/15/FUL DEMOLITION OF EXISTING DWELLING AND ERECTION OF TWO NEW DWELLINGS  
7 PICKFORD ROAD, MARKYATE, ST. ALBANS, AL3 8RS
- 5.12 4/00822/15/FHA REAR GROUND AND LOWER GROUND FLOOR EXTENSION  
60 CHARLES STREET, BERKHAMSTED, HP4 3DJ
- 5.13 4/00751/15/FHA TWO STOREY REAR EXTENSION  
BRIARS ORCHARD, SHOOTERSWAY LANE, BERKHAMSTED, HP4 3NW
- 5.14 4/01555/15/FHA DIVIDING FENCE TO FRONT GARDEN.  
9 BARTHOLOMEW GREEN, MARKYATE, ST. ALBANS, AL3 8RX
- 5.15 4/00186/15/FHA FIRST FLOOR EXTENSION TO BUNGALOW AND RAISED PATIO  
10 BRIAR WAY, BERKHAMSTED, HP4 2JJ

**ITEM 5.01**

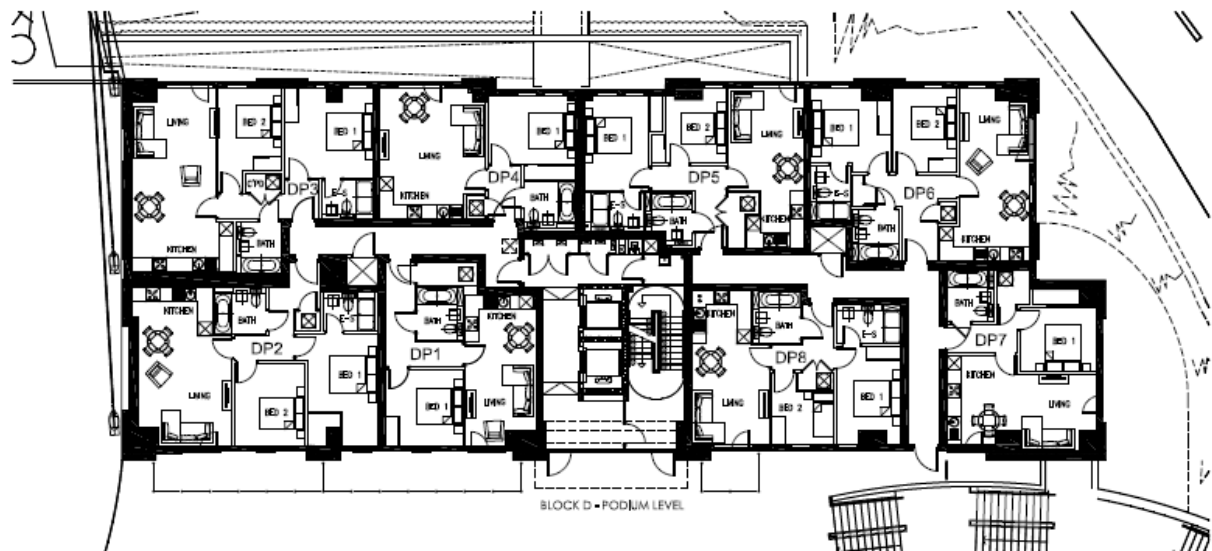
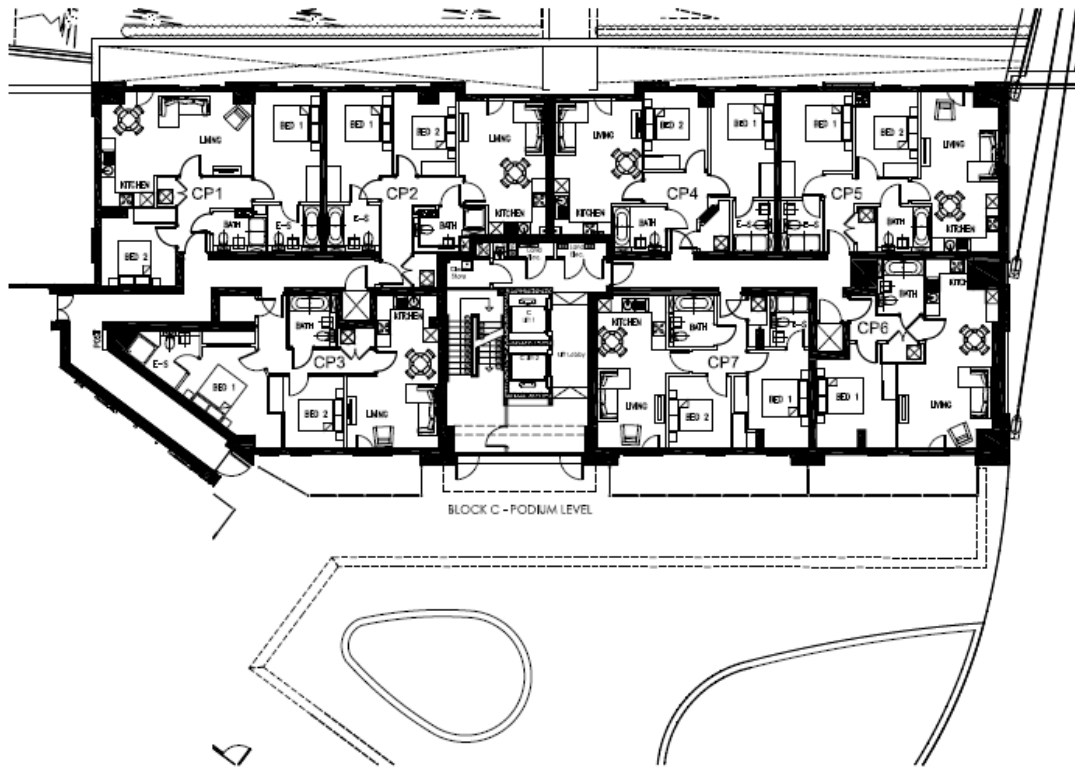
**4/03763/14/MFA - CHANGE OF USE OF FOUR LONG TERM VACANT RETAIL UNITS AT PODIUM LEVEL OF BLOCKS C AND D TO A TOTAL OF 15 ONE AND TWO BEDROOM CLASS C3 APARTMENTS  
IMAGE DEVELOPMENT, LEIGHTON BUZZARD ROAD, HEMEL HEMPSTEAD**



ITEM 5.01

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



## ITEM 5.01

**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]

### **Background**

The application was considered at the Development Control Committee of 28th May 2015 where the Committee resolved to defer making a decision on the application to await further information from the applicant regarding the marketing of the units, the offer price of the floorspace and the prospects of attracting retail tenants in this location. Information was also sought on the precise location of the car parking spaces for the proposed residential units.

Members should consider the updated information below together with the previous committee report from the 28th May 2015 meeting.

### **Further submitted information from applicant**

The following additional information has been submitted:

- (v) A letter from Lambert Smith Hampton (see Appendix 1) which reiterates the principal challenges related to letting the units alongside confirmation of the price per sq ft being sought and how this compares with lettings secured in the main town centre over the same period. It demonstrates that whilst the podium units have been marketed based on a rent which is discounted compared with the core town centre, they have remained vacant with little interest generated;
- (vi) An additional letter from local commercial agency Brasier Freeth (see Appendix 2) which sets out their position regarding the attractiveness of the units on the podium from a local agency perspective;
- (vii) Also attached are extracts of various email correspondence (see Appendix 3) over the marketing period which demonstrates the following:
  - (a) Invitations to high street names to attend a preview event for the units which are turned down;
  - (b) E-mails from the LSH agent expressing frustration at a potential deal falling through due to competition of Jarman Park;
  - (c) Interest from a pharmacy which fell away due to a rejected application to the relevant issuing body;
  - (d) Evidence of Hemel Hempstead not being an attractive location;
  - (e) Concerted efforts by the Applicant to secure lettings including responding to speculative applications placed by prospective tenants in the property press;
  - (f) Evidence of the units still being marketed in March 2015.

The applicant also makes some further comments as follows:

- (i) It is noted that whilst the table in the committee report states 'lack of parking' as one of the key concerns of prospective retail tenants, this is not due to no car parking space being offered, as each unit is provided with spaces as per the original consent, but that tenants want more than one space which we cannot physically offer given the finite number of spaces delivered with the scheme. As a point of clarification, whilst the retail car parking spaces are currently occupied by other commercial tenants, this is only to ensure they do not sit idle whilst the units are vacant and are available for immediate use by any future retail tenant should the units be successfully let;
- (ii) The reference to "rent too high / fit-out-works too expensive" relates more to lack of finance by the prospective tenants than a comment on the market rate being asked;
- (iii) We have undertaken a pedestrian count of the podium vs. the main town centre with the results confirming the significant lack of footfall compared with the town centre. The results of this are included in the LSH letter (see Appendix 1).

### **Further Officer Considerations**

The above further information from the applicant demonstrates the particular difficulties of finding tenants for these retail units in the Image development.

Footfall is particularly weak as demonstrated by the survey results from 2nd June 2015:

#### **Podium**

10 am - 11 am - 34 people

12 am - 1.30 pm - 177 people

#### **Riverside**

10 am - 11 am - 597 people

12 am - 1.30 pm - 1,492 people

The letters from LSH and Brazier Freeth reassert the difficulties of marketing the units to prospective tenants given the sub-optimal location, lack of car parking, poor servicing provision, poor physical exposure of the units, size of units too large, lack of funding for fit out, and competition from the recently refurbished Jarmans Park.

The rent of £16/ sq. ft is said to be competitively priced with the other incentives offered, when compared with retail premises taken up recently in the Marlowes and other areas (see table at Appendix 1). The quoting rents in the neighbouring Riverside shopping centre are in the region of £40 per sq. ft, indicating the competitiveness of the £16 quoting rent in the Galleries (Image development). The Council does not have any clear evidence to suggest that the price is unreasonably high. Certainly on this evidence it is not.

Whilst officers have received some informal advice (See Appendix 4) from retail consultants, Peter Brett Associates (who have been instructed in relation to other retail proposals before the Council - not this one), which suggested, from a quick desktop study (letting evidence from Focus) that the rent of £16 / sq. ft does (on the

face of it) appear high, this view is guarded with the following comments:

*"Reducing the rent further may attract tenants, although this may not guarantee a successful letting given the site is a poor retail location and has to compete with the existing second-hand vacant retail space along Marlowes and Bridge Street. A quick look on Focus.co.uk shows there are around 21 units currently being advertised in these locations therefore the quantum of competition cannot be ignored. Furthermore reducing the rent to attract 'any tenant' may achieve an initial letting but may set the wrong tone to attract other tenants into the development.*

*Finally the developer may claim that they have a floor capital value (rent x yield) they need to achieve, letting the space to a poor covenant at a very low rent would be economically unviable to do so.*

*These are just are observations from our desktop look. So on the face of it, yes, the rent does look on the high side but there are other aspects to consider why the space has not let."*

We have asked the applicants to comment with regards to the "floor capital value" and will report further, but based on the above, we would not recommend that the application be refused as PBA were not asked to do a full review of the application, just an initial view. There is for example no assessment of the quality of the space being offered, the location or specification. An example of this is Jarman Retail Park which shows two lettings, one achieving £11 per sq ft and one £30 per sq ft. A full assessment would be required as to why values vary to allow a reasonably informed view to be taken regarding this application, certainly in terms of rental values. In the above case, the £11 per sq ft relates to the gym, whereas the £30 per sq ft relates to Subway.

With regards to the precise location of the car parking spaces that would be offered to residential occupants, an annotated site plan from the extant approval 4/02013/13/FUL has been submitted which identifies the parking spaces which would be made available to the prospective occupants of the development. It should be noted that under suggested Condition 5 no unit can be occupied until evidence has been provided that they have been offered a car parking space within the scheme.

The s106 agreement is anticipated to be completed by the date of the committee meeting and the recommendation is worded accordingly.

**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 **Each residential unit hereby approved shall not be occupied until the applicant has provided evidence to the local planning authority that a car parking space has been made available for the use of that**

**residential unit, or if not, that the occupant(s) have turned down the offer of a 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.

**Report considered by the Development Control Committee of 28/05/15**

***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 benefiting 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 TOWN HOUSES 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:*

- 8. 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.*
- 9. 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 apartments right in the heart of Hemel Hempstead, with shops and cafes on site.....'*
- 10. 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.*
- 11. 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.*
- 12. 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.*
- 13. 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:*

- 14. 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.*

- 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 don't 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 concealed 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 impractical to install ventilation to terminate at roof level for any uses requiring this.

LSH 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 LSH 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 Enquires 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 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 Compatibility 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.*

# Agenda Item 6

## ITEM 5.01

**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]

### **Background**

The application was considered at the Development Control Committee of 28th May 2015 where the Committee resolved to defer making a decision on the application to await further information from the applicant regarding the marketing of the units, the offer price of the floorspace and the prospects of attracting retail tenants in this location. Information was also sought on the precise location of the car parking spaces for the proposed residential units.

Members should consider the updated information below together with the previous committee report from the 28th May 2015 meeting.

### **Further submitted information from applicant**

The following additional information has been submitted:

1. A letter from Lambert Smith Hampton (see Appendix 1) which reiterates the principal challenges related to letting the units alongside confirmation of the price per sq ft being sought and how this compares with lettings secured in the main town centre over the same period. It demonstrates that whilst the podium units have been marketed based on a rent which is discounted compared with the core town centre, they have remained vacant with little interest generated;
2. An additional letter from local commercial agency Brasier Freeth (see Appendix 2) which sets out their position regarding the attractiveness of the units on the podium from a local agency perspective;
3. Also attached are extracts of various email correspondence (see Appendix 3) over the marketing period which demonstrates the following:
  - (a) Invitations to high street names to attend a preview event for the units which are turned down;
  - (b) E-mails from the LSH agent expressing frustration at a potential deal falling through due to competition of Jarman Park;
  - (c) Interest from a pharmacy which fell away due to a rejected application to the relevant issuing body;
  - (d) Evidence of Hemel Hempstead not being an attractive location;
  - (e) Concerted efforts by the Applicant to secure lettings including responding to speculative applications placed by prospective tenants in the property press;
  - (f) Evidence of the units still being marketed in March 2015.

The applicant also makes some further comments as follows:

- It is noted that whilst the table in the committee report states 'lack of parking' as one of the key concerns of prospective retail tenants, this is not due to no car parking space being offered, as each unit is provided with spaces as per the original consent, but that tenants want more than one space which we cannot physically offer given the finite number of spaces delivered with the scheme. As a point of clarification, whilst the retail car parking spaces are currently occupied by other commercial tenants, this is only to ensure they do not sit idle whilst the units are vacant and are available for immediate use by any future retail tenant should the units be successfully let;
- The reference to "rent too high / fit-out-works too expensive" relates more to lack of finance by the prospective tenants than a comment on the market rate being asked;
- We have undertaken a pedestrian count of the podium vs. the main town centre with the results confirming the significant lack of footfall compared with the town centre. The results of this are included in the LSH letter (see Appendix 1).

### **Further Officer Considerations**

The above further information from the applicant demonstrates the particular difficulties of finding tenants for these retail units in the Image development.

Footfall is particularly weak as demonstrated by the survey results from 2nd June 2015:

#### Podium

10 am - 11 am - 34 people

12 am - 1.30 pm - 177 people

#### Riverside

10 am - 11 am - 597 people

12 am - 1.30 pm - 1,492 people

The letters from LSH and Brazier Freeth reassert the difficulties of marketing the units to prospective tenants given the sub-optimal location, lack of car parking, poor servicing provision, poor physical exposure of the units, size of units too large, lack of funding for fit out, and competition from the recently refurbished Jarmans Park.

The rent of £16/ sq. ft is said to be competitively priced with the other incentives offered, when compared with retail premises taken up recently in the Marlowes and other areas (see table at Appendix 1). The quoting rents in the neighbouring Riverside shopping centre are in the region of £40 per sq. ft, indicating the competitiveness of the £16 quoting rent in the Galleries (Image development). The Council does not have any clear evidence to suggest that the price is unreasonably high. Certainly on this evidence it is not.

Whilst officers have received some informal advice (See Appendix 4) from retail consultants, Peter Brett Associates (who have been instructed in relation to other retail proposals before the Council - not this one), which suggested, from a quick desktop study (letting evidence from Focus) that the rent of £16 / sq. ft does (on the face of it) appear high, this view is guarded with the following comments:

*"Reducing the rent further may attract tenants, although this may not guarantee a successful letting given the site is a poor retail location and has to compete with the*

*existing second-hand vacant retail space along Marlowes and Bridge Street. A quick look on Focus.co.uk shows there are around 21 units currently being advertised in these locations therefore the quantum of competition cannot be ignored. Furthermore reducing the rent to attract 'any tenant' may achieve an initial letting but may set the wrong tone to attract other tenants into the development.*

*Finally the developer may claim that they have a floor capital value (rent x yield) they need to achieve, letting the space to a poor covenant at a very low rent would be economically unviable to do so.*

*These are just are observations from our desktop look. So on the face of it, yes, the rent does look on the high side but there are other aspects to consider why the space has not let."*

We have asked the applicants to comment with regards to the "floor capital value" and will report further, but based on the above, we would not recommend that the application be refused as PBA were not asked to do a full review of the application, just an initial view. There is for example no assessment of the quality of the space being offered, the location or specification. An example of this is Jarman Retail Park which shows two lettings, one achieving £11 per sq ft and one £30 per sq ft. A full assessment would be required as to why values vary to allow a reasonably informed view to be taken regarding this application, certainly in terms of rental values. In the above case, the £11 per sq ft relates to the gym, whereas the £30 per sq ft relates to Subway.

With regards to the precise location of the car parking spaces that would be offered to residential occupants, an annotated site plan from the extant approval 4/02013/13/FUL has been submitted which identifies the parking spaces which would be made available to the prospective occupants of the development. It should be noted that under suggested Condition 5 no unit can be occupied until evidence has been provided that they have been offered a car parking space within the scheme.

The s106 agreement is anticipated to be completed by the date of the committee meeting and the recommendation is worded accordingly.

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 **Each residential unit hereby approved shall not be occupied until the applicant has provided evidence to the local planning authority that a car parking space has been made available for the use of that residential unit, or if not, that the occupant(s) have turned down the offer of a 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.

**Report considered by the Development Control Committee of 28/05/15**

***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 benefiting 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  
TOWN HOUSES 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:*

- 4. 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.*
- 5. 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 apartments right in the heart of Hemel Hempstead, with shops and cafes on site.....'*
- 6. 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.*
- 7. 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.*

- 8. 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.*
- 9. 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:*

- 10. 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.*
  - 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 don't 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 concealed 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 impractical to install ventilation to terminate at roof level for any uses requiring this.*

*LSH 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 LSH 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 Enquires 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 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 Compatibility 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.*

# APPENDIX 1 – ITEM 5.01 – 4/03763/14/MFA – IMAGE DEVELOPMENT

**Lambert  
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3<sup>rd</sup> June 2015

Mr. Saxon Izatt  
Dandara

Our Ref: SA/CM

Subject to Contract  
& Without Prejudice

Dear Saxon,

Re: Retail Units, 3-7 The Galleries, Hemel Hempstead = Proposed Change of Use

As you are aware, Lambert Smith Hampton have been marketing these units for some considerable time, both pre and post-completion (2010). Unfortunately despite a marketing campaign, we have had very little success. The feedback we have received has been very negative, my observations are as follows:

- Hemel Hempstead has been struggling to attract occupiers to the main Marlowes and Riverside shopping centres. Riverside was completed in 2005; the scheme is still not fully let. A recent survey from the Riverside to the end of the Marlowes showed there are 27 unlet units. All experiencing significantly greater footfall.
- Mainstream or multinational brands will not consider moving to The Galleries as it is detached from the main shopping areas and simply does not have the footfall.
- Footfall at The Galleries is also deemed too low to be a viable proposition to local occupiers. A footfall survey undertaken by the applicant at the request of the case officer on 02 June 2015 showed the following results:

*Podium:*

10am-11am: 34 people

12am – 1:30pm: 177 people

*Riverside:*

10am-11am: 597 people

12am – 1:30pm: 1,492 people

- The Galleries is linked with the town centre via a footbridge. This is a barrier. Disabled people and parents with small children or buggies need to use lifts to access the podium level.
- Each unit benefits from a car parking space as per the original consent but this has not assisted with the attractiveness of the units.
- Due to proximity to town centre, there is no market to establish a 'local centre' as the local centre is in the town itself, illustrated by Tesco Express leasing a unit at 187 Marlowes.
- On-street parking in the vicinity is practically non-existent, with Station Road changing to 'double yellow lined' within the last year.
- Deliveries are via The Cotterells. All deliveries need to be undertaken via a lift to podium level then outside across the podium to individual units.

- Very limited interest, with those "edge of centre" retailers who expressed some interest, inevitably lacking funding for fit-out or unable to supply proof of sufficient funding.
- The scheme is competitively priced at £16 per sq ft overall with other incentives offered.
- Recent comparable evidence is as follows, but not one of these occupiers looked at The Galleries:

Address	Tenant	Size (Sqft)	Rent	Rent (psf)	Lease terms	Lease Start	Quality/Location
185a Marlowes	Millets	2,000	£45,000	£22.50	10 years / 5 year break	Nov 2014	Prime
Riverside Shopping Centre Unit 5B	Pandora	1,600	£1,200	£32	10 year lease	Spring 2015	Prime
246 Marlowes	Red Frog Kids	795	£25,500	£32.08	5 year lease	Apr 2015	Prime
207 Marlowes	Salvation Army	1,789	£31,000	£17.33	10 year lease	Aug 2014	Prime
10 Bridge Street	No 10 Grooming Room	762	£17,000	£22.31	10 year lease	Nov 2014	Secondary
140 Marlowes	Private	872	£19,500	£22.36	5 year lease	Jan 2014	Secondary
14-18 Lawn Lane	Private	955	£15,250	£15.97	20 year lease	Apr 2015	Secondary

- I attach a link to the current available retail units at the neighbouring Riverside shopping centre. The quoting rents are in the region of £40 per sq ft, highlighting the competitiveness of the £16 quoting rent at the Galleries: <http://www.aql-london.co.uk/en/in-town-retail/143.html>.
- The opening of Jarman Park with its many food and leisure offers is probably the last straw. Jarman Park can offer accessibility and plentiful free car parking. This scheme has taken demand and it will affect the food operators already in the town centre. I predict we will see voids in the town centre as a consequence of this scheme.

It is my view that Dandara are left with no option but to seek a change of use.

Kind regards,

Yours sincerely



Claire L Madden BSc (Hons) MRICS  
DL: +44 (0)1727 896232  
M: +44 (0)7803 245013  
Email: cmadden@lsh.co.uk

Enc:



## APPENDIX 2

Our Ref: PAW/kb

3<sup>rd</sup> June 2015

J Richards Esq  
Dandara Limited  
KD Tower  
Cotteralls  
Hemel Hempstead  
Hertfordshire HP1 1FW

By Email Only:  
[jrichards@dandara.com](mailto:jrichards@dandara.com)

**brasier  
freeth**

Brasier Freeth LLP  
The Courtyard  
77-79 Marlowes  
Hemel Hempstead  
Hertfordshire  
HP1 1FF

T: 01442 263033  
F: 01442 260628

[www.brasierfreeth.com](http://www.brasierfreeth.com)

Dear John

### KD TOWER – RETAIL UNITS

Following on from recent discussions, I thought it would be sensible for me to put in writing my thoughts as to the remaining retail units based at the KD Tower.

As you are aware, I work for Brasier Freeth who are based in Hemel Hempstead and I have been involved in many retail transactions within Hemel Hempstead over a number of years.

As you are no doubt aware, there have been a number of vacant units within the Marlowes, Riverside and The Marlowes Shopping Centre over the last few years. Currently, Brasier Freeth are involved with units from 800sq.ft rising to 7,600sq.ft. The most popular size being around 1,000sq.ft. Some of these units, although occupied on a temporary basis (pay no rent but cover business rates), have been available in excess of three years which demonstrates how slow the retail market has been within Hemel Hempstead.

The units at the KD Tower cannot be compared with retail in the Marlowes for obvious reasons. These are as follows:-

1. Footfall for the KD Tower is almost non-existent. Although the KD Tower is supposedly linked to the Marlowes, the bridge stops short of the main Marlowes shopping area, where indeed you have to cross a bus lane without the aid of some form of pedestrian crossing. It is not a natural flow. Shoppers also have a choice, they can use the subway which then deviates them away totally from the central Plaza.
2. Servicing the units in the Plaza is extremely difficult to do so. All stock has to be transported by a cage and lift. I was involved previously with the marketing of these units and speaking with major retailers such as Co-op, Morrisons and Tesco, all found this set up unacceptable. Indeed, Tesco's did in fact take a unit at 187 Marlowes in preference to the KD Tower.

Hemel Hempstead Watford Welwyn Garden City

Brasier Freeth is the trading name of Brasier Freeth LLP, a Limited Liability Partnership, registered in England and Wales No. OC311811. Registered Office: The Courtyard, 77-79 Marlowes, Hemel Hempstead, Hertfordshire HP1 1FF. Regulated by RICS



3. **Exposure.** Retail in the Piazza is totally hidden from Station Road and the Leighton Buzzard Road. Although windows do face the Leighton Buzzard Road, they are not at ground level and any passing traffic wishing to stop are unable to do so as there are no public car parks close by. By the time you park in either Riverside, Marlowes or Waterside, the walk back to the Piazza is not viable.
4. **Size of Units.** I note that you are looking for a possible change of use on Units 4 to 7, Unit 4 being 2,443sq.ft and Units 5-7 being 2,855sq.ft. These units are too large to be supported by the KD Tower alone. As an example, in December 2014 I let 185 Marlowes (between Tesco and WH Smith) comprising approximately 3,300sq.ft to Milllets. This unit benefits from good footfall and benefitted from previous occupation which means that the cost of fit-out would be vastly reduced from taking on a shell. This unit had been empty for in excess of three years and the terms agreed were only for a five year term certain. I understand that you have also marketed on the basis that these units can be sub-divided as per my previous points and without footfall they are simply not viable for a retail use.

You should also be aware that I have been marketing 245 Marlowes which is located opposite Next, adjacent to Riverside and a few doors away from Marks & Spencer. This unit has been vacant since Blockbuster went into administration (approximately two years), benefits from a key footfall position and is still vacant. I have been involved in discussions with major A3 users but now Jarman Park has been refurbished, I think it is most unlikely that we will attract any substantial covenant due to the ease of visiting the establishments at Jarman Park. Those of course benefit from free car parking, Tesco, The XC and the Empire Cinema complex. This will act as a major magnet to draw people away from Hemel Hempstead town centre out of normal retail hours.

Finally, the two units that are occupied in the Piazza are an Estate Agents and Insurance office, both operating under an A2 User Class Order. These businesses should not be considered as retail as I am sure a major part is done via the Internet and I would consider them to be retail by appointment only. I think that this clearly demonstrates the difficulty in finding tenants/occupiers for the remaining empty units, which can certainly be substantiated by the fact it has taken nearly ten years to let the final remaining vacant unit at Riverside. This of course does not take into account units which have previously been occupied and where trading has ceased which includes Oojams.

Should you wish to discuss any of the above, please do not hesitate to contact me.

Kind regards,

Yours sincerely

  
**PHILIP A WALKER**  
Direct Line: 01442 298809  
Email: [philip.walker@braskerfreeth.com](mailto:philip.walker@braskerfreeth.com)

## APPENDIX 3

**Wagamamas**

**From:** sharon cawthorne [mailto:sharonc@wagamama.com]

**Sent:** 04 October 2010 15:01

**To:** Martin Brown

**Subject:** Thursday 14th Oct

Thank you for your kind invitation to attend the preview

Unfortunately I am unable to attend

Regards

Sharon

**sharon cawthorne** | director of property | wagamama ltd

t: +44 777 427 8446 | f: +44 207 009 3601

a: waverley house, 7-12 noel street, london W1F 8GQ

**wagamama**

uk | ireland | holland | australia | uae | belgium | new zealand | denmark | turkey | usa | cyprus | egypt |  
switzerland | greece | kuwait | malta

[sharonc@wagamama.com](mailto:sharonc@wagamama.com)

[www.wagamama.com](http://www.wagamama.com)

**Frankie and Benny's**

-----Original Message-----

From: Madden Claire [mailto:CMadden@lsh.co.uk]

Sent: 09 February 2011 14:43

To: Martin Brown; Jim Brunt

Subject: Restaurant requirement

Martin / Jim

The attached requirement has been ongoing in Hemel for some time. Nathan categorically tells me that this is an out of town format and The Galleries will not be considered. They want to be at a redeveloped Jarman Park. Frustrating.

Claire

CLAIRE MADDEN MRICS

Director

Lambert Smith Hampton

45 Grosvenor Road, St Albans, Hertfordshire AL1 3AW T - 01727 896 232 M - 07803 245013 F -  
01727 896262

[www.lsh.co.uk](http://www.lsh.co.uk)

View footage from the LSH Ski Challenge 2011

**Pharmacy interest**

**From:** Jill Hughes [mailto: [REDACTED]]

**Sent:** 21 March 2011 18:27

**To:** Martin Brown

**Subject:** Re: The Galleries, Hemel Hempstead

Dear Martin

My application has been rejected as the PNA states Herts does not need anymore Pharmacies in Herts, unfortunately. So I will not be progressing at this stage.

Many Thanks

Jill Hughes

**Anytime Gyms**

---

**From:** Chris January <[Chris.January@bidwells.co.uk](mailto:Chris.January@bidwells.co.uk)>

**To:** Madden Claire

**Sent:** Mon Aug 01 09:56:21 2011

**Subject:** RE: Snap Fitness

Many thanks however unlikely to be of interest as Anytime Gyms have agreed a deal on the retail scheme. If any different will get back to you

Regards

Chris

**Cotswold Outdoor**

**From:** Steve Teuten [mailto:steve.teuten@cotswoldoutdoor.com]

**Sent:** 21 February 2012 13:08

**To:** Martin Brown

**Subject:** RE: Hemel Hempstead retail locations

Martin

No burning requirement for Hemel but thanks for the thought

regards

**Steve Teuten**

**Property & Acquisitions Manager**

Cotswold Outdoor Ltd,

Unit 11, Kemble Business Park,

Crudwell,

Malmesbury,

Wiltshire.

SN16 9SH

[www.cotswoldoutdoor.com](http://www.cotswoldoutdoor.com)

Tel 01666 575597

**From:** Martin Brown [mailto:MBrown@dandara.com]

**Sent:** 10 February 2012 09:53

**To:** Steve Teuten

**Cc:** Jim Brunt

**Subject:** Hemel Hempstead retail locations

Dear Steve,

I noticed your advert in the Property Week magazine and wanted to know if Hemel Hempstead was a location of interest to you? I work for Dandara, a property development company that has recently finished an iconic mixed-use development on the edge of the town centre, adjacent to Debenhams, Starbucks and within a short walk of M&S, Top Shop, Primark etc. We have the capability of offering you a retail space of circa 3,000sqft with high visibility to the town centre and passing traffic in brand new surroundings.

If the location is of interest in principle I would be happy to email you more information about the opportunity in due course.

Regards,

Martin

**Martin Brown** MEng (Hons) MScRealEst

**Orchid properties**

**From:** Matthew Bennett [mailto:Matthew@orchidproperties.co.uk]

**Sent:** 10 January 2013 14:38

**To:** Martin Brown

**Subject:** RE: contact details

Hi Martin

Happy New Year to you too. I had a good Christmas thank you, hope you did too.

Thank you for your follow up email, I am going to hold fire at the moment due I am unsure how this year may go so need to be cautious.

I will however get back in touch in due course, if it is of interest to me again.

Thanks again for your time.

Kind Regards,

Matthew

**Matthew Bennett**

**Founder & Director**

**DL: 01442 798010**

**T: 01442 89 00 22**

**W: [www.orchidproperties.co.uk](http://www.orchidproperties.co.uk)**



Café

**From:** Barbara Prearo [mailto:████████████████████]

**Sent:** 06 March 2015 21:50

**To:** Saxon Izatt

**Subject:** RE: Meeting 10th of March

Hi Saxon

I am sorry but i need to cancel the appointment on the 10<sup>th</sup> of March. We need to do more research about the location we are worried that there is not enough footfall ....we will keep checking all this month. I will keep in touch

Barbara

## APPENDIX 4

**From:** Peter Keenan [mailto:pkeen@peterbrett.com]

**Sent:** 01 June 2015 17:46

**To:** Heather Overhead

**Subject:** RE: Informal advice

Heather

...

In respect of your second query, see below a comment from a colleague:

*'From a quick desktop exercise (letting evidence from Focus below) the rent of £16 psf does appear high.*

Event Date	Building	Size SqFt	Achieved Rent (£ per Sq Ft)	Asking Rent (£ per Sq Ft)	Tenant
30/04/2015	246 Marlowes	795	£32	£31	Red Frog Kids Ltd
17/04/2015	14-18 Lawn Lane	955	£16	£18	Mrs F Laskar
20/02/2015	127 -145 Marlowes	1,640	Not disclosed	£13	2 Hair Salon
01/02/2015	Marlowes Shopping Centre	220	Not disclosed	£68	Cinnamon Caf�� Ltd
05/01/2015	Jarman Retail Park	14,840	£11	£8	The Gym
01/01/2015	160 Marlowes	4,677	£9	Not Disclosed	Oilly��s Bar
01/01/2015	Marlowes Shopping Centre	4,972	Not disclosed	£22	The Entertainer Group
15/12/2014	168 Marlowes	847	£22	£28	Treadshire Limited
01/12/2014	Jarman Retail Park	1,255	£30	£91	Subway
15/11/2014	185-185a Marlowes	3,444	£12	£19	Blacks Outdoor Retail Ltd t/a Millets Ltd
01/11/2014	Hamilton House	1,107	£11	£11	Mr B Kurt
01/08/2014	38 The Square	366	Not disclosed	£29	UNeak Bowtique
01/08/2014	207 Marlowes	1,789	£17	Not Disclosed	Salvation Army
27/06/2014	Fletcher Way Garage	6,300	£11	£12	An undisclosed tenant
18/06/2014	142 Marlowes	763	£28	Not Disclosed	Clements Estate Agents Ltd
16/06/2014	Marlowes Shopping Centre	899	Not disclosed	£33	Perfume Shop
01/04/2014	140 Marlowes	872	£22	£22	Mrs S Osinaike
03/02/2014	17 Queensway	289	Not disclosed	£42	Curry Leaf
24/12/2013	18-22 Bridge Street	4,500	£7	Not Disclosed	Dreams Ltd

23/12/2013	16 Bridge Street	1,065	£13	£17	L C Furniture & Electrical Ltd
15/10/2013	Riverside	4,939	Not disclosed	£13	Roman Originals Retail Ltd
31/05/2013	The White House	499	£22	Not Disclosed	BBNJ Limited (Travel Decorum)
30/05/2013	9 Marlowes	1,526	£10	Not Disclosed	Blueberry Hospitality Limited
01/03/2013	65 High Street	495	Not disclosed	£19	Kasbah Moroccan Restaurant
01/03/2013	67 Marlowes	1,302	£9	£15	An undisclosed tenant
20/02/2013	170 Marlowes	914	£33	£38	Cafe Roastino
01/02/2013	Hemel Hempstead Gateway Hotel	935	£20	£21	Subway

*Reducing the rent further may attract tenants, although this may not guarantee a successful letting given the site is a poor retail location and has to compete with the existing second-hand vacant retail space along Marlowes and Bridge Street. A quick look on Focus.co.uk shows there are around 21 units currently being advertised in these locations therefore the quantum of competition cannot be ignored. Furthermore reducing the rent to attract 'any tenant' may achieve an initial letting but may set the wrong tone to attract other tenants into the development.*

*Finally the developer may claim that they have a floor capital value (rent x yield) they need to achieve, letting the space to a poor covenant at a very low rent would be economically unviable to do so.*

*These are just are observations for our desktop look. So on the face of it, yes, the rent does look on the high side but there are other aspects to consider why the space has not let.*

I hope this helps

Peter

**From:** Heather Overhead [<mailto:Heather.Overhead@dacorum.gov.uk>]

**Sent:** 01 June 2015 11:35

**To:** Peter Keenan

**Subject:** Informal advice

Dear Peter,

I hope all is well with you. I was wondering if you I could ask you for some informal advice on two separate matters, however if you don't feel able to provide informal advice about either then I will understand.

...

The other matter is related to a planning application that was deferred at the last planning committee meeting. The application is to change the use of 4 retail units (ranging in size from 227sqm to 269 sqm) to residential use. The units were built as part of a development of 455 apartments in 2010 known as the Image development, which used to be the Kodak tower, and is on the edge of the town centre as shown on the attached plan (the town centre is to the north east of the site). The application was deferred as the committee did not have enough information to determine whether the retail units had been sufficiently marketed. They were marketed at £16/sq ft, and we were wondering if you would be able to give us an opinion about whether that is a reasonable rate to charge for retail units in this location.

I really appreciate your help with these queries,

Kind Regards

**Heather Overhead**

**Assistant Team Leader**

**Strategic Planning and Regeneration**

**Dacorum Borough Council**

**01442 228083**

**Working hours: Tuesday - Friday**

**CIL is Coming:**

From the 1<sup>st</sup> July 2015, the way we collect financial contributions from new homes and shops towards infrastructure will change with the introduction of a new Community Infrastructure Levy (CIL). In order to calculate any CIL Charges we will require the submission of a CIL Additional Information Form with all planning applications from the 4<sup>th</sup> May 2015. Find out CIL may affect you at [www.dacorum.gov.uk/cil](http://www.dacorum.gov.uk/cil)

## ITEM 5.02

**4/01190/15/MFA - CHANGE OF USE OF FOUR EXISTING CINEMA AUDITORIA FROM CLASS D2 ASSEMBLY & LEISURE TO CLASS A3 RESTAURANTS & CAFE'S. ADDITIONALLY THE APPLICATION IS TO INCLUDE ALTERATIONS TO THE EAST ELEVATION OF THE BUILDING TO SUIT THE NEW USE.. EMPIRE CINEMA, LEISURE WORLD, JARMAN WAY, HEMEL HEMPSTEAD, HP2 4JW. APPLICANT: UNICK ARCHITECTS LTD.**

---

[Case Officer - Fiona Bogle]

### Summary

The application is recommended for approval.

The proposed development provides an opportunity for much needed improvements to the appearance of the eastern end of the cinema/leisure building at Jarman Park in accordance with Core Strategy Policy CS12. The proposal will serve to enhance the leisure offer provided by the complex and facilitate the planned expansion of the cinema. The additional restaurant units add to the more family orientated leisure offer and this along with other recent developments within the area shall enhance the cinema and leisure offer of Hemel Hempstead. It is concluded that the proposal would not adversely affect the vitality and viability of the town centre, nor undermine the aims of the Hemel Hempstead Town Centre Master Plan but would rather strengthen the leisure status of Jarman park in accordance with the Core Strategy. There is ample car parking available to serve the proposed development and future planned expansion of the cinema.

### Site Description

The application site comprises part of the existing cinema facility within the leisure building at Jarman Park. Jarman Park is an out of centre leisure and retail facility off the St Albans Road (A414). The site is served by Jarman Way, an established internal circulatory distribution road providing access to each of the existing uses including the Tesco superstore, McDonald's Drive thru and the The XC centre. Sports pitches and athletics track and ski centre lie further to the west beyond.

The leisure building is served by car parking both to the east and west of the building. The car parks provide parking for 970 cars, plus 42 disabled spaces and provision for the parking of 18 bicycles. There is a heavily treed landscaped buffer between the car park and the remaining undeveloped land to the north of the site.

### Proposal

The application seeks planning permission for the change of use of four of the existing cinema auditoria at the eastern end of the building to Class A3 restaurant use. The proposal also involves the upgrading of the existing facade of this end of the building to improve the appearance of this run down and out dated elevation in conformity with the recent upgrade to the building frontage.

### Referral to Committee

The application is referred to the Development Control Committee as Dacorum

Borough Council owns the site, although the operational use of the site complex is on a long lease.

### **Planning History**

Planning application 4/0625/89 was submitted by Ladbroke Group Properties for the comprehensive development of the north eastern portion for the site know as Jarman Fields for the following development:

Retail Superstore  
Petrol Filling Station  
Hotel  
Restaurant  
Clubhouse  
Leisure / Recreation Centre (outline)  
Formation of Athletics Area  
Construction of car parks, roads and access.

The decision was made following a public enquiry held on 12 February 1991 as the application was 'called-in' by and determined by the Secretary of State for the Environment.

### **Relevant Recent History**

4/02252/11/MFA- Refurbishment and change of use of part of leisure world building to replace the sui generis (nightclub) and part of the class D2 (leisure and assembly use) with A3 (restaurant including mezzanines), alterations to new D2 (leisure and assembly uses) alterations to front of building and car parking provision - Granted 13/03/12

4/1453/12/NMA - Refurbishment and change of use of part of leisure world building to replace the sui generis (nightclub) and part of the class D2 (leisure and assembly use) with A3 (restaurant including mezzanines), alterations to new D2 (leisure and assembly uses) alterations to front of building and car parking provision - non-material amendment to planning permission 4/02252/11/MFA - Granted 28/08/12

4/01110/13/FUL - Alterations to external appearance of building with insertion of new window in an existing wall - Granted 25/07/13

4/01111/13/FUL - Change of use of leisure world from assembly and leisure (D2) to Drinking Establishment (A4) - Granted 25/07/13

4/02888/14/FUL - Shop front alterations and installation of new signage, roof plant, fixed external furniture, lighting and planters (unit 8) - Granted 04/12/14

### **Policies**

National Policy Guidance

National Planning Policy Framework

## Adopted Core Strategy

Policies NP1, CS1, CS4, CS8, CS12, CS13, CS23, CS31 and CS32

Saved Dacorum Borough Local Plan Policies  
Policies 54

## **Representations**

### **Strategic Planning**

The site is located within the Jarman Fields out-of-centre retail and leisure location at Jarman Park which contains a variety of existing assembly, leisure and retail uses.

#### *Proposal & Relevant Policies:*

The planning application seeks permission to change the use of part (1,054m<sup>2</sup> of the total 3,164m<sup>2</sup>) of the existing multiple cinema from D2 (Assembly & Leisure) to A3 (Restaurants & Cafes). This relates to the northeast part of the building currently containing Auditoria 1 to four which are proposed to be converted to provide four additional restaurant units along the northeast elevation of the building. This would be in addition to retaining the existing restaurant unit at the front of the building, adjacent to the cinema entrance (currently Pizza Hut).

Table 6 of the Core Strategy (page 81) defines Jarman Fields as an out-of-centre retail and leisure location providing food retailing, bulky non-food goods and leisure uses. The accompanying paragraph 13.8 states that significant new retail development above that already permitted will be resisted and the future use of this area will be closely linked to the planned regeneration of Hemel Hempstead town centre. Additionally it is recognised that the precise mix and quantum of uses may change over time but the role of the site should remain complementary to the role of the town centre.

Core Strategy Policy CS23 also states that existing social infrastructure will be protected unless appropriate alternative provision is made, or satisfactory evidence provided to prove the facility is no longer viable.

Consideration should also be given to Core Strategy Policy CS33, the Hemel Hempstead Place Strategy and the associated Hemel Hempstead Town Centre Masterplan, which details the Council's regeneration aspirations and plans.

The key issues to consider are therefore:

- Impact of the loss of four auditoria through the proposed change of use; and
- The provision of additional restaurant space and how this impacts upon the regeneration plans for Hemel Hempstead town centre.

#### *Loss of Social Infrastructure:*

The principle issue to consider is the loss of four auditoria and the impact this could have on the viability of the existing cinema as a leisure destination for people in Hemel Hempstead and those from further afield. However, the applicant has stated that works are currently underway to extend the cinema complex internally into the adjacent Unit

11 in order to increase the frequency and content of films shown to offer the customer a greater choice. In view of this, we note that an Initial Notice was served on the Council's Building Control Team on 27<sup>th</sup> March 2015 for the enlargement of the existing bowling unit and Empire cinema to provide an additional fourteen screens/auditoria (ref. IN/15/02022). Therefore, it is considered that the proposal is acceptable and compliant with Core Strategy Policy CS23 as it seeks to enhance this existing leisure destination within the Borough.

*Regeneration of Hemel Hempstead Town Centre:*

The second consideration relates to whether the proposal complements or prejudices the regeneration plans for Hemel Hempstead town centre as set out within the Council's Hemel Hempstead Town Centre Masterplan (2011-2021). Within this there are ten overarching regeneration objectives which include encouraging the development of leisure and evening economy. As such, the Masterplan identifies the location of a new commercial leisure space, including a cinema, at the site of the current Market Square (within the Gade Zone). The proposed expansion of the Empire cinema at Jarman Fields has the potential to conflict with regeneration aspirations within the town centre; however, as referred to above, this expansion is currently being delivered outside of the planning remit as the works do not require permission from the Local Planning Authority. The proposal seeks permission to deliver additional restaurants (A3 uses) in order to complement the expansion of the cinema complex.

An area to the north of the application site is designated as a Shopping Site (S3) which is allocated for a mixed-use scheme including shopping, offices, leisure, catering establishments and residential. Non-food retail warehousing is also considered to be acceptable within this mixed-use or as a standalone park. It is understood that there are two extant planning permissions on this site (S3); an outline permission for a hotel, and full permission for 6,700sqm of non-food retail warehousing. The Council is currently considering a planning application for the proposed construction of 10,305sqm of A1 retail floorspace and an A3 drive-through/restaurant unit. Additionally, with the recent refurbishments to the leisure complex at Jarman Fields (providing a number of restaurant units along the building frontage through planning permission 4/02252/11/FUL), consideration should be given to the potential over-provision of catering/A3 uses at the wider leisure destination site and whether there is a market for four additional restaurant units to be provided along the buildings northeast elevation.

Although market forces will inevitably dictate the success and viability of additional restaurant units at Jarman Fields/within the Empire cinema complex, as referred to above, the Core Strategy does recognise and accept that the quantum and mix of uses at this site may change over time but should remain complementary to the role of the town centre. It is considered that the addition of restaurant units would not in itself be to the significant detriment of the town centre's regeneration aspirations. The town centre (with its own new commercial leisure uses) should become an additional leisure destination within the Borough which would capture footfall from the existing high street and shopping centre.

*Other Considerations:*

I note that the proposal would result in the loss of toilet/public convenience space



through change of use and no indication has been provided as to where these will be re-provided in connection with the cinema complex. Clarification should be sought from the applicant.

Also, in terms of impacts relating to car parking and congestion on the highway, it is considered that the proposed addition of four restaurant units in place of current D2 uses (cinema auditoria) would not significantly increase the use of this leisure facility in terms of comparative footfall and car parking provision. However, consideration should be given to Appendix 5 of the Local Plan in this regard to ensure sufficient provision is made within the site.

#### *Conclusion:*

In summary, the proposal is considered to be acceptable in principle taking into account the fact that the site is designated as an out-of-centre destination providing food retail, bulky non-food goods and leisure uses. The expansion of the cinema complex is currently underway and outside of the control of planning. Therefore, the provision of four new restaurant (A3) units along the building's northeast façade is considered to be complementary to this expanded facility providing an enhanced leisure destination within the Borough.

### **Hertfordshire County Council Highways**

The Highway Authority does not wish to restrict the grant of permission.

This application seeks permission for the change of use of four existing cinema auditoria from class D2 assembly & leisure to class A3 restaurants & cafes. Additionally the application is to include alterations to the east elevation of the building to suit the new use.

The responses to question 6 in the application form state that no alterations are proposed to access points for pedestrians or vehicles and that there would be no changes to the public highway were permission to be granted.

The responses to question 10 in the application form state that no alterations are proposed to parking provision.

The proposal is to increase food outlets around the cinema which is itself being extended. It is likely, therefore, that the proposal would generate very few new trips with most visitors coming from existing visitors to the retail/ leisure park. Therefore I do not believe I could substantiate a highway reason to refuse the development. Under these circumstances I have no objection or conditions to the grant of permission.

### **Environmental Health**

Having reviewed the attached documents there is insufficient evidence in regards to the noise and odour from the extract ventilation and air condition units or details of the arrangements within the proposed restaurant units for catering or the toilet provisions as this would appear to be included in the remodelling exercise. In principal the proposal could be utilised for the proposed use. However, the detail would need to be provided for this department to make an informed decision.

## Considerations

### Policy and Principle

The Core Strategy identifies Jarman Park as an 'out of centre retail and leisure location'. This represents a significant change in Policy terms from the Dacorum Borough Local Plan where the site was defined as a Local Centre. This recognises the recent enhancements and additions to the leisure offer of Jarman Park through recent developments at the Ski Centre and The XC (extreme sports centre).

The Core Strategy also sets out specific aspirations for the Town Centre, recognising the need to enhance the offer of the town centre and create a better evening economy through the inclusion of a wider offer of facilities, such as the provision of restaurant space.

The main issues as identified above are:

- Impact of the loss of four auditoria through the proposed change of use; and
- The provision of additional restaurant space and how this impacts upon the regeneration plans for Hemel Hempstead town centre.

The proposals are part of a general refurbishment and expansion of the cinema facility at Jarman Park, currently comprising an 8 screen multiplex cinema. Whilst four cinema screens will be lost as a result of the proposal there will in fact be a net gain resulting in a total of 17 cinema screens with internal works to convert the existing bowling facility to 13 new auditoria. There is thus no issue in respect to the loss of the four auditoria and the impact this could have on the viability of the existing cinema as a leisure destination for people in Hemel Hempstead and those from further afield as this proposal is in fact part and parcel of the overall improved cinema offer at Jarman Park.

The key issue therefore is whether the proposal complements or prejudices the regeneration plans for Hemel Hempstead town centre as set out within the Council's Hemel Hempstead Town Centre Masterplan (2011-2021). Within this there are ten overarching regeneration objectives which include encouraging the development of the leisure and evening economy. As such, the Masterplan identifies the location of a new commercial leisure space, including a cinema, at the site of the current Market Square (within the Gade Zone). The proposed expansion of the Empire cinema at Jarman Fields, as noted by the strategic planning team has the potential to conflict with regeneration aspirations within the town centre. The conversion of the bowling facility to cinema use does not require planning permission, and subject to compliance with the original planning permission and legal agreement requiring the LPA approval on parking and highways impact, for which such application is awaited, the expansion of the cinema facility as planned falls outside the remit of planning control. It has been said, however that the cinema offer here could complement any future planned cinema offer for the town centre and not necessarily compete with it.

The additional restaurant use, it is said, would complement the expansion of the cinema. Furthermore, the visual enhancements to the existing building would make a positive contribution to the appeal of Jarman Park as a leisure and retail destination in line with the Core Strategy (paragraph 13.8 and Table 6) introducing activity and

interest to the somewhat unsightly north east end of the building in accordance with Policies CS12 and 13. The design would replicate that of the recent upgrade to the building frontage.

It is important to consider however, whether the additional restaurant space, taking into account the recent refurbishments including the provision of a number of restaurant units along the building frontage through planning permission 4/02252/11/FUL, would impact on Hemel Hempstead Town Centre. The Core Strategy recognises and accepts that the quantum and mix of uses at this site may change over time but should remain complementary to the role of the town centre. The provision of restaurants is considered ancillary to the offer of the cinema and the leisure facility generally, in that these support and add to the leisure offer of the centre. It is considered that the addition of four new restaurant units would not in itself be of significant detriment of the town centre's regeneration aspirations.

In principle therefore the proposed development is considered acceptable.

#### Access and Car parking

There will be no change in terms of access and parking to the current situation. The cinema at present has a total number of 1884 seats. The parking requirement at 1 space per 3 seats is 628 spaces. There are 970 spaces available. The proposed expansion of the cinema would result in a total number of 2225 seats with a parking requirement of 742 spaces. The additional 228 spaces is considered ample for the restaurant use which by and large would be for existing customers to the cinema. It is not considered that people generally would use the restaurants at Jarman Park in isolation of any other uses within the whole retail and leisure complex.

In addition there are 42 disabled spaces and 18 cycle spaces.

#### Landscaping

No landscaping is proposed as the works are entirely internal or to the existing fabric of the building and therefore not deemed necessary.

#### Noise and Ventilation

The environmental health officer has advised that there is insufficient evidence in regards to the noise and odour from the extract ventilation and air condition units or details of the arrangements within the proposed restaurant units for catering or the toilet provisions. In principal they raise no objection but the detail would need to be provided to make an informed decision. The applicant has requested that these details be required by condition of the planning permission.

#### Sustainability

Limited information has been provided with regard to sustainability. Although the re-use of the building is noted as a sustainable approach to the development of the site. A condition requesting further information with regard to Policy CS29 is considered necessary.

## Conclusions

The proposed development provides an opportunity for much needed improvements to the appearance of the eastern end of the leisure building and to improve generally the leisure offer provided by the complex. The additional restaurant units add to the more family orientated leisure offer and this along with other recent developments within the area shall enhance the cinema and leisure offer of Hemel Hempstead. It is concluded that there would be minimal impact on the vitality and viability of the town centre, and there is ample car parking available to serve the proposed development and future planned expansion of the cinema.

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 to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development in accordance with Core Strategy Policies CS12 and CS13.

- 3 The development 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 appearance of the development in accordance with Core Strategy Policy CS12.

- 4 The development hereby permitted shall not be commenced until detailed internal layouts for the restaurant units hereby permitted have been submitted to and approved in writing by the local planning authority. The details shall show the arrangements within the proposed restaurant units for catering and toilet provision. The approved scheme shall be carried out prior to the commencement of the use hereby permitted.**

Reason: To ensure suitable provision is made in accordance with Core Strategy Policy CS12.

- 5 **No development shall take place until details of the surface water drainage system layout shall have been submitted to and approved in writing by the local planning authority. The surface water drainage system shall be a sustainable drainage system and shall provide for the appropriate interception of surface water run-off so that it does not discharge into the highway or foul water system. The scheme shall include petrol / oil interception facilities from car parking / circulation areas. The development shall be carried out in accordance with the approved details and thereafter the approved system and measures shall be retained and adequately maintained at all times unless otherwise agreed in writing by the local planning authority.**

Reason: To protect the water environment, including ground water in accordance with Core Strategy Policy CS31

- 6 **No exterior lighting shall be installed without the prior express approval in writing of the local planning authority.**

Reason: To ensure control in the interests of residential and visual amenities in accordance with Core Strategy Policy 12.

- 6 **Prior to the commencement of the development hereby permitted, plans and details showing how the development will provide for renewable energy and conservation measures, and sustainable drainage and water conservation shall be submitted to and approved in writing by the local planning authority. The approved measures 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 sustainable development of the site in accordance with the aims of Core Strategy Policy CS29.

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

Design and Access Statement

4022 L 0 05A

4022 E 0 01A

4022 P 0 02A

4022 L 0 06A

4022 L 0 07A

4022 L 0 08A

4022 P 0 01A

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

INFORMATIVE:

The applicant is advised to conduct a watching brief during works on the site for any potentially contaminated material.

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.

## ITEM 5.03

**4/00779/15/MFA - DEMOLITION OF EXISTING OFFICE BUILDING. CONSTRUCTION OF 14 NEW FLATS IN A FOUR-STOREY BUILDING WITH ASSOCIATED CAR PARKING AND LANDSCAPING..**

**ABLE HOUSE, FIGTREE HILL, HEMEL HEMPSTEAD, HP2 5XL.**

**APPLICANT: HOUSING DEVELOPMENT TEAM.**

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[Case Officer - Andrew Parrish]

### Summary

The application is recommended for approval. The proposal would provide 14 affordable units for rent. The proposal is considered acceptable in its design and layout; amenity provision and landscaping is satisfactory; 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 highway infrastructure in the area.

### Site Description

The application site comprises a vacant three storey, new town, flat-roofed, 1960's office building within an irregularly shaped plot of 0.13ha located on the western side of Figtree Hill and to the rear of the High Street in the old town of Hemel Hempstead. There is a change in level across the Figtree Hill frontage of approximately 3 metres, the site sloping upwards from south-to-north. There is a more gentle downward change in levels from east-to-west.

The existing building is of rectangular form with a floorspace of 1,055m<sup>2</sup>. The building is set in 3 sections with a front projecting central section. The roof includes a small fourth floor element giving access to roof plant. Adjoining the building to the north and set behind the front boundary hedge is a garage block which in turn adjoins a further block of three-storey flats on the neighbouring site. Apart from this garage block, and a row of 5 spaces on the southern boundary, parking is provided in a haphazard basis across the western side of the site which is entirely hard paved with tarmac.

The site is surrounded by residential properties (predominantly flats) to its north, east and south. The backs of properties along the High Street form the western boundary to the site, some of which have right of access through the site to their parking areas.

There is also a pedestrian right of way through to the High Street.

The site falls within the town centre.

### Proposal

Permission is sought for the demolition of the existing office premises and garage block and the construction of a four storey block of 14 flats comprising 4 x 1 bed and 10 x 2 bed affordable units, together with parking to the rear, vehicular access as existing, amenity space and landscaping.

### Referral to Committee

The application is referred to the Development Control Committee because the applicant is Dacorum Borough Council.

### **Planning History**

4/00405/14/PR E CONSTRUCTION OF 15 DWELLINGS WITH ASSOCIATED PARKING AND LANDSCAPING  
Unknown  
25/02/2015

4/00142/13/M OA DEMOLITION OF THE EXISTING OFFICE PREMISES AND CONSTRUCTION OF A MIXED USE DEVELOPMENT COMPRISING COMMERCIAL USE AT GROUND FLOOR (RETAIL OR OFFICES) WITH 3 FLOORS OF RESIDENTIAL DWELLINGS PROVIDING ELEVEN TWO BEDROOM FLATS.  
Granted  
03/05/2013

### **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  
CS8 - Sustainable Transport  
CS9 - Management of Roads  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS13 - Quality of Public Realm  
CS15 - Offices, Research, Industry, Storage and Distribution  
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**

### Strategic Planning

The site lies in a Residential Area (Policy CS4) and adjacent to the Old Town which forms part of the extension of the Town Centre (Policy CS4). In principle, a residential use would be acceptable in this general location, particularly given planning permission has already been established for 11 flats through 4/0142/13/MOA. Furthermore, the original office building would generally benefit from permitted development rights (prior approval) to convert to housing.

We note the development is for affordable housing (Policy CS19) and this is welcomed in meeting local housing needs.

Our two principal concerns are:

- that the proposed 3-storey height of the building can be successfully accommodated within the wider surroundings (Policy CS12), and bearing in mind its proximity to the Conservation Area (Policy CS27). We note the applicant's information submitted showing the height of the existing office building and other taller structures on the periphery of the site. The views of the Design and Conservation team should be sought; and
- to ensure adequate amenities are provided (e.g. parking, space around the building, amenity space/landscaping, etc.) given that this is quite a tight plot for the level of development proposed. However, we would accept that some flexibility over standards would be reasonable as the site lies very close to facilities/services of the town centre/Old Town and its proximity to Gadebridge Park. Saved Policy 58 and Appendix 3 of the DBLP would allow for flexibility over parking and amenity space, respectively.

Generally, we support the proposal subject to an assessment of the above two points.

### 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, consents for working on the Highway.

The Transport Statement indicates that the proposed residential redevelopment would result in a reduction of between 15 and 18 trips during the peak hours and 115 fewer trips on a daily basis. The proposals would not, therefore, adversely affect highway flow and safety.

No changes to the existing access arrangement are proposed. The existing access is acceptable on highway grounds.

The car parking layout will be revised to provide a total of 13 communal car parking spaces and 2 garages. The turning space between the car parking bay number 13 and the existing garages is likely to be inadequate: it appears to be narrow for vehicles to manoeuvre to the garages. The LPA as parking authority will determine the appropriate level of parking for this proposal, however the Highway Authority consider that the proposed level of parking should prevent any overspill on to the surrounding highway network.

The development has good connection to passenger transport routes and acceptable walking distances to shops and other local amenities.

In accordance with section 11 of the document 'Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements)', would seek a second strand (pooled) contribution of £9,250 towards improving the safety, efficiency and capacity of the B487 Queensway/ A4146 Leighton Buzzard Road roundabout. This junction is the main connection between the site and the local road network leading to the strategic network. It lies 340metres to the west of the site. The need for it to be able to cope with planned development in the area was identified in computer traffic modelling carried out by consultants SKM Colin Buchanan for Dacorum Borough Council in 2013. The local road network is likely to suffer from unacceptable levels of congestion if the roundabout is not improved for cyclists, pedestrians and vehicles.

The impact of the development has been assessed and would not have an unreasonable impact on the safety and operation of the adjoining highways.

#### Assistant Team Leader – Design & Conservation

This site affects Hemel Hempstead and the setting of a number of listed buildings. It is located directly to the rear of the Old Town and is currently occupied by a block of New Town development.

Given the existing design of the building on site I consider that the height and scale of the development is acceptable. I also consider that the design relates to the New Town character and would blend as a transition between the Old Town and the New Town.

The success of this proposal will relate largely to the quality of materials and the proposed windows and balconies. If you are minded to approve please would you condition:

- All materials
- Details of windows including materials, sections and profile
- Details of balconies
- Rainscreen cladding panels
- Rainwater goods
- External lighting
- Hard and soft landscaping

#### Trees and Woodlands Manager (in summary)

No objection.

The site presently contains very little vegetation, only a small number of low quality shrubs.

The proposed residential flats are shown on Drawing no. 032 'Proposed external works' with soft landscaping areas to each side. Detail should be submitted of proposed plants to be installed, their size and maintenance for assessment.

#### 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 will be made when we receive details of the Building Regulations application.

#### Crime Prevention Advisor (in summary)

Whilst not against the development there are some areas of the proposal that cause me concern.

##### 1. Physical Security:

This should have been addressed in the Design and Access Statement (DAS), which only refers at 3.5.3 to secure bin and cycle stores. This is not adequate.

Secured by Design part 2 physical security: To alleviate any concerns regarding security for the proposed development, I would look for the development to be built to 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
- All individual flat front entrance doors to BS Pas 24:2012 (internal specification).
- 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.
- Due to the number of flats, there should be access control at the pedestrian entrances to the block. Such access control must NOT have a Tradesman's Button fitted as this assists offenders to gain entry during the day to

break into the flats.

These standards are entry level security and meet the Secured by Design part 2 physical security standard. 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.

Because security is not addressed I would ask that if this proposal is approved it is conditioned to achieve part 2 of the Secured by Design award.

2. Recess area in front of entrance to bin store and cycle store:

This entrance area is a large recess area with no overlooking from the flats above. This will facilitate crime and anti-social behaviour. I would ask that this recess is designed out and this will aid security for the bin and cycle stores.

3. New Through Route:

Mention is made at 3.5.1 of the DAS regarding a new through route through to the High Street. The area at the rear of this development should be seen as semi private and should not have a new through route through it. This will allow offenders easy escape routes and could even become an informal urinal area for users of the High street leaving any licensed premises. If it is kept it should be straight, well lit and have CCTV covering it.

Too much permeability of a development makes controlling crime very difficult, as it allows easy intrusion around the development by potential offenders. All planned routes should be needed, well used by generating adequate footfall at all times, well overlooked and well integrated. Underused alleyways, shortcuts, footpaths and a large number of minor access points can create hiding areas, create anonymity for offenders and if there is little to no natural surveillance over these areas, then they can become vulnerable to or facilitate crime as well as anti-social behaviour.

HCC Planning Obligations Officer (in summary)

Does not request any contributions.

HCC Minerals and Waste (in summary)

Recommends a SWMP (Site Waste Management Plan) be submitted as a condition.

Thames Water (in summary)

Recommends informatives with regards to surface water drainage.

Raises no objection with regards to sewerage infrastructure capacity.

Affinity Water

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

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

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

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

#### 74 Fig Tree Hill

Strongly objects to this project going ahead.

The parking within the area is extremely bad at present, as this is the only road within the town's vicinity that is free parking.

Notes there will only be 14 spaces allocated, and asks what happens if there are 2 cars per flat. Concerned that these would be pushed out onto the road which currently has parking issues. The only way this can be resolved is by restricting the parking in Figtree Hill to residents only, like Alexandra Road.

### **Considerations**

#### Policy and principle

The site falls within Hemel Hempstead town centre where, under Policies CS1 and CS4, a mix of uses is encouraged including residential. Outline permission was granted for residential with commercial on the ground floor in May 2013 and this is still extant. The principle of residential redevelopment is therefore considered acceptable in principle subject to complying with other relevant criteria.

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 CS15 (Offices, Research, Industry and Distribution) states that a minimum area of land will be identified for B class uses including land in town and local centres. The policy adds that this minimum employment land supply will be managed so as to meet a target of around 131,000 sq m (net) additional floorspace.

The NPPF is relevant, particularly paragraphs 22 (on whether allocated employment sites should be retained) and 51 (on changes of use from B class use to housing). The advice from Roger Tym & Partners in their 2010 and 2011 Employment Land Update reports for the Council should also be taken into account. Paragraph 5.16 in the 2011 Update states that the forecast demand for offices may not materialise. Therefore, depending on actual take-up, market conditions and the latest economic forecasts, there may be managed release of office sites which are no longer attractive, viable or suitable for offices.

It is concluded that the very secondary location of Able House and the poor quality of the existing building in terms of current standards expected for office buildings mean that the loss of the existing offices should be accepted. The extant permission for residential redevelopment, albeit with an element of commercial on the ground floor, is also a material consideration.

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. These are relevant to any residential development of this site.

The main considerations in this case relate to the suitability of the site to accommodate residential development, the impact in terms of the street scene and the adjoining Old Town Conservation Area, the impact on highway safety and convenience, the effect on surrounding residential amenities, and the impact in terms of the contribution the development should reasonably make to the environment and to the social and physical infrastructure of the area.

#### Suitability of the site to accommodate the development

The site falls within a fringe area to the Old Town between commercial uses with upper floor flats to the west and residential uses comprising purposes designed flats to the west. In the circumstances the site is well located with regards to a residential use of the land. It is 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 (e.g. Gadebridge Park and the Water Gardens).

The proposal is on split levels and includes direct access to three ground floor flats from the rear car park with communal stair access to the upper floor flats via two entrances from the front. Easy pedestrian access would be available to the car park around the north of the building. A separate entrance is provided from the car park side to a bin a cycle store area at ground floor. All flats would have either dual or single aspect orientation to east and/or west thereby affording good orientation with regards to sunlight / daylight.

The design of the flats will meet Homes and Communities Agency's Housing Quality Indicators (HQI's) with the internal floorspace exceeding the requirements.

Appendix 3 seeks private outdoor amenity provision equivalent to the floorspace of the proposal plus additional for each floor above 2 storeys. With regards to this, it is acknowledged that relatively little can be provided without reducing the footprint / increasing the height which would be likely to become either unviable or unacceptable in townscape terms. However, it is considered that a reasonable amount of private amenity space would be provided in the form of a small roof garden to the northern element of the building, together with a further small amenity area to the north of this at ground level. Furthermore, the design also incorporates private balconies to all but the ground floor units. The provision of these areas is welcomed as they help articulate the elevations whilst also providing essential private / semi-private amenity space for the occupants. On balance the amount of amenity space is considered acceptable given also the proximity of public parks.

The proposed layout would also provide a good amount of general soft landscaping around the building which would help soften and integrate the development into the

surroundings. There is however little scope for soft planting to the edges of the car park on account of it abutting the backs of existing buildings in the High Street and the need to maintain various vehicular accesses to those buildings and pedestrian ways through to the High Street. This is no different to the present situation which is currently tarmac. However, improvements to the appearance of the car park are proposed in the form of block paving, which is welcome in the context of this important pedestrian way through to the High Street Conservation Area.

A condition is recommended to seek details of the hard and soft landscaping.

Subject to satisfactory details being submitted, the proposal would be in accordance with Policy CS11, 12 and 13, and saved Appendix 3.

#### Impact on appearance of building, street scene and Conservation Area

This site adjoins the Old Town Conservation Area and would affect the setting of a number of listed buildings. Therefore the impact on these heritage assets is important.

In its layout and form, the design of the building is considered acceptable. It is broadly of the same form as the existing building on the site with a rectangular shape. The elevations would be modulated by small re-entrant courtyards and the roof articulated by variations in its height which would help reduced the bulk and massing of the building whilst providing improved interest within a local context.

The building would measure approximately 17 m wide by between 9 and 11 m deep with a flat roof over. It would have a height of 4 storeys with a lower element to the north of three storeys which would include a small roof garden. The part three / part four storey height is considered acceptable given the height of the existing building and given the surrounding context of three and some 4 storey flatted blocks. Due to split levels, from Fig Tree Hill it would appear as two and three storey. The Assistant Team Leader Design and Conservation has raised no objections in respect of the impact on heritage assets subject to control over the materials and details.

Materials would comprise a mix of brickwork, render, rainscreen metal cladding and translucent panels and balconies would be provided to the Fig Tree Hill and southern elevations.

The use of balconies, roof garden, and high quality materials would it is considered result in a significant enhancement to the existing building on the site. Conditions are recommended with regards to the details.

Subject to details of materials and design, the proposal would comply with Policy CS12 and CS27.

#### Parking and highway safety

The point of access, off Figtree Hill, is to remain generally unchanged although the opportunity has been taken to improve the pedestrian crossing point by introducing drop kerbs and material changes and a new footway. The Highway Authority has raised no objections, noting that the residential redevelopment would result in a reduction of between 15 and 18 trips during the peak hours and 115 fewer trips on a daily basis. The proposals would not, therefore, adversely affect highway flow and

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 3 of the Accessibility Zones for the Application of Car Parking Standards (July 2002) where full parking standards apply. For 1-bed dwellings, the requirement is 1.25 spaces per dwelling and for 2-bed dwellings the requirement is 1.5 spaces per dwelling, which equates to 20 parking spaces plus 1 long term cycle space per dwelling.

15 parking spaces would be provided to the rear in approximately the same locations as existing, including reuse of two garage spaces and provision of one disabled space.

An objection from a neighbour has been received with regards to parking numbers. The provision of 15 spaces is below the maximum standard of 20 spaces under Appendix 5. However the following factors need to be taken into consideration:

- The site is in a town centre location and a very convenient walking distance to services and public transport links. There have been numerous developments of flats along the High Street with no off-street parking provided.
- Strategic Planning have on the previous application stated that 1 space per flat would be acceptable and this scheme would exceed that figure. They have also accepted that some flexibility over standards would be reasonable and is allowed for under Policy 58.
- The proposal is for 100 % affordable housing and Policy 58 states that parking provision may be omitted or reduced on the basis of the type and location of the development (e.g. special needs/affordable housing, conversion or reuse in close proximity to facilities, services and passenger transport.
- Whilst the Highway Authority has stated that the LPA as parking authority will determine the appropriate level of parking for the proposal, nevertheless the Highway Authority considers that the proposed level of parking should prevent any overspill on to the surrounding highway network.
- The proposed 15 parking spaces would still provide a minimum of 1 parking space per dwelling.
- Informally there are further unmarked spaces which could be used as is currently the case.
- The provision is favourable when compared to the existing office which would generate a requirement of some 33 spaces for the 1,000 square metres, but is served by only 18 spaces. Therefore compared to the existing building at maximum capacity the proposed residential use would experience a reduction in parking pressure and this is supported by the calculated reduction in daily trips.

The Highway Authority notes that the turning space between the car parking bay number 13 and the existing garages appears to be narrow for vehicles to manoeuvre into the garages. There is no obvious alternative layout that doesn't result in a sub-standard layout. However, it would be possible to resite space 13 parallel to the amenity space which would improve manoeuvrability. An amendment has been received to address this request.

For the above reasons, and subject to amended parking layout, it is considered, on balance, that the proposed scheme is acceptable on highway safety and parking grounds.



The proposal would accord with Policy CS12 and saved Policies 51 and 58.

### Impact on neighbours

The site adjoins residential properties on all sides.

The proposal includes balconies (as well as windows) and therefore it is necessary to consider privacy / overlooking issues and whether any harm would result.

In terms of the western neighbours to the site (in the High Street) the rear of Nos. 19, 21 and 25 have no windows facing the site, while No. 23 only contains one small and secondary rear window. Nos. 27 and 29 do have rear facing windows facing the site, but these properties are 22 metres and 23.5 metres distant from the property, at an oblique angle from the proposed building, and screened to some extent by the projection of No.25. Moreover, these properties are already overlooked by the office building windows and by passers by. Accordingly, it is not considered that there would be any material harm.

In terms of the eastern neighbours in Fig Tree Hill, the separation distance is 18 metres, at the southern end of the building only, but more importantly is an existing front to front relationship and therefore in these terms no worse than the existing situation.

With regards to the flats at Nos. 64 and 74 Fig Tree Hill to the immediate south, there would potentially be some overlooking from bedroom windows and lounge balconies on the southern elevation. However, the facing flank wall of this neighbouring block has no windows. Therefore there would be no direct loss of privacy. With regards to Nos. 66 and 82, 68 and 80, 70 and 78 and 72 and 76, these are more than 25 metres away, but are also shielded to an extent by 64 and 74 and therefore it is not considered that any undue loss of privacy would result to these flats or their shared amenity area.

With regards to the neighbouring flats to the north of the site at Nos. 40 and 42, 38 and 44 and 36 and 46, these are considered to be the most likely candidates to suffer any loss of light or privacy given their distance of just 11 metres from the north elevation of the development. This potential was however picked up at pre-application stage and the plans amended accordingly to eliminate any harm. Secondary windows in the first and second floor flats serving the respective lounges are indicated to be translucent, rather than clear, and therefore, subject to an appropriate condition, would not result in any overlooking.

With regards to the roof garden, a privacy screen is to be incorporated to prevent any overlooking of these flats. This is indicated to be approximately 1.8 metres high. However, it is recommended that details of the design and height be submitted as a condition.

With regards to the potential for loss of light, the new building would be kept two storey at its northern end in the same position and would therefore be no worse than existing. There would therefore be no material loss of light to these flats.

The proposal would comply with Policy CS12.

### Affordable housing

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. The proposal is a DBC scheme for 100% affordable housing, all for social rent. The proposal would therefore accord with these policies and will need to be secured by a s106 agreement.

### Physical and social infrastructure requirements

The proposal for 14 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.

The Highway Authority has requested contributions towards improving the safety, efficiency and capacity of the B487 Queensway/ A4146 Leighton Buzzard Road roundabout which is located to the west of the site.

A contribution is considered necessary to enable the junction to cope with planned development in the area which was identified in computer traffic modelling carried out by consultants SKM Colin Buchanan for Dacorum Borough Council in 2013. The Highway Authority has indicated that the local road network is likely to suffer from unacceptable levels of congestion if the roundabout is not improved for cyclists, pedestrians and vehicles. The Hertfordshire Toolkit generates a second strand (pooled) contribution of £9,250 towards sustainable transport. This is considered proportionate having regard to toolkit evidence and methodology and would help mitigate the impacts of the development.

It is recommended that the above is secured by a s106 planning obligation.

### 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 located in a town centre location. However, given that the proposal is new build, there are many sustainability measures that can be introduced. A brief sustainability statement is contained within the submitted Design and Access Statement which appears to indicate that the building will look to target CFSH Level 4 as a minimum, will maximise use of natural daylight, will use low energy light fittings, will utilise natural ventilation via windows incorporating trickle vents, will incorporate management and energy efficiency systems in the heating system, will incorporate covered secure cycle storage, provide bins for both general and recycling waste, and will incorporate

renewable energy in the form of PV panels on the roof, concealed by a raised parapet.

The above measures are welcomed as far as they go. However, the statement does not cover certain important aspects such as SUDS or Construction Waste, nor is it clear on the energy aspects because it is also indicated that the client's requirement is CFSH level 3, not 4. However, in accordance with Table 10, an additional 5% CO2 reductions on CFSH Level 3 (or equivalent) should be demonstrated as a minimum.

C-Plan Sustainability and Energy Statements have been requested and an update will be provided at the meeting.

A compliance condition would be recommended.

#### Other matters

The Crime prevention Advisor has noted a number of issues with the layout and in response to these, amended plans address items 2 and 3 whilst a further statement has been added to the Design and Access Statement in reference to item 1, as follows:

Item 1 – Physical security - a statement has been added to the DAS with regards to the measures requested by the Crime Prevention Advisor. A compliance condition is recommended.

Item 2 - Recess area in front of entrance to bin store and cycle store - this has been addressed by relocating the main door to the face of the building. This is acceptable and does not have a significant visual impact on the rear elevation.

Item 3 - New through route - the path at the north of the building between the front entrances and the car park was introduced in response to pre-application advice in order to maintain the permeability of the site. In this respect, it should be noted that the route and steps is overlooked by the flats opposite, only 11 metres away, which have balconies overlooking the path. It is however considered that details of lighting and CCTV should be incorporated by condition in order to limit the opportunity for concealed escape by potential offenders, as recommended by the Crime Prevention Advisor. These details can be added to the landscaping condition and, in addition, details of enclosure to the adjoining amenity area are considered expedient to ensure that this area allows an uninterrupted line of vision from the aforementioned flats.

An initial Desk top study for contamination indicates there to be potentially significant pollution linkages from former foundry and grave yard uses and therefore it is recommended that further site investigation is required. Any comments received from the Scientific Officer will be reported at the meeting.

#### RECOMMENDATION

1. That the application be 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:

- The provision of 100% affordable housing for rent.
- A financial contribution of £9,250 towards improving the safety, efficiency and capacity of the B487 Queensway/ A4146 Leighton Buzzard Road roundabout.

Suggested Conditions

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

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

- 2 No development shall take place until samples and / or details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.**

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

- 3 The development shall be carried out in accordance with the approved plans and elevations and no development shall take place until 1:20 details of the design of the following shall have been submitted to and approved in writing by the local planning authority:**

- all windows, doors and openings (including materials, finishes, profiles and vertical cross sections through the openings);
- all balconies, railings, balustrades;
- rainwater goods;

**The development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS10, 11, 12 and 13 of the Dacorum Core Strategy (September 2013).

- 4 No development shall take place until details of the proposed slab, finished floor and ridge levels of the buildings in relation to the existing and proposed levels of the site and the surrounding land and buildings shall have been submitted to and approved in writing by the local planning authority. 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 11 of the Dacorum Borough Local Plan 1991-2011.

5 **Notwithstanding any details submitted, 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;**
- **soft landscape works (including tree planting) which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **proposed finished levels or contours;**
- **external lighting;**
- **CCTV to the pedestrian through route;**
- **means of enclosure to the ground level amenity space;**
- **means of screening to the roof garden;**
- **minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs etc);**
- **proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);**

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

**Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the local planning authority.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with saved Policies 99 and 100 of the Dacorum Borough Local Plan 1991-2011 and Policies CS12 and 13 of the Dacorum Core Strategy September 2013.

6 **The development hereby permitted shall be carried out in accordance with Section 7 (Sustainability and Environment Statement) of the Design and Access Statement, the approved CS29 Sustainability Checklist, C-Plan Sustainability Statement and Energy Statement. No development shall take place until evidence has been submitted to and approved in writing by the local planning authority to show that the CO2 reductions indicated within the Energy Statement will be achieved.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS29 and 31 and Para. 18.22 of the Dacorum Borough Core Strategy September 2013 and adopted Supplementary Planning Guidance.

- 7 **The development shall be carried out in accordance with the measures set down in Section 3.5 (Crime Prevention) of the Design and Access Statement. The measures shall thereafter be retained and adequately maintained at all times unless otherwise agreed in writing by the local planning authority.**

Reason: To ensure a secure and safe form of development for the residents in accordance with Best Practice and Secured by Design principles and Policy CS12 of the Dacorum Core Strategy (September 2013).

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

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

- 9 **No development (including demolition) 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;
- construction access arrangements;
- 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.

- 10 **The development hereby permitted shall not be occupied until the arrangements for vehicle parking, cycle parking, circulation, turning and access shown on Drawing No. 14003/025 Rev C shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved.**

Reason: To ensure that adequate access and parking is provided at all times so that the development does not prejudice the free flow of traffic or the conditions of general safety along the adjacent highways, and to encourage the use of sustainable modes of transport in accordance with saved Policy 51

and 58 of the adopted Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the Dacorum Core Strategy September 2013.

- 11 **Notwithstanding any details submitted with the application, no development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the local planning authority. This assessment shall be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it shall include:**

**(i) a survey of the extent, scale and nature of contamination;**

**(ii) an assessment of the potential risks to:**

- (a) human health;**
- (b) property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;**
- (c) adjoining land;**
- (d) groundwater and surface waters; and,**
- (e) ecological systems.**
- (f) archeological sites and ancient monuments;**

**(iii) 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'*.**

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

- 12 **No development shall take place until 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 environment has been submitted to and approved in writing by the local planning authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, proposed preferred option(s), and a timetable of works and site management procedures. The scheme shall ensure that the site does 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. The remediation scheme shall be implemented in accordance with the approved timetable of works.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the

development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS32 of the Dacorum Core Strategy September 2013.

- 13 **Within 6 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) shall be submitted to the local planning authority for its written approval.**

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

- 14 **In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing within 7 days to the local planning authority and once the local planning authority has identified the part of the site affected by the unexpected contamination, development shall be halted on that part of the site. An assessment shall be undertaken in accordance with the requirements of Condition No 10, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, shall be submitted to and approved in writing by the local planning authority in accordance with the requirements of Condition No 11. The measures in the approved remediation scheme shall then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report shall be submitted to and approved in writing by the local planning authority in accordance with Condition No 12.**

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

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

14003/020  
14003/021  
14003/022  
14003/023  
14003/024  
14003/025 Rev D  
14003/026 Rev B  
14003/027 Rev A  
14003/028 Rev C



**14003/029 Rev D**  
**14003/032 Rev B**  
**14003/033**

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 pre-application and 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.

INFORMATIVES:

Thames Water

Waste Comments

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

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0800 009 3921 or for more information please visit our website at [www.thameswater.co.uk](http://www.thameswater.co.uk)

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.

Affinity Water

You should be aware that the site is located within the groundwater Source

Protection Zone (SPZ) corresponding to Marlowes Pumping Station. This is a public water supply comprising a number of chalk boreholes operated by Affinity Water Ltd.

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

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

## ITEM 5.04

### **4/01895/15/MFA - DEMOLITION OF FORMER GARAGE BUILDINGS AND REDEVELOPMENT TO PROVIDE 11 NEW DWELLINGS THROUGH A COMBINATION OF CONVERSION AND NEW BUILD..**

**LAND AT 9, 11 & 13 HIGH STREET AND SWING GATE LANE, BERKHAMSTED, HP4.**

**APPLICANT: Beechcroft Developments.**

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[Case Officer - Joan Reid]

### **Summary**

The application is recommended for approval. The principle of development is considered acceptable in accordance with policies CS4 and CS17 of the adopted Core Strategy. The principle of new dwellings within the designated residential area of Berkhamsted is acceptable and supported. There would not be an adverse impact to neighbouring properties as a result of the proposals and satisfactory parking is provided on site. The access to the development would not compromise highway safety and the site would be enhanced by additional planting and landscaping. The design and form of the development would not adversely impact the character of the area and would enhance the character and setting of the conservation area. Adequate provision is made for amenity space and provision for storage of waste is satisfactorily accommodated. Provision has been made to retain and conserve any Archaeological findings. The proposals therefore accord with the NPPF, policies CS1, CS4, CS8, CS10, CS11, CS12, CS18, CS19, CS23, CS27, CS29, CS31 and CS35 of the adopted Core Strategy and saved policies 58, 111 and 120 of the local plan.

### **Site Description**

The application site is located to the corner of Swing Gate Lane and Berkhamsted High Street and is the gateway site of Berkhamsted Conservation Area. The site comprises a currently vacant piece of land which has formerly been used as a car sales business together with buildings numbered 9, 11, and 13 High Street. These three buildings are currently utilised as Berkhamsted Tool Hire shop and offices. The southern boundary of the site is shared with the rear gardens of residential properties along Curtis Road and to the east of the site, across the road is Swing Gate Lane School. The western boundary of the site is shared with number 15 High Street and the existing wall of the work house runs along side the boundary. The site is located within an area of archaeological significance

### **Proposal**

The application seeks planning permission for the conversion of numbers 9, 11, and 13 High Street to form one 2 and one 3 bedroom units together with erection of a further 9 flats in the form of one 2 and half storey block which wraps around the corner plot. The buildings associated with the car business are to be removed from the site. 15 car parking spaces are proposed which are to be accessed from the existing access on Swing Gate Lane.

The proposal is for 100% affordable housing provision of which 8 of the units are off site provision for the residential development at the former police and library site on the High Street, Berkhamsted (Planning ref: 4/03286/14/MFA).

This is a resubmission of a previous scheme recommended for refusal by the Development Control Committee in March 2015. This scheme has lost one unit and has significantly lowered the overall height of the buildings.

### **Referral to Committee**

The application is referred to the Development Control Committee as it is resubmission of the previously refused application.

### **Planning History**

An application for 12 units was resolved to refuse planning permission at the site in March 2015, as it was considered by members that the scheme was of a scale and height not in keeping with the surrounding built form.

In terms of history of uses on the site, the car sales site has been used for its current purpose for many years. The car valeting site has a long established history of industrial uses and vehicle repairs.

In 2011, planning application 4/02344/11/RET sought retrospective planning permission to use the Swing Gate Lane site as a car valeting business for a temporary period of three years. This application was withdrawn.

A fresh planning application (4/00991/12 RET) for the use of the Swing Gate Lane site for car valeting for three years was submitted in June 2012. This application was refused by the Council in August 2012 for two reasons. Following the refusal of application 4/00991/12/RET, the Council has issued an enforcement notice which was subsequently appeals and dismissed.

It is also relevant to note that in 2002, planning application 4/02000/02 FUL proposed to the demolition of the existing buildings at 1-13A High Street and the construction of 16 flats with parking. The application site covered all the land subject of this concept statement. A three storey 'L' shaped building fronting High Street and Swing Gate Lane was proposed, with 19 parking spaces accessed from Swing Gate Lane.

### **Policies**

#### National Policy Guidance

National Planning Policy Framework (NPPF)  
National Planning Policy Guidance

#### Adopted Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS2 - Selection of Development Sites  
CS3 - Managing Selected Development Sites  
CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport  
CS9 - Management of Roads

CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS13 - Quality of Public Realm  
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  
CS32 - Air, Water and Soil Quality  
CS35 - Infrastructure and Developer Contributions

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

Policies 13, 58, 120.  
Appendices 3, 5 and 7

#### Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)  
Water Conservation & Sustainable Drainage (June 2005)  
Accessibility Zones for the Application of car Parking Standards (July 2002)  
Planning Obligations (April 2011)  
Affordable Housing (Jan 2013)

#### **Summary of Representations**

##### Berkhamsted Town Council

Awaiting comments - the town council will consider this application on 15th June 2015.  
Comments will be submitted in the addendum sheet.

##### Conservation and Design

This site is an important gateway into Berkhamsted and occupies a prominent corner in Berkhamsted Conservation Area. It is also highly prominent from many public views and any development would impact the setting of The Bull PH a Grade II Listed Building.

I have no objection in principle to the redevelopment of this site since the garage site is identified in the Berkhamsted Conservation Area Appraisal as a 'Negative site'; hence its enhancement is positively encouraged via redevelopment or sympathetic alteration of the appearance of the existing buildings.

The proposal has been subject to extensive negotiations with officers including myself. Whilst I have maintained that redevelopment is acceptable in principle, I expressed concern on the previous application for this site (4/03271/14/MFA) regarding the difference in scale between the proposed two-and-a-half storey corner building and that of neighbouring existing cottages which are a small scale two storey. The current application has reduced the height of the proposed development by a further 1.3m on

the corner building which does make a better relationship with neighbouring buildings and the streetscene in general.

However, I strongly object to the crown/flat roofs of the development which are unacceptable architectural forms in the conservation area. I have made this point repeatedly during negotiations with the developer and architect and have maintained throughout that traditional pitched roofs are a requirement for any scheme. In addition I object to the roof light on the High Street elevation as this is a large roof slope and needs to be an uncluttered.

It would be appreciated if the architect would show rainwater pipes, extractors, flues and vents so an assessment can be made of the impact of these on the elevations.

Building 1 adjacent to the cottages proposed for conversion requires a plinth below dpc (to be painted black).

The corner building would benefit from slightly deeper sash windows on the ground floor as currently the windows are the same height as the neighbouring casements.

The elevation onto Swing Gate Lane would benefit from some form of boundary treatment screening the parking bays. Also the parking court would benefit from soft landscaping and a semi mature tree if possible.

If the above can be achieved I would suggest the following conditions:

- All materials; Brick sample panel to be constructed on site; Window details to be submitted for approval, NB sash to be fully opening traditional sash windows, wood unless agreed in writing with the LPA; Metal rainwater goods; Details of all extractors, flues and vents; Hard and soft landscaping; Boundary treatments; Lighting; Details of bin and cycle store ; Details of all chimneys

#### Hertfordshire Highways

Awaiting comments on current application.

Previous comments to 12 unit scheme were:

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:

SHC 18: Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.0m x 2.0m shall be provided to each side of the vehicle accesses where they meet the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety.

SHC 25: Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The

scheme shall be implemented throughout the construction period.

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

SHC 42: No works shall commence on site until a Construction Logistics Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority). The Construction Logistics Plan should outline the construction methodology, the predicted vehicle movements to and from the site, and how the movement of construction vehicles will be managed to minimise the risk to pedestrians and vehicles within the local highway network.

Reason: To manage the movement of vehicles during construction in the interests of highway safety. Description of the Proposal The proposal is for the construction of 13 residential units. The proposed site is within the Dacorum Borough Council (DBC).

The site is located at the junction of Swing Gate Lane and High Street / London Road (A4251). The site is currently occupied by a vehicle workshop at the rear, open yard / car parking, along the High Street and Swing Gate Lane frontage, and retail units fronting High Street.

The proposed residential units consist of: • 8 x one-bedroom apartments (new building); • 3 x two-bedroom apartments (new building); and • 2 x two-bedroom dwelling houses (conversion of existing buildings).

This application is linked with the separate application to redevelop the site at the junction of High Street and Kings Road to provide 23 retirement units. The Swing Gate Lane site will provide the affordable housing requirements generated by the redevelopment of the High Street / Kings Road site.

High Street / London Road (A4251) is a Principal Road – Main Distributor and is subject to a 20mph speed limit. Swing Gate Lane is a local access road and is subject to a 30mph speed limit. There are two short-stay parking spaces provided on the western side of Swing Gate Lane outside the proposed site. Swing Gate Lane Infant School and Nursery is located on the eastern side of Swing Gate Lane opposite the proposed site. There is a signalised pedestrian crossing located outside the High Street frontage of the site, approximately 25m to the west of the Swing Gate Lane junction. Policy The TA does not refer to the policy and guidance in the HCC Local Transport Plan, or in the Tring, Northchurch and Berkhamsted Urban Transport Plan (UTP). The proposed development has been assessed against the UTP and there is one proposed scheme that is considered relevant to the proposed development: Scheme 05 – Traffic Calming and Extension of 20mph zone on the High Street, Berkhamsted. Scheme 05 involves extending the existing 20mph zone on High Street / London Road to the east of the Swing Gate Lane junction. The proposed 20mph zone will improve the safety and efficiency of High Street / London Road and the Swing Gate Lane / High Street / London Road junction. Therefore a contribution towards Scheme 05 will be required. Analysis A Transport Statement (TS) prepared by Dermot McCaffery was submitted with the application. Based on the proposed 13 units, this level of assessment is consistent with the Roads in Hertfordshire Design Guide 3rd Edition (RiH). Trip Generation and Distribution Existing Trip Generation The TRICS database does not include comparable sites for a small-scale vehicle repair or tool hire business. Both of the businesses are highly dependent on vehicle trips throughout the day by customers as well as the delivery of goods. However due to the uncertainty around calculating the exact number of vehicle trips generated, the TS assumes a

worst-case scenario of the existing site generating no vehicle trips. This is considered to be an appropriate approach. Proposed Trip Generation The TRICS database has been interrogated for residential developments with a small number of units. The sites selected range in size from 14 to 82 units. Based the trip generation rates, the proposed development would generate approximately 6 two-way trips during the AM Peak and PM Peak, and 57 two-way trips over the course of the day.

The assessment includes two sites from Greater London that are not considered to be comparable to the subject site – the site in Newham is located adjacent to West Ham Station providing access to four Underground lines, the DLR and National Rail services. However, due to the number of sites used in the analysis, these sites are unlikely to have significantly reduced the trip generation rates for the proposed development. As a result, the proposed trip generation analysis is considered to be appropriate and the proposed development is unlikely to have any significant impact on the local road network. Impact on Highway Network Swing Gate Lane / High Street / London Road Junction The Swing Gate Lane and High Street / London Road junction is a mini-roundabout. The junction operates adequately during peak traffic periods and there are no planned improvements within the UTP. The cumulative impact of the traffic generated the proposed development will be minimal and is unlikely to have an adverse impact on the safety or operation of the junction.

The existing land uses are likely to generate vehicle trips by commercial vehicles including light goods vehicles (LGVs). The proposed redevelopment of the site for residential purposes will significantly reduce the frequency of visits by commercial vehicles and LGVs and is likely to reduce the risk of conflict with vulnerable road users at the vehicle entrance on Swing Gate Lane, and at the Swing Gate Lane and High Street / London Road junction. Road Safety The accident data over the last 5 years for the local highway network adjacent to the site does not indicate any significant road safety issues. The proposed 20mph zone will reduce collisions and injuries on the local highway network. Highway Layout Vehicle Access The existing vehicular access to the site is from Swing Gate Lane. The proposed development will utilise the same vehicle access on Swing Gate Lane.

As Swing Gate Lane is adopted, the applicant may need to enter into a Section 278 legal agreement to work on the highway in order to make changes to the existing means of access.

Visibility The proposed building on the northern side of the access is set back, as is the parking space on the southern side of the access. A minimum visibility splay of 2.0m X 2.0m is achievable and should be indicated on the site plans. Any structure or planting within the splay should be less than 0.6m high to ensure that any pedestrians passing in front of the property are visible. This is particularly important given the proximity to Swing Gate School. Servicing and Delivery The proposed refuse storage is located within 25m of Swing Gate Lane. As such, a refuse collection vehicle is not required to enter the site, and collection can be undertaken at the kerb. Refuse collection is likely to take place outside of the peak traffic periods and school drop-off / pick-up times and there is unlikely to be any increased conflicts between the refuse collection vehicles and school-related traffic (including pedestrians). As a result, the servicing arrangements are considered to be appropriate.

The residential nature of Swing Gate Lane means that other deliveries are likely to occur, but at a reduced level compared to the existing use of the site. The proposed car parking area provides the opportunity for delivery vehicles to park within the site



while making deliveries, or use the short stay parking spaces on the Swing Gate Lane. Therefore the provision for delivery vehicles is considered to be acceptable. Parking The existing site is currently used as a car repair / sales yard and there are regularly cars parked throughout the site. It is noted that the footway of High Street in front of the tool hire business is also used for vehicle parking.

The proposed development will provide 13 parking spaces (1 per proposed residential unit). The parking will be located to the rear of the site and will be accessed via Swing Gate Lane. Parking Provision The site is within Accessibility Zone 2 and the maximum parking requirements are 1 space per one-bedroom unit and 1.5 spaces per two-bedroom unit.

The appropriateness of the proposed provision of parking will be determined by the DBC and conditioned if necessary. However the proposed residential use of the site is likely to generate a significantly lower demand for on-site car parking than the existing uses of the site. The proposed ratio of one car parking space per residential unit is likely to limit any overflow parking onto the adjacent highway. Parking Layout The proposed layout of the car park spaces is considered to be appropriate and there is adequate manoeuvring space for vehicles to exit the site in forward gear. Cycle Parking A cycle storage area is provided on the western boundary of the site, to the north of the garage conversion, adjacent to the car parking. This location is readily accessible to all residential units within the development.

The minimum cycle parking requirement is 1 space per unit and the cycle storage should provide adequate storage space for a minimum of 13 cycles. Accessibility Pedestrian Access Pedestrian access to some of the flats will be directly from High Street, while the remaining flats will be accessible from Swing Gate Lane. There is no separate pedestrian facilities at the access from Swing Gate Lane. However the volume of vehicles entering and exiting the site is unlikely to cause any significant safety issues. Overall, the accessibility of the development for pedestrians is acceptable.

Cycle Access Cycling along the High Street is difficult due to the traffic calming measures in place. As a result, Scheme 05 in the Tring, Northchurch and Berkhamsted UTP proposes to improve the carriageway to make it more cycle friendly. The scheme also proposes to extend the 20mph limit to Kings Road adjacent to the development site. This will also assist safe access to the development for all road users and a contribution towards the Scheme is required.

Public Transport Access The site is located close to Berkhamsted town centre with good access to facilities and public transport. Bus stops in both directions are located on London Road within 200m and the Berkhamsted train station is within 15 minutes walking time of the site. Overall, the site is considered to be accessible to sustainable modes of transport. Travel Plan Based on the proposed level of development (taking into account the proposed retirement units at the related site), a travel plan is not required. Construction The proposed development involves the demolition of some of the existing buildings of the site and the conversion of the buildings fronting High Street. The demolition and construction of the proposed development means there are potential safety concerns due to interactions between: • Construction vehicles and pedestrians on High Street due or vehicles parked on the footway or at the signalised pedestrian crossing; and • Construction vehicles and pedestrians / vehicles accessing the Swing Gate Lane School. A Construction Logistics Plan (CLP) is required to ensure that the safety and operation of the adjacent highway network is not affected during the

construction and demolition phases. The CLP will be required as a condition. 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). The contribution required below will be secured via a s106 agreement.

**First Strand** The development would not have significant impacts on the local highway network that require mitigation.

**Second Strand** The second strand contributions for Residential development set out in the HCC Planning Obligations Guidance is based on a standard charge per dwelling taking into account the number of bedrooms and the accessibility of the site. The site is located within the Town Centre Zone 2. Therefore the standard charge per dwelling is £375 for a one-bedroom unit and £500 for a two-bedroom unit. This equates to a total standard charge of £5,500 for the proposed development.

The contribution is payable on first occupation of the site. The contribution is to be index linked (SPON) from the date of the s106 agreement to the date of payment. The contribution is to be set aside towards implementing sustainable transport measures. Summary Hertfordshire County Council has no objection to the principle of the proposed development, subject to the conditions above.

#### HCC Planning Obligations Officer

Awaiting comments

#### Trees and Woodlands

Awaiting comments. Comments to previous scheme were: No significant vegetation to be affected at all. There is scope, although limited, to replant so some detail of landscaping would be good to see.

#### Archaeology Comments

The proposed development site occupies a prominent position at the eastern edge of the Medieval core of Berkhamsted, and lies within Area of Archaeological Significance number 21, which includes a number of important prehistoric, Roman and Medieval sites. Evidence of early post-medieval occupation and industrial activity has been recorded from the rear of 25 High Street (HER15716) and 31-33 High Street (HER11966).

In light of the above I would expect below ground heritage assets with archaeological interest, relating to later medieval to post-medieval occupation, to be present within the proposed development site. It is likely that some truncation of archaeological features has been caused by later use of the site. However, deeper features, particularly wells, cess or rubbish pits, are likely to survive, and provide a valuable insight into the development of Berkhamsted through time.

In addition, several extant structures believed to date between the late 16th and early 20th century will be subject to conversion as part of the development. This will clearly impact the archaeological interest of these buildings.

I, therefore, recommend that the following provisions be made, should you be minded to grant consent:

- 1 the archaeological monitoring of all interventions affecting the fabric of the historic buildings (16th to early 20th century)
- 2 the archaeological monitoring of all groundworks, including removal of existing slab, any ground reduction, new foundation trenches, landscaping and service runs
- 3 the archaeological investigation and recording of any remains encountered during this process,
- 4 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.
- 5 such other provisions as may be necessary to protect the archaeological interest of the site.

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow the policies included within National Planning Policy Framework (policies: 135, 141 etc.), and the guidance contained in the Historic Environment Planning Practice Guide.

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

#### Hertfordshire Biological Records Centre

We have no ecological records for this application site or adjacent areas, although there are a few scattered records of bats within Berkhamsted. The proposals will primarily affect existing buildings to the rear of the High Street buildings, which will remain. These are a large gable roofed shed, a flat roofed shed and the single storey extensions (one flat roofed) to the older buildings of 9-13 High Street. Otherwise the existing buildings and their roofs will remain unaffected by the proposed demolition.

The location generally has some habitat recourse for bats in the mature trees and gardens of adjacent properties between Curtis Way and the High Street. However, I do not consider the nature of the buildings or extensions to be demolished provide a sufficient likelihood of supporting bats for the LPA to justify requiring any survey prior to determination. From the photos of these buildings in the Heritage Statement, their design, construction and materials do not suggest good opportunities for bats being present.

However, bats and their roosts remain protected at all times and if the application is approved, I advise that an Informative is attached to any permission to the effect that :

- Works should proceed with caution, and in the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from 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)

I have no reason to believe there will be any other ecological constraints associated with the proposals.

## Contaminated Land Officer

Awaiting comments

## Strategic Housing

Strategic Housing comments are as follows in response to the proposal below:

The site proposes 100% of the 11 units for affordable housing. The site will deliver the off-site affordable housing contribution for the planning application 4/03286/14/MFA.

## Thames Water

### 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.

### Supplementary Comments

Having reviewed the drainage strategy documents provided, Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application provided that details of surface water site drainage works as laid out in the Flood Risk Assessment and Surface Water Drainage Strategy are adhered to. Thames Water would require further consultation if changes to the drainage strategy occur.

## Thames Water

### Waste Comments

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

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0800 009 3921 or for more information please visit our website at [www.thameswater.co.uk](http://www.thameswater.co.uk)

Thames Water would advise that with regard to sewerage infrastructure capacity, we

would not have any objection to the above planning application.

#### Water Comments

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

#### Secure by Design

I am writing in regarding planning application 4/01895/15/MFA at land at 9, 11 & 13 High Street and Swing Gate Lane, Berkhamsted, HP4 for the demolition of former garage buildings and redevelopment to provide 11 new dwellings through a combination of conversion and new build.

Secured by Design part 2 physical security: To alleviate any 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
- All individual flat front entrance doors to BS Pas 24:2012 (internal specification).

Ground level (easily accessible) exterior windows to BS Pas 24:2012. All glazing in the exterior doors, and ground floor (easily accessible) windows next to doors to include laminated glass as one of the panes of glass.

Due to the number of flats, there should also be audible access control at the pedestrian entrances to the block. Such access control must NOT have a Tradesman's Button fitted as this assists offenders to gain entry during the day to break into the flats.

These standards are entry level security and meet the Secured by Design part 2 physical security standard. 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.

Lighting in rear courtyard parking area: Will there be appropriate lighting off a Landlords Meter for the parking courtyard area?

I hope the above is of use to you in your deliberations and will help the development achieve that aims of the National Planning Policy Framework (NPPF).

17 – re high quality design

58 – re function for the lifetime of the development as well as designing against crime and fear of crime.

69 – re safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

& Dacorum Core Strategy policies:

CS12 – re safe access, layout and security

CS13 – re pedestrian friendly, shared spaces in appropriate places

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

None to date on resubmission - consultation runs until 24th June 2015

## **Considerations**

### Policy and Principle

The proposal for a residential development which comprises the refurbishment of numbers 11, 12 and 13 High Street is welcomed and supported in principle. Policy CS17 of the adopted Core Strategy seeks for development of new housing and this application accords with the draft concept plan for the site. The site has been in use as a car sales/repairs/wash for some time which has been considered a poor neighbour for the residential properties surrounding it. The proposal for a residential scheme is considered to a more neighbourly use and provides for 12 new affordable units which is welcomed.

The proposal therefore conforms with the strategic policies relevant to the site; more detailed elements of the scheme / brief requirements shall be assessed under sections later in this report. The proposals are considered to be in accordance with NP1 and CS1 of the Adopted Core Strategy as well as the NPPF and NPPG.

### Impact on Street Scene and Conservation Area

Policy CS27 of the adopted Core Strategy states that the integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced. Development will positively conserve and enhance the appearance and character of conservation areas. Negative features and problems identified in conservation area appraisals will be ameliorated or removed. It is considered that the scheme positively enhances and conserves the appearance of the character of the conservation area and successfully removes a negative poor quality site which is the gateway of the conservation area. The existing buildings on the site (with exception to numbers 9, 11 and 13) are to be removed from the site. These buildings have been identified as making a negative contribution to the character of the conservation area and mark a poor quality environment at the entrance of the town.

The redevelopment of the site is welcomed and supported and is considered to enhance the conservation area providing a good quality development providing the gateway into Berkhamsted. Numbers 9, 11 and 13 High Street are considered to be locally listed buildings and are proposed to be retained and converted as part of this application. No objection is raised to the works proposed to enable these buildings to

convert to residential use.

This scheme is a resubmission following a resolution to refuse the former scheme comprises 12 units. The development control committee expressed concern that the previous scheme represented a built form which was too high in the context of the adjacent buildings at the entrance to Berkhamsted Conservation Area. As a result, the developers have submitted a revised scheme in order to overcome the concerns of the Development Control Committee and the Town Council.

The revised scheme makes the following alterations to that refused: overall lowering of the height of the buildings, the corner building is lowered by 1.3m and the new building connecting to the locally listed buildings on the High Street has been lowered by 0.49m. The building nearest the residential properties along Swing Gate Lane has been lowered by 0.86m. As a result the corner building has a ridge height the same as the cottages immediately opposite. The new building to connect to the locally listed building (9,11 and 13) has been lowered which now provides a more sympathetic link between old and new. The new cottage is now the same height as 15 High Street.

As a result of the changes to the height and scale of the development, it is considered that the scheme represents a good quality development which takes influence from the adjacent buildings and would not appear out of context or scale with this part of the conservation area. The conservation officer has been consulted on the scheme and is now satisfied that the scheme results in a better relationship with the neighbouring properties and the streetscene in general. The conservation officer however has expressed concern to the introduction of crown/flat roofs to the rear. Whilst, the intention of the conservation officer is to avoid flat/crown roofs in the conservation area and this has been put forward to the applicants, it is considered difficult to achieve traditional pitched roofs and maintain the lower heights which the development control committee required together. Also, it is unlikely that the flat roof would be visible from any important aspect as they are hidden behind the roof pitches. On this point, therefore it is not considered that refusal on the principle of avoiding crown roofs could be sustained as the scheme is considered to represent a well designed development which enhances the conservation area.

The conservation officer has requested a number of conditions on acceptability of the scheme including detailed submission of materials and detailing.

Overall, from a design perspective, on balance, it is considered that the redevelopment of the site which will positively enhance the character of the area is acceptable for approval. A condition will be imposed requiring fully details of materials to ensure that the development is constructed to a high standard in accordance with policies CS12 and CS27 of the adopted Core Strategy.

#### Affordable Housing Provision

The scheme proposes 11 new dwellings which are to be 100% affordable homes. This is made of up the off site provision of 8 units displaced from the Former Police Station and Library Site at High Street/Kings Road which is subject of a separate planning application together with 3 additional affordable housing units. Altogether as there are 23 residential units proposed at the former police station site together with 11 additional units at Swing Gate Lane site, this amounts to 34 new dwellings of which 11 are to be affordable. This equates to 32% affordable units which is slightly below the

recommended 35% affordable housing requirement set out in policy CS19 of the adopted Core Strategy however the small under-provision is considered acceptable on balance as the removal of the 2 units from the scheme ('the Coach House', which was causing harm to neighbouring amenities and a second unit to allow a lower development) should be taken into account. Also it is noted that two of the dwellings are converted from the retail units along the High Street and if these were a separate conversion they would not be required to be affordable homes.

The plans have been amended and now removes the additional 'Coach House' building which previously was abutting the boundary with 2 Curtis Way and 15 High Street. Concern was raised that this element resulted in a harmful impact to the neighbouring properties. The scheme is now subject of a further 14 days consultation period.

### Impact on Neighbours

The application site abuts 2 and 4 Curtis Way and is adjacent to number 15 High Street.

2 Curtis Way is orientated at an angle to the site and has a tri-angular shaped garden which its boundary runs along the length of the rear of the application site. It is considered that since the removal of the Coach House and lowering of the heights of the buildings, the development results in improved amenity for number 2 Curtis Way, which has been subject to noise and nuisance issues as a result of the former use. The existing buildings nearest number 2 Curtis Way are to be demolished which will result in a more open aspect from the property. The flank elevation of the development will extend out 4m beyond the corner of number 2 however due to the orientation of the site, and the separation distance of over 13m, it is not considered to appear unduly overbearing. A window on the flank elevation has been removed from this resubmission in accordance with the wishes of number 2 Curtis Way. All other first floor windows of the development are located in excess of 23m from the rear windows of number 2 Curtis Way and as such, no objection is therefore raised in terms of adequate privacy.

In terms of 4 Curtis Way, the proposals are not considered to result in any significant harm to this property in terms of privacy, loss of light or overbearing impact.

Number 15 High Street is located next to 13 High Street which is to be converted to a residential unit. The existing boundary wall is to be retained. This wall is significantly higher when viewed from the rear garden of number 15 due to the difference in levels. As a result of the demolition of the work house to the rear there will be an improvement to the aspect from the upper floor windows of number 15 as they currently look down upon an iron roof. Concerns were raised in relation to the impact of the Coach House building to number 15 and this element has subsequently been removed from the application. No other significant harm is considered to result to number 15 as a result of the development proposals.

### Impact on Highway Safety and parking provision

The application has been supported by a Transport Statement and Hertfordshire Highways have raised no objection to the proposals subject to conditions. Hertfordshire



Highways are satisfied that the car movement associated with the development would not result in adverse impact on the existing road network and the cumulative impact of the traffic generated the proposed development will be minimal and is unlikely to have an adverse impact on the safety or operation of the junction.

The existing uses contained within the site amount to greater numbers of heavy traffic movements than proposed and as such no objection is raised. It is considered that the access arrangements are acceptable subject to visibility splays being maintained which will be secured by condition. Also, the HCC find it reasonable and necessary to acquire a sustainable transport contribution in accordance with the CIL regulations to offset the impact of the development.

It is proposed to have 15 spaces within the site which provides one space for unit and four additional visitor spaces. Concern had been raised on the earlier scheme that insufficient parking provision has been provided however having regard for the nature of the dwellings together with the location of the site close to the town centre and within easy walking distance from shops, schools and public amenities, it is considered that the parking provision is acceptable and in accordance with the maximum standard set out in appendix 5 of the local plan.

Provision is made for cycle storage within the scheme which is supported and accords with appendix 5 of the local plan.

Concern has been raised by the neighbouring school regarding the construction of the site and it is noted that the applicants have been liaising directly with the school, however it is also considered reasonable and necessary (having regard to the recommendations of the Highway Authority) to impose a condition requiring a construction management plan in accordance with policy CS8 of the adopted Core Strategy.

### Sustainability

A sustainability Statement has been prepared which sets out the sustainability objectives of the scheme in line with adopted policy CS29 of the Core Strategy. The objectives of this policy are met and no objection is raised.

### Loss of Employment Land and retail

The three shops (9, 11 and 13) are located outside of the protected primary retail frontage and there is no policy presumption in favour of their retention. No objection is therefore raised to the conversion of the three units to two residential units. Similarly, the employment use of the site is not restricted and no objection is raised for the redevelopment for residential accommodation, indeed it is considered that the redevelopment of the site will result in an overall more neighbourly use for the adjoining residents.

### Quality of accommodation

All of the residential units are arranged in a convenient layout and provide good quality accommodation for affordable housing. The site had been designed to allow for the larger houses to contain their own private amenity space. The amended plans provide

for private amenity space located to the rear of the each of the dwellings and communal space for the flatted development. It is considered that sufficient private amenity space has been provided for the small residential homes in accordance with appendix 3 of the local plan. Nevertheless in order to protect this amenity space provision it is recommended that permitted development rights for extensions (Class A) and outbuildings (Class E) are removed for the three houses in the scheme.

### Contamination

No comments from the contamination land officer have been received. However, due to the existing use of the site, it is considered that it is reasonable to require a further contamination assessment and remediation works if necessary. The standard contamination conditions will be therefore imposed.

Also the Environment Agency have requested a condition to ensure protection of the water environment, including groundwater as the site is located on a Principal Aquifer. This condition is in line with policy CS31: Water Management of the Core Strategy, and the National Planning Policy Framework (NPPF).

### Archaeology

The site is located within an area of archaeological significance and occupies a prominent position at the eastern edge of the medieval core of Berkhamsted. In light of the above, it is believed that below ground heritage assets with archaeological interest, relating to later medieval to post-medieval occupation, to be present within the proposed development site. It is likely that some truncation of archaeological features has been caused by later use of the site. However, deeper features, particularly wells, cess or rubbish pits, are likely to survive, and provide a valuable insight into the development of Berkhamsted through time. Therefore, it is considered both reasonable and necessary that a condition is imposed requiring the investigation and preservation if required of any archaeological findings in accordance with policy CS27 of the adopted Core Strategy.

### Impact on Trees and Landscaping

There are no trees or landscaping on the site of any importance. The scheme offers some opportunity for planting which is encouraged. A condition requiring specific details of hard and soft landscaping will be imposed.

### Density of Development

The scheme proposes the development of 9 new residential units together with the conversion of existing buildings for two additional units. It is not considered that the scheme represents overdevelopment of the site and results in a density in accordance with the draft Concept Statement for the site (refer to Strategic Planning comments above).

### Refuse

The plans show provision for a communal bin storage facility contained adjacent to the car parking provision. This is located within 25m from the Highway and as such it is considered to be acceptable in terms of capacity, siting and design.

## S106 Heads of Terms

Transfer of site to the Council to bring forward affordable housing provision in association with the requirements of redevelopment site at Berkhamsted Police Station.

All units to be affordable units

Awaiting final financial contributions sought from the HCC.

## RECOMMENDATIONS

1. That the application be DELEGATED to the Group Manager- Development Management & Planning with a view to approval subject to the expiry of the neighbour notification period and completion of a planning obligation under s.106 of the Town and Country Planning Act 1990.

Suggested conditions

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

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

- 2 No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Specific details of the following shall be submitted and development shall be carried out in accordance with the approved details:**

- **sample panels of brickwork constructed on site for approval (to include details of mortar colour and jointing);**
- **Details of the shop fronts and entrances onto High Street, including details of stall risers, pilasters, fascia's and cornices;**
- **Detailed scaled drawing of joinery;**
- **Details of windows heads and cills;**
- **Metal rainwater goods;**
- **Details of all chimneys;**
- **Details of any balconies;**
- **Details of rooflights;**

- Details of fanlight and details above entrance doors;
- Details of the blind window on the first floor of the flank elevation abutting the access.

Reason: In the interests of the visual amenities of the Conservation Area in accordance with policy CS12 and CS27 of the adopted 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;
- soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- proposed finished levels or contours;
- car parking layouts and other vehicle and pedestrian access and circulation areas;
- External lighting.

**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 CS12 and CS27 of the adopted Core Strategy.

**4 Prior to the commencement of any works a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority.**

**The plan shall include details of:**

- on site parking for construction workers for the duration of the construction period;
- wheel cleaning facilities associated with the proposal;
- A scheme for construction methodology including the predicted vehicle movements to and from the site, and how the movement of construction vehicles will be managed to minimise the risk to pedestrians and vehicles within the local highway network.

**The scheme shall be implemented in accordance with the agreed Construction Management Plan.**

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

pedestrian safety in accordance with policy CS8 of the adopted Core Strategy and 'saved' policy 61 of the Local Plan.

- 5 **Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.0m x 2.0m shall be provided to each side of the vehicle accesses where they meet the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.**

Reason: In the interests of highway safety in accordance with policy CS8 of the adopted Core Strategy and policy 58 of the local plan.

- 6 **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:**

- (i) a survey of the extent, scale and nature of contamination;**
- (ii) an assessment of the potential risks to:**
  - 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,**
  - archaeological sites and ancient monuments;**
- (iii) 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 11 of the adopted Dacorum Borough Local Plan 1991 - 2011.

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>

- 7 **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.**

Reason: In order to ensure investigation and preservation of archaeological findings in accordance with policy CS27 of the adopted Core Strategy

- 8 **i) Any demolition/development shall take place in accordance with the Written Scheme of Investigation approved under condition 7.**

**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 (7) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.**

Reason: In order to ensure investigation and preservation of archaeological findings in accordance with policy CS27 of the adopted Core Strategy

- 9 **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 to 9, 11 and 13 High Street, Berkhamsted**

## **Schedule 2, Part 1, Class A and E.**

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

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

**2724.P.318 Rev D**  
**2724.P.319 Rev D**  
**2724.P.315 Rev M**  
**2724.P.316 Rev F**  
**2724.P.310 Rev C**  
**2724.P.311 Rev G**  
**2724.P.312 Rev G**  
**2724.P.313 Rev E**  
**2724.P.314 Rev F**

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

### INFORMATIVES AND NOTES

#### Notes 1 - Article 31 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through engagement with the applicant at the 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.

#### Note 2: Environment Agency

Approved Document Part H of the Building Regulations 2000 establishes a hierarchy for surface water disposal, which encourages a SuDS approach. Under Approved Document Part H the first option for surface water disposal should be the use of SuDS, which encourages infiltration such as soakaways or infiltration trenches. In all cases, it should be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or



not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- o excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- o treated materials can be transferred between sites as part of a hub and cluster project
- o some naturally occurring clean material can be transferred directly between sites.

You should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, you should contact us for advice at an early stage to avoid any delays. We recommend you should

- o Position statement on the Definition of Waste: Development Industry Code of Practice

- o Follow the risk management framework provided in CLR11, 'Model Procedures for the Management of Land Contamination', when dealing with land affected by contamination.

- o Refer to our 'Guiding Principles for land contamination' for the type of information that we require in order to assess risks to controlled waters from the site.

### Note 3 - Ecology

Works should proceed with caution, and in the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from 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)

# Agenda Item 10

## ITEM 5.05

**4/01088/13/MFA - DEMOLITION OF EXISTING HOTEL PREMISES AND ASSOCIATED BUILDINGS WITHIN THE EXISTING COMPLEX AND CONSTRUCTION OF A NEW 100 BEDROOM HOTEL TOGETHER WITH REVISED ACCESS REQUIREMENTS AND CAR PARKING. RELOCATION OF 2 CARAVANS/MOBILE HOMES..  
BOBSLEIGH HOTEL, HEMPSTEAD ROAD, BOVINGDON, HEMEL HEMPSTEAD, HP3 0DS.  
APPLICANT: MACDONALDS HOTELS.**

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[Case Officer - Nigel Gibbs]

### Summary

The application is recommended for approval.

The site comprises of the hotel, its grounds and a lowly occupied very poorly maintained mobile home park within the Green Belt.

The proposed redevelopment provides an opportunity to establish a modern replacement hotel at the site and to temporarily rehouse the occupiers of the existing mobile homes.

Following previous unacceptable schemes for new hotel accommodation over many years and extensive pre application and post submission dialogue, the hotel has now closed. This was during the period following the receipt of a modified scheme with ongoing consultation at the end of 2014.

In terms of Green Belt policy the site is regarded as previously developed land providing an opportunity for redevelopment. However, a comparison between the existing form of development and the application scheme confirms that the proposal is inappropriate development in the Green Belt . It is therefore by definition harmful and has to be considered on the basis of the applicant's very special circumstances.

The applicant's pre closure planning supporting statement comprehensively explains the very special circumstances. This should now be considered in the context of the implications of the closure and the opportunity to reinvigorate the site through the proposal. There will be expected resultant economic benefits to the Borough to justify the redevelopment. The development's scale is necessary to satisfy the owner's operational requirements.

The approach to design is fundamentally different to the existing. It makes a 'bold cutting edge design statement' in its rural context as an alternative to the current very tired ad hoc array of uncoordinated range and sprawl of buildings. The proposed design is key to the site's revitalisation, providing a positive alternative to the traditional approach to design with a more compact building footprint.

Subject to the imposition of a wide range of conditions the application is recommended for permission. As a departure to Green Belt policy it is necessary to refer the application to the Secretary of State.

### Description

The 46 bedroom Bobsleigh was a long established and expanded Hotel located on the

classified Hempstead Road to the north east of the village of Bovingdon. The site (1.9 h) lies within the Green Belt in the open countryside within a wooded setting. It occupies an elongated (120m) and prominent frontage to Hempstead Road with buildings and car parking aligned along its entire length, separated by a wide grass verge with bus stops on both sides of the highway. There are detached dwellinghouses located opposite also within a wooded setting.

Stable Cottage (used for staff accommodation) and Highcroft Farm (a dwelling and a converted outbuilding for two dwellings) are located to the immediate north east. There are fields to the south west and south east. The south western field was subject to a refusal of planning permission for Travellers.

Highcroft Trailer/ Caravan/ Mobile Home Park is located behind the site frontage buildings. It is now in a semi derelict condition with two of the 11 homes occupied. It adjoins the hotel gardens, preserved trees and an ice house.

There are 3 accesses linked to Hempstead Road. The hotel's main access is located centrally linked to the frontage car park. A secondary access is at the northern end. The mobile home park is served by a separate roadway from the site's northern access onto Hempstead Road.

## **Proposal**

### Background

The application in its Original and Revised Forms is supported by a wide range of documents including:

- Planning Statements and the Case for Very Special Circumstances.
- Sequential & Impact Assessment.
- Tree Survey, Landscape & Visual Assessment.
- Caravan Park Condition Survey.
- Flood Risk Assessment/ Foul Drainage Assessment.
- Sustainability & Energy Assessment.
- Ecology Report – Bat Survey – Great Crested Newt Scoping Survey.
- Transport Assessment including Parking/ Travel Plan, with associated updates/ amendments.

### General

This involves demolishing and replacing all the existing buildings and the caravan park (other than the ice house) and redeveloping the site with a 100 bedroom hotel served by health, leisure and conference facilities and car parking. This will comprise of:

- Health & leisure facilities including 18m x 8m swimming pool, thermal suite / spa, gymnasium and associated changing areas.
- Beauty / treatment suite.
- Restaurant, lounge and bar areas with associated kitchen and service area.

Business suite comprising meeting / conference rooms

- Function suite.
- External public areas including landscaped garden deck above the proposed basement car park.
- Underground/ basement (70spaces) and frontage surface car parking for a total of 138 vehicles with parking for persons with disabilities and cycle parking. There is an associated Green Travel Plan agreed with HCC Highways.
- The retention of the icehouse.

Important Note: The applicant has accepted that the leisure use facility will be for residents only.

The site will be served by the existing southern access serving the mobile home park with the permanent closure of the other two existing accesses.

### Accommodation

This will comprise of:

Basement. Car parking for 70 vehicles with three disabled accessible spaces.

Lower Ground Floor. 24 guest bedrooms, health and leisure facilities comprising male and female changing rooms, swimming pool, thermal suite/spa and associated plant rooms, staff/back of house areas, kitchen facilities, meeting rooms.

First Floor. 24 guest rooms, beauty suite / treatment rooms including relaxation area and coffee shop.

Second Floor. 20 guest rooms.

### Design/Layout

The building's design is contemporary with the use of a mix of green roofs, timber, glazing and metal. It will be contained within a smaller footprint than the existing.

The flat 'L' shaped (with a curved 'tail') three storey building (plus basement) will occupy a central position in relation to the site frontage. Its frontage main block building will measure 49 m parallel with but set back from Hempstead Road. The elongated curved component/ 'tail' to the rear will provide bedrooms within the main wooded area behind the existing site frontage. The curved and stepped / terraced design 'pulls away' from the common boundary with Highcroft Farm. The Design Statement confirms:

'To the centre of the site sits a 'clump' of mature trees elevated on a mound creating a strong, natural feature. The plan form of the proposal has evolved to address this feature as an enhancement to the development. The building encompasses the 'green heart' as a central landscape feature. The restaurant at ground floor level and the terraces / balconies relating to the function / meeting areas address this external space in an active manner. The main bedroom wing curves around to embrace the green heart. The curvature of the bedroom wing also pulls the building away from Highcroft Farm in a sensitive and respectful manner'

The inner elevation of 'curved layout' faces south with the retained ice house forming an integral part of the scheme. The material excavated to provide the basement will be used form a planted embankment separating the site from Highcroft Farm. The surface car parking (with disabled parking) will be to each side of the frontage building with associated screen planting.

The land to the south east will be subject to an ecological management plan adjoining an area for two mobile homes. These will replace the two occupied which will be displaced by the redevelopment.

Due to the issues raised locally regarding design and the advice of the Conservation & Design Officer, it is important that the Committee are aware of the Agent's approach to design. In this respect **Annex A** provides details of the design approach. At the DCC meeting the officer's presentation will include reference to the drawings showing how the design/ layout has changed from earlier approaches to enable a holistic

understanding. This will include a comparative overview in terms footprint/ amount of the development etc. with reference to the 'starting point' being existing development at the site.

### Revised Scheme

This scheme (July/October 2014) has sought to address the range of issues identified by the LPA in November 2013 as explained below.

In terms of design the Agent has confirmed that in order to further lessen the perceived impact on the front Hempstead Road elevation the following amendments have been made to the scheme proposal:

- Number of guest bedrooms reduced from 103 to 100.
- Ground floor meeting rooms and kitchen areas have been relocated to the lower ground floor level. This has enabled the double height function spaces to be dropped down a level to ground floor, therefore reducing the height of the building when viewed from Hempstead Road.
- The guest bedrooms at 2nd floor level fronting Hempstead Road have been reduced in number and pushed to the rear of this section of the building in order to lessen the perceived scale of the road frontage.
- The overall aesthetics of the frontage has been further 'softened' and has a more traditional treatment.

### Applicants/ Agent's Statement: Amount of Development: Comparison between the existing development and the proposal in terms of 'spread of development'

Due to the unsuitability of the existing layout and nature of the buildings, any further capital expenditure in an attempt to improve the existing buildings and facilities would not yield sufficient returns to make the scheme feasible.

The proposed new-build design exercises a much improved ergonomic planning and layout of the site and provides an efficient and therefore more economic use of space. This proposal has addressed this issue by reducing the amount of development footprint whilst successfully upgrading and enhancing the space standards.

The demolition of the existing hotel buildings, the 11 mobile homes and the garage / storage buildings will result in the removal of an overall footprint of 2566 sqm. The replacement development will equate to a footprint of 2501 sqm

The carefully considered space planning and the relationship of the new buildings to the existing natural landscape, has resulted in a building with 'less dimensional special impact on the site'. The effective 'length' of the Hempstead Road frontage is also reduced from 62m to 49m the proposed building is also positioned further back from the highway to lessen the impact on approach.

### Applicants/ Planning Consultant's Justification Statement

Until the recent closure the hotel was regarded by the applicant to be substandard and was not achieving its quality goals or economic viability.

### Social & Economic Context: Planning Statement

It has been stated and noted on numerous occasions that the hotel in its current form is not a thriving business. Figures provided by the Macdonald Hotels Group indicate clearly that the Bobsleigh hotel is not competing at regional, county or national levels.

The hotel recently continued to show a decrease in trade with operating losses being increased, leaving a very strong possibility that the hotel in its current form is not commercially viable.

Macdonald Hotels are a leading player within the UK regional hotel market with over 45 Hotel properties predominately in the 4 – star category. The Bobsleigh Hotel has not made a positive contribution to the group for some time and the decline in room occupancy is set to continue unless wholesale development as planned, is forthcoming.

The Macdonald Hotels Group are prepared to invest to revitalise and rejuvenate the use. The nature of the current layout of the facilities, the below standard guest room sizes and the ad-hoc way that the premises have been extended historically, negates the possibility of extending the premises to provide facilities to the acceptable standard without adding to the current 'sprawl' of development across the site. The current form and layout precludes an economically viable solution in relation to extending or remodelling the existing buildings to create an acceptable outcome.

### Background

The statement considers exceptional circumstances needed to be demonstrated to justify the redevelopment of the Bobsleigh Hotel, despite Macdonald Hotels going to great lengths to reduce the scale of the proposals.

This is despite the fact that Paragraph 89 of the National Planning Policy Framework (NPPF) confirms the 'complete redevelopment of previously developed sites (brownfield sites), whether redundant or in continuing uses' is not inappropriate development in the Green Belt so long as it does not have a greater impact on its openness and the purposes of including land within it.

The applicants maintain that the redevelopment proposals at the Bobsleigh Hotel are not inappropriate as they do not result in any harm to the Green Belt in terms of its openness, when considering the key issues of height, footprint of the buildings and dispersal of the development. As detailed in the letter of 21st July 2014 the proposed development **reduces** the eaves height to the Hempstead Road frontage by 3.1m, **reduces** the overall footprint by 65 sq m, and **reduces** the development block by 34%.

Having demonstrated a clear reduction in these key aspects the applicants conclude that the development will not have a greater impact on the openness of the Green Belt than the existing hotel complex and as such, do not need to demonstrate exceptional circumstances for the development.

Nevertheless, certain exceptional circumstances have been set out in the Planning Statement and these are built on below.

It has been previously highlighted that the current hotel is not profitable due to its lack of services, age and piecemeal make up. Indeed, the hotel has been running at a

serious loss for a prolonged period.

It is with great regret that Macdonald Hotels have now had to formally confirm the closure of the hotel. The hotel will close in November 2014 and will become a redundant, vacant site and result in regrettable job losses. In light of this, Macdonald Hotels are now considering their options for the site but it remains to be the case that the business would still like to implement its plans put forward as part of this application. A swift and positive determination of this application will clearly be a material consideration as to how the business decides what to do with the site in the future.

The requested exceptional circumstances are set out below.

#### Brownfield Site

The site is brownfield and irrespective of the conclusions reached as to whether exceptional circumstances need to be justified or not for the development, the fact the site is a brownfield site in itself represents an exceptional circumstance given the NPPF's stance in relation to development on previously developed sites in the Green Belt and the supporting emphasis placed at paragraph 111 of the NPPF in relation to decisions encouraging the effective use of land that has been previously developed.

#### Design, Dimensions and Public Vantage Points

Even if the proposal is considered to have a greater impact on the openness of the Green Belt overall, the fact it does reduce the public visible frontage length and height and does reduce the footprint and development blocks as set out above and in the previous correspondence, is clearly a material consideration and can be regarded as being an exceptional circumstance. Indeed, from public vantage points, the development will not have as harmful impact on the openness of the Green Belt, which must be regarded as an exceptional circumstance.

#### Policy Support – Existing Businesses / Rural and Leisure Economy

Paragraph 21 of the NPPF confirms that *'investment in business should not be overburdened by the combined requirements of planning policy expectations'*. It goes on to state that local authorities should *'support existing business sectors, taking account of whether they are expanding or contracting'*.

Paragraph 28 of the NPPF places an emphasis on economic growth and support in rural areas. More specifically the NPPF calls on local plans to *'support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings'* and *'support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors.'*

The value of tourism and the economic benefits to the Borough are also referenced throughout the Core Strategy. It identifies tourism as an important sector given the rural nature of the area and one in which the Council will support growth. Paragraph 3.7 of the Core Strategy recognises that:

*"the rural economy and tourism are relatively small, but locally important sectors"*.

Paragraph 11.19 of the Core Strategy also confirms that:

*“whilst there is a reasonable range of visitor accommodation within the borough, there is scope for this sector to grow. Facilities that support local tourism, the rural economy and those that support existing businesses, through the provision of meeting and conference facilities, will be particularly encouraged”.*

This is precisely what the development proposal seeks to achieve.

In summary, national and local policy provides a clear and underlying message to support sustainable economic development and promote the consolidation and expansion of existing businesses, especially rural businesses in the tourism sector.

#### Existing Macdonald Hotel Site

Whilst it is an obvious point, the fact that Macdonald Hotels are seeking to invest in their existing operational site is a material consideration. Indeed, the proposal does not seek to introduce a new use or scale of development that is entirely at odds with what already exists. This must be regarded as an exceptional circumstance when considering the merits of the proposal against overall Green Belt policy aims, which are clearly more focused on preserving undeveloped land and the openness of the Green Belt. This weight to be given to this is increased when considering the distinct lack of alternatives for the business.

#### Lack of Alternative Sites

Paragraph 11.4 of the Core Strategy states

*‘Around 60% of the estimated employment growth is in non-B class uses, such as hotels and catering, construction, education, healthcare, retailing and leisure. Appropriate allocations for non-B class uses will therefore be included in the Site Allocations and East Hemel Hempstead Area Action Plan Development Plan Documents (DPDs). ‘*

Despite the Council's / Core Strategy's clear aspirations to improve the rural economy by encouraging leisure and tourism development and provide conference facilities, the Core Strategy fails to identify a single site within the southern part of the borough outside of the main town and village boundaries that is not designated as Green Belt for such purposes. In addition, the Proposals Map does not allocate a single site for leisure and tourism development west of the A41 despite the Council's commitment to rural tourism. It therefore follows that growth within the hotel sector is reliant on the development and service industry to bring sites and investment forward.

As part of the application, there has been the provision of a thorough sequential site assessment, which confirms there are no suitable and available town centre and edge of centre sites for the development. It therefore follows that the existing Macdonald Hotels site must be regarded the most suitable development site for the proposal in terms of town centre policy considerations, when considering the overall need and merits of the proposal.

Indeed, the very nature of the borough is such that the rural economy predominantly functions within the Green Belt. It therefore follows that if the rural economy is to survive, grow and develop it will undoubtedly necessitate development within the Green Belt. In this instance, the lack of available sites outside the Green Belt, must be



regarded as an exceptional circumstance.

### Operational Need for Redevelopment

With lower than average occupancy rates (around 50%) for a prolonged period, there is a distinct need to improve facilities at the Bobsleigh Hotel. The hotel has slowly expanded over a number of years in the form of additional accommodation, function areas, and the swimming pool building; all of which are now in a state of disrepair and simply uneconomic to maintain. The incremental additions to the hotel mean that the majority of the property, especially parts of the original building, requires substantial investment.

The underlying issue facing Macdonald Hotels is the ability to address these issues through refurbishment. Whilst visual improvements could be made to the hotel this would not address the layout and function of the property, with rooms, facilities, and services spread across the site in a sprawling collection of single and two storey buildings.

Macdonald Hotels wish to continue to invest in this site but the only logical and feasible way to operate successfully is to replace the tired, dated, collection of single and two storey buildings with a single, contemporary, fit-for-purpose hotel of a more manageable and efficient layout.

The proposal has a development value reaching £13m - £15m, a substantial investment by Macdonald Hotels into the local rural economy which could otherwise be lost if the site cannot be redeveloped as proposed. In the context of the NPPF's emphasis on supporting economic growth and the rural economy, this can also be regarded as an exceptional circumstance.

### Loss of Jobs and Business

Without the significant investment Macdonald Hotels are proposing, there has always been an inherent risk and danger to the future success of the hotel. Indeed, the unviable and unfeasible refurbishment of the existing Bobsleigh Hotel buildings has always been put forward as an exceptional circumstance in the promotion of this development.

Unfortunately, the lack of any security over the proposition has become untenable and the reality is that the hotel will now close in the immediate future. The associated jobs and tourism investment will also be lost and the site will now become redundant and vacant and with that, other unfavourable impacts will regrettably transpire.

### The Creation of Jobs and Social Opportunity

The greatest impact on the local rural economy will be on the increase in on-site jobs generated by the new hotel and the provision of additional services.

The proposed hotel would increase the number of employees from 22 to 70, not accounting for the increase in jobs incurred throughout the supply chain during the construction and operational phases of development.

Macdonald Hotels are committed to the training and development of their staff which, through their thorough corporate training programmes allow local people to improve

transferable skills and knowledge. Some of the development opportunities which will arise as a direct benefit of this proposal will include:

Participation of staff on nationally recognised training courses including NVQ in Customer Service and attendance on the Institute of Leadership and Management (ILM) courses;

Immediate involvement of all staff on the 'Commitment to Excellence' customer service programme, E-learning and Core Skills training, with the NVQ programme introduced and designed to ensure these skills are being implemented in conjunction with a nationally recognised standard;

The nationally recognised NVQ is also delivered in conjunction with 'Evolution Training' across the business to ensure all staff achieve core, transferable skills;

Involvement of all staff on the internal development programme 'Stairway to Success'; and,

The Chef's Apprenticeship Scheme for 16 to 19 year olds.

This additional job creation and social investment can be regarded as an exceptional circumstance.

#### Positive Impact on Town Centre and Maylands

Given the role, function, and location of the hotel it operates on a different basis to those hotels around Maylands which provide easy, convenient accommodation mainly for business tourism and the town centre which offers budget hotels. Improving the offer for leisure based tourism in this easily accessible semi-rural location will not affect this different hotel market, and instead promote overnight visitors to Hemel Hempstead which will in turn have a direct positive impact on expenditure, jobs, and investment.

The multiplier effect is significant, with local town centre businesses such as bars, restaurants, shops and services all benefitting. This is better illustrated through the total number of people dining at the Bobsleigh Hotel in 2011 which was only 24% of the total number of guests. This represents a significant number of people, mainly on leisure trips staying at the hotel who are choosing to go elsewhere for an evening meal, likely into Hemel Hempstead which in turn benefits from the capital expenditure of tourism.

The operation of the hotel both as existing and as proposed is not aimed at the business led or budget hotel market which makes up the Maylands and town centre hotel market. Over the past nine months, on average, only 2% of paying overnight guests have attended due to a conference.

By improving the quality and offer of accommodation in the leisure market the proposal will compliment the business focused town centre hotel market, in turn helping to attract more inward investment, and have a direct positive impact on Hemel Hempstead by capturing the overnight trade and significant increases in expenditure that go with it.

In this instance, the alternative offer provided by Macdonald Hotels and the positive impact that the new hotel would have on Hemel Hempstead town centre is considered

an exceptional circumstance.

### Summary

The proposal represents the redevelopment of a brownfield site within the Green Belt which does not have a greater impact on the openness of the Green Belt. However, this statement provides details of the exceptional circumstances which would allow the site to be developed should the Council be of the opinion that its redevelopment has a greater impact on the openness of the Green Belt overall.

### Applicants/ Agent's Justification Statement for the New Mobile Homes

The decision to re-house the occupiers/owners within new, modern, mobile home facilities on an area of the site currently occupied by garages and redundant storage units was agreed with Dacorum Borough Council Planning and Housing Departments and the occupiers/owners themselves as being the most satisfactory option from the point of view of the residents. The residents are the most relevant party in this matter.

It is the Agent's understanding that Macdonald Hotels have indeed accepted an agreement that these two homes cannot be sold-on following the departure of the current residents for whatever reason. The alternative options as discussed and rejected by all parties were to re-house the residents within Stable Lodge, or to re-house the residents off site.

### **Planning History**

There is a substantial planning history relating to the Bobsleigh. Since the 1980's there have been a range of applications, including a dismissed Appeal and permission for various additions. The most recent proposals are:

4/2335/08MFA - Demolition of existing hotel and associated buildings. Construction of hotel with access, car parking and associated development – Withdrawn. 30 April 2009.

4/0474/04FUL - Removal of existing caravans and demolition of garage block and two outbuildings, construction of block to provide 52 additional bedrooms, extension to dining room, provision of health and leisure facility, car parking, new access and associated landscaping – Withdrawn 2004.

4/2270/01OUT - Two storey bedroom blocks, conference and dining room extensions and alterations to entrance, removal of 11 static caravans & new parking area (185 spaces) and leisure facility – Refused 2002.

4/0195/09/MFA – Refusal for the demolition of the existing hotel and associated buildings, and construction of a new access and car parking areas. The application was refused for following reasons :

- 1.The proposed development would constitute inappropriate development in the Green Belt. The applicant failed to demonstrate a case of very special circumstances which would justify inappropriate development in the Green Belt.
- 2.The development will result in the loss of use of land for a residential caravan park on the site; this would be contrary to Local Plan Policies 15 and 26.
- 3.The proposed development was considered to be contrary to Local Plan Policy 11,

by reason of its scale, mass, size, design and use of materials, the development would be out of keeping with this rural area location and surrounding development.

4. The applicant failed to submit a sequential test as required under Policies EC15, EC16 and EC17 of the Local Plan.

4/0180/10FUL - Resiting and replacement of two mobile homes was received on 22 January 2010. Withdrawn.

## **Other History**

### Highcroft Farm

In 2000 planning permission 4/0468/00/FUL was granted for the conversion of a freestanding outbuilding into a single holiday unit with disabled facilities. This was not implemented. A further application was then granted in 2006 (4/01404/06/FUL) for the conversion of this building into 2 holiday letting units. This included the recladding in stained feather-edged boarding and brickwork under a plain clay tiles roof with rooflights.

Planning Permission 4/ 03493/14/FUL. Change of use of the outbuildings from holiday lets to two dwellings.

### Adjoining Land

Refusal 4/02324/13/FUL – Change of Use to caravan site for 8 Gypsy families.

This was refused for the following reasons:

1. The application site is located in the Metropolitan Green Belt as identified in the Dacorum Core Strategy (September 2013). Within the Green Belt, planning permission will only be granted for appropriate development, in accordance with national advice contained in the NPPF, PPTS and DBCS Policy CS5. The proposal would constitute inappropriate development in a Green Belt area. The very special circumstances which have been advanced to show why planning permission should be granted are not considered to outweigh the harm of the inappropriate development. The proposal is therefore contrary to DBCS Policy CS5 and 22 and national planning policy as set out in the NPPF and the PPTS.

2. The development would have a harmful impact on the character and appearance of the green belt by taking a 0.9 Ha green field which is open and rural in character and introducing forms of development which would be detrimental to the character and appearance of the green belt and reduce the openness of the green belt. The development would not be an unacceptable encroachment and failure to safeguard the countryside, check unrestricted sprawl nor would the development encourage recycling derelict or other urban land. The development does therefore not accord with the purposes of including land in the green belt contrary to the NPPF nor DBCS Policy CS5 due to significant impact on the character and appearance of the countryside.

3. In the absence of a submitted or agreed unilateral undertaking there is no mechanism in place to ensure that the impacts of the proposed development are mitigated. Insufficient information has been submitted to allow a calculation of an appropriate sum. The proposals are therefore contrary to Policy 13 of the Dacorum

Borough Local Plan, as well as Supplementary Planning Document (SPD) 'Planning Obligations' (April 2011) and Policy CS35 of the DB Core Strategy (September 2013).

Note: Previously an appeal was allowed for a building associated with a tree nursery. This was refused by the Committee but allowed on appeal. This is no longer extant.

### **Pre Application Post Submission Dialogue: Brief Summary**

Following the previous refusal and a time lapse LPA was requested to further consider the site's redevelopment for a new hotel. This involved the issues of principle and design. It included reference to the previous reasons for refusal. There was specific reference to the sequential test and the importance of tourism in the Borough. Specialist input was requested from the LPA's Strategic Planning & Regeneration Team (SPAR) and DBC Corporate Planning Group. The application was submitted against this background. The applicants also met with the local community.

### **Post Submission Dialogue: Summary**

There has been extensive and prolonged dialogue, complicated by the Hotel's closure. As well as 'standard' Applicant/ Agent – LPA dialogue this has included the local community and the MP. Officers have met with representatives of Bovingdon Action Group. BAG has also met with the MP and the Applicant.

### Original scheme

In November 2013 the Case Officer confirmed the following to the Agent:  
'In reviewing the proposal I have summarised the issues which require further consideration:

### Scale/Amount of the Development (mass, floorspace/ number of bedrooms, footprint/ volume/ leisure and health facility, overflow car parking)

There is a fundamental requirement to robustly substantiate/ justify the amount of development in the Green Belt under very special circumstances. This is with due regard to viability.

### Leisure and Health Facility

Clarification regarding how the facility will managed for only for hotel guests.

### Highway/ Parking/ Transportation Issues (in the context of the advice of HHC Highways and the Council's Environmental Health Unit).

- Travel Plan. The need for more clarity.
- Details of the proposed turning movements for all delivery vehicles into and within the site. This is notwithstanding the submitted details.
- Overflow Parking. Whether this is necessary.
- The need for offsite highway improvements.

### Caravans

Whether the applicant will accept a temporary /personal permission given the background circumstances.

### Design

Notwithstanding the issues of scale/ massing as referred above there is support for the modern design by planning officers. However it is noted that there is an ongoing review with some design elements through the Conservation & Design Team.

Other matters that needed to be addressed include:

Flood Risk/ Risks to Groundwater

Foul Drainage

Site Apparatus as specified by the Environmental Health Unit

Biodiversity

Lighting

Sustainable Construction.

Whilst, a view could have been taken to refuse the application it was considered that as there had already been extensive dialogue that this should continue in accordance with Article 31 protocol.

After this the Applicant/ MP/ BAG meetings took place. There was no meeting involving the Applicant, MP and BAG together.

Revised Scheme

In the ensuing months the applicants reviewed the project involving further dialogue with the LPA culminating in a revised submission in October 2014, following various submissions from July 2014 onwards.

In November 2014 the Hotel closed.

Bovingdon Parish Council's consideration was in December 2014. Its response represented a fundamental change of view, with however a question regarding the development's scale, the quantum of car parking and access.

Notwithstanding the Conservation & Design Officer's advice the applicant requested the Revised Scheme to be considered by the LPA.

The application's consideration has also been complicated by the response from Hertfordshire County Council's Highways regarding its expectation for off site financial planning contributions. Whilst HCC Highways supports the scheme with a travel plan and on site / nearby highway improvements, the request for financial contributions for off site works cannot be supported by the LPA as these are now not justifiable under the planning obligation legal tests.

With regard to its expectations of the Green Travel Plan this can be addressed through a Unilateral Undertaking.

Decision upon the Application: If the Decision is to Grant Planning Permission

As this development constitutes inappropriate development within the Green Belt over 1000sqm, there is a requirement for the application to be referred to the National Planning Casework Unit for determination as to whether the Secretary of State wishes to call in the application. The Secretary of State has 21 days to make this decision following a resolution to grant planning permission should this Committee support the recommendation

### **Constraints**

Green Belt :Previously Developed Land

Landscape Character Area: Bovingdon and Chipperfield Plateau  
Tree Preservation Order  
Air Direction Limit  
Wind Turbine Area

## **Policies**

### National Policy Guidance

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

### Dacorum Adopted Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS5 – Green Belt  
CS8 - Sustainable Transport  
CS9 - Management of Roads  
CS10 - Quality of Settlement Design  
CS12 - Quality of Site Design  
CS13 - Quality of Public Realm  
CS14- Economic Development  
CS18 – Mix of Housing  
CS17 - New Housing  
CS25 - Landscape Character  
CS26- Green Infrastructure  
CS28- Carbon Emission Reductions  
CS29 - Sustainable Design and Construction  
CS31 - Water Management  
CS32 - Air, Water and Soil Quality  
CS35 - Infrastructure and Developer Contributions

### Saved Policies of the Dacorum Borough Local Plan

Policies 12, 13,15,18, 19, 21, 22, 23, 26, 32, 34, ,51, 54 ,55 ,66, 61, 62, ,63, 64, 90, 92, 100, 101, 111 and 113

Appendices 1 (*to be updated through the CPlan sustainability checklist*), 5 and 8

### Supplementary Planning Guidance/Documents

Environmental Guidelines  
Water Conservation & Sustainable Drainage  
Energy Efficiency & Conservation  
Advice Note on Achieving Sustainable Development through Sustainability Statements  
Sustainable Development Advice Note  
Affordable Housing SPD 2013  
Landscape Character Assessment for Dacorum  
Advice Note: Sustainable Development Advice Note (March 2011) *Note: This is in the process of being updated to reflect the content of the adopted Core Strategy.*

## **Representations**

See Annex B.

## **Considerations**

### Principle: Green Belt: Inappropriate Development /Very Special Circumstances

The proposal needs to be considered against the amalgam of key strategic policies, especially the Green Belt.

#### *National Planning Policy Framework*

The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open.

Paragraph 87 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 89 states that a LPA should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include –

- The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
- The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
- Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

**The proposal represents inappropriate development in the Green Belt. The onus is therefore on the applicant to provide a case for exceptional circumstances for inappropriate development on this previously developed site.**

The NPPF supports a strong rural economy through taking a positive approach to sustainable development (para. 28).

The NPPF requires a sequential test to be undertaken for this “main town centre use” (paras. 24 – 27), which the applicant has provided.

#### *Dacorum Core Strategy*

Policy CS5 states that the Green Belt will be protected from inappropriate development in accordance with national policy and should remain essentially open in character. There are some suggested circumstances where inappropriate development may be supported (para. 8.30). These exceptions include development that supports the vitality and viability of rural settlements and proportionate investment in homes and existing commercial premises that help maintain a “living” countryside.

Policy CS17 (and CBS 15) seek to safeguard existing land and dwellings.



The Core Strategy is also supportive of the general principle of providing additional visitor accommodation, particularly where it supports local tourism, the local rural economy and in providing additional meeting and conference facilities (para. 11.19).

#### *Dacorum Borough Local Plan: Saved Policies*

Policy 15 (Retention of Housing) emphasises that the loss of housing land and dwellings will not be permitted except where overriding planning advantages would result. Policy 26 (Residential Caravans) states that proposals for residential caravans and mobile homes will be treated as though they were for residential buildings and will therefore be subject to the same policies. Therefore, there would be a general presumption in favour of their retention.

Policy 90 of the Local Plan encourages tourism and the provision of leisure facilities.

Policy 91 states that as a general guide, large hotels will be appropriate in, or next to town centres and where acceptable under employment policies, in general employment areas.

Policy 92 (Hotels and Guest Houses in the Green Belt and the Rural Area) is clear **that in the Green Belt, permission will not be given for new buildings to provide hotel and guest house accommodation and the extension of existing facilities (reflecting the fact that this would need to be considered as an exception to normal Green Belt policy).**

#### *Assessment*

The site is not a Major Developed Site in the Green Belt (Policy 5 and para. 8.31/Table 2 in the Core Strategy). This provides scope for moderate infilling opportunities.

The proposal involves the complete redevelopment of a previously developed site (brownfield land), which is now by virtue of its recent closure potentially redundant. The development would by reason of its height have a greater impact on the openness of the Green Belt. This is notwithstanding the Applicant's Planning Consultant's view to the contrary, and despite the reduced cumulative floorspace of all the buildings / mobile homes on the site and the reduction of buildings along the frontage.

The proposal also conflicts with saved DBLP Policy 92.

**Therefore the onus is on the applicant to provide evidence of exceptional circumstances/ very special circumstances to justify this inappropriate development. These very special circumstances are comprehensively explained at the start of the Report. DCC Members are requested to fully consider these alongside the detailed invaluable 'pre closure' advice of the LPA's Strategic Planning and Regeneration Team (SPAR) in the Representations.** This specifically includes the 'Sequential Test implications' for hotel locations and the economic benefits.

SPAR welcomes schemes like this where there is potential to benefit the operation of an existing and established business. For example, where it:

- modernises and improves the competitiveness of businesses;

- allows for additional visitor (tourism and business) accommodation;
- leads to additional jobs; and
- improves local facilities (e.g. conference facilities, gym and swimming pool).

SPAR consider that a hotel development of this scale and size **would have a positive impact on local tourism in the area and is likely to lead to a range of economic and operational benefits**. SPAR's assessment includes reference to the following positives, notwithstanding the submission of a viability assessment:

- A pragmatic view should be given to the proposal and recognise a number of positives. This is an existing hotel site in the Green Belt and it makes sound planning sense to redevelop within the site where impacts are known and established. Obviously the opportunities outside of this arrangement are very limited in a rural location. While the volume will increase significantly (albeit some of this is tied to the underground car park), SPAR consider that the Applicant has made considerable effort to minimise the impact of buildings on the Green Belt in terms of concentrating the overall footprint of the development within the site, staggering heights and reducing its frontage to the Hempstead Road. This is all welcomed and supported as a coherent approach to the planning of this sensitive site.
- The SPAR team as a whole would support the principles of the modernisation and environmental improvements around the hotel in terms of its economic and tourism benefits. SPAR 'have not caught site of any recent financial appraisals' with this application detailing the economic benefits of redeveloping the hotel. However, SPAR would want to support a scheme which creates new jobs for local people, and the upgrading of a local hotel is also a boost for our Dacorum tourism focus.
- The agents have confirmed that the proposal will create in the order of around 70 full and part-time positions and that the project represents a significant local investment for the hotel chain. It is good to see a scheme that seeks to improve an hotel at the higher rather than the budget/business end of the range in contrast to more recent hotel developments in the borough. This would not be so easy to achieve in more urban locations.
- Given the above, SPAR would consider that a case for very special circumstances can be made to support the proposal and subject to the outcome of other normal development management considerations).

In the absence of the requested viability assessment including a quantitative justification for the size of the redevelopment, SPAR's overview qualitative more than quantitative. Nevertheless there are evident benefits. Due weight should be given to SPAR's specialist overview in considering the very special circumstances in outweighing the harm by reason of the proposal's inappropriateness.

#### Loss of the Mobile Home Park

In refusing the previous application it was noted:

'DBLP Policy 15 is another key policy in consideration of the application. Policy 15 seeks to retain existing housing within the Borough and states that the loss of housing land and dwellings will not be permitted except in certain circumstances. The proposal will result in the loss of the caravan park present on the site. The site was originally for 15 residential caravans. 11 units remain on the site but only two are in separate

residential use. A Caravan Condition Survey has been submitted with the application. It states that the area known as the “Highcroft Trailer Gardens” has been designated as a registered touring and static caravan park since the early 1980s. The site has been run-down and the state of the units is such that significant investment is required to bring them up to a habitable condition. It is claimed that since 1998 only 2 of the units have been occupied and a planning application has been submitted to replace these two units (4/0180/10FUL). Whilst the site may currently be in a poor state and only 2 units have been in residential use for a number of years the use of the site for at least 11 residential units remains and until such time that abandonment of the use is proven and/or planning permission granted for replacement of any of the units, the current proposal for redevelopment of the Bobsleigh Inn would result in the loss of residential use of the land contrary to Policy 15 of the Local Plan’.

As residential development is an inappropriate form of development the onus is again with the applicant to justify very special circumstances.

As confirmed there are 11 static caravans on site with only two currently occupied (a position that has not changed since 1998). The redevelopment of the hotel will result in the removal of all 11 caravans and the relocation of 2 of the caravans i.e. a net loss of 9 caravans.

The applicant’s caravan condition survey demonstrates that many of the caravans on the site are in poor condition and consequently unoccupied. Also the land is derelict, in such a stark contrast to previous years when it was recalled to be in very good condition.

Based upon the Housing Department’s latest advice a refusal on this basis could now **not** be justified based upon the retention of the mobile park. Therefore the resulting question is whether there are very special circumstances to justify planning permission for the two proposed mobile homes. The two mobile homes will provide the necessary displacement accommodation, providing accommodation for the existing residents which are subject to the recommended planning obligation to address the personal/ temporary situation given the very special circumstances for this inappropriate development in the green belt.

#### Visual Implications/ Design

The LPA’s consideration of the previous refused scheme noted:

‘In attempting to reconcile the critical mass of a viable building, with this rural setting and limit the visual impact of open parking areas ( with the night time column based lighting ) have always been difficult parameters to satisfy. This also with due regard to ensure a compatible relationship with Highcroft Farm.

There has been longstanding expert design input from the Architects Advisory Panel who has grappled with these difficult criteria. Similarly the current Principal Conservation & Design Officer recognises these design challenges. For this reason it has been critical to ensure continuity of the Panel’s design involvement.

The replacement of the somewhat tired and incrementally extended/ enlarged building should be welcomed. Moreover there is an excellent opportunity to support a modern individual design which makes a bold statement along Hempstead Road, representing a vibrant alternative to the somewhat staid Hempstead Lane. However this bold statement has to be appropriately tempered by the rural setting. Therefore it cannot be so far reaching that it is wholly out of context. In this respect this is where the fundamentally important design acumen, skills and knowledge of both the Panel and the Principal Design and Conservation Officer are critical. In this context and given their knowledge of Hertfordshire architecture, the proposal is not regarded as sufficiently compatible with its existing rural setting and surroundings featuring

predominantly ribbon type residential development. In this respect the presubmission expert design advice of the Principal Design and Conservation Officer of July 2009 remains very valid. The overview at that stage was a need to fundamentally reconsider the massing and the brutality of the design but without diluting its contemporary form.

Notwithstanding this there must be full recognition as to how the building's footprint and the building's curved alignment of the building has been used to maximise the retention of the existing inner green area featuring the preserved trees and that the development has a limited effect upon other trees at the site.

The DCC's attention is again drawn to Annex A. This comprehensively explains the agent's approach to the design. Due weight should be given to the concept and opportunity to establish a contemporary and radical design in a rural environment whereby the role of timber in the design has a 'diluting effect' in recognising the wooded setting for this modern building. It is however acknowledged that the Conservation & Design Officer raises design objections.

As an overview the design is a radical and different but represents an invigorating departure from a traditional staid and 'safe' design approach, being assertive but positive in its presence. For this very reason it can reinvogue the current 'very tired' role of the site featuring an Edwardian building with ad hoc additions dominating such an elongated frontage. With the Revised Scheme's lower height and the greater set back, the reduction of the agglomeration of buildings along the site frontage, the role of structural soft landscaping and anti light pollution glazing, there is the opportunity for the LPA to consider a modern design in the countryside. Its implications are similar to the principle regarding the effects 1920's/ 1930's Art Deco style designs in the rural landscape. They are different but because of this they have made a very positive contribution to the architectural heritage. It is in this context that there is a case to recognise the architectural value of the proposal and an opportunity for some design experimentation/ innovation which respects the site's topography and history.

#### Effect upon Residential Amenity

The LPA's assessment of the previously refused scheme noted:

'The starting point is that there is a longstanding hotel at this site, which has incrementally expanded over the years. Any people moving into the area will have been aware of the very longstanding coexistence between the existing hotel/ mobile home park and nearby houses. The Case Officer is aware of an enforcement investigation relating to the expansion of the hotel curtilage predating the current applicant's site purchase. This caused major concerns for the owners of Highcroft Farm. It is also necessary to recognise that Stable Cottage was formerly a private dwelling which was purchased by the current operator for staff accommodation, for which planning permission was neither sought or granted. In the Case Officer's opinion n p/p was not necessary. There was also a complaint regarding the effect of stray floodlight at the site frontage causing light pollution to housing opposite.

The proposal will undoubtedly intensify the use of the site. This is due to the resultant increase in floorspace, the wider range of functions and the additional parking provision / and associated capacity for increased vehicular movements. It would be difficult to substantiate that this in itself would warrant a reason for refusal relating to consequent noise and disturbance.

The nearest most directly affected dwelling will be Highcroft Farm. This will be the closest to the curved accommodation block and associated access to the underground car park. The submitted drawings show how the curve will 'pull away' from the rear of

Highcroft Farm. The drawings show 25m separation at the nearest point. Taking into account the curve's effect this will reduce the physical impact in terms of its massing/elongation/height. The question is at this distance whether there would be harm in terms of the physical impact/ visual intrusion/ perceived/ real overlooking/loss of privacy, with due regard to the role of curved alignment and that 'Pilkington type' low light emission glass can be installed to reduce the night time effects of the concentration of internal light through the bedroom glazing. This is in the context of what evidence there would be to substantiate a refusal with due regard to the application/translation of the LPA's Environmental Guidelines relating to the spacing of dwellings, albeit that is not a 'house to house' situation. On balance, despite inevitable the reservations it is not considered that a refusal for these reasons could be robustly substantiated. . This takes into account the effect of the curve and the role / opportunity for new complementary structural planting, with due regard to full acknowledgement that soft landscaping cannot be 'used' to screen a development which is otherwise visually unacceptable. It will however be necessary to ensure that that full acoustic fencing is installed in association with other acoustic measures to reduce the effects of noise and disturbance associated with the access to the underground car park'.

This is the context for considering the current proposal. Since the receipt of the current application Highcroft Farm has been subject to permission for two additional units. Based upon the level of separation, the proposal's window design (with angled windows/ anti light pollution), the role of soft landscaping (trees and the embankment), the underground car park and recommended conditions, there would not be case to recommend refusal based upon the harm to Highcroft Farm and the new units.

With regard to the impact upon the dwellings opposite and the role of conditions it is not considered that a refusal could be substantiated with due regard to the expectations of Dacorum Policy CS12.

#### Traffic Generation/Highway Safety/Access Parking/ Sustainable Location Implications *General*

The most recent submissions confirm HCC Highways support for the access arrangements. This includes the closure of the existing accesses, the use of a single access, sight lines, traffic generation, access for larger vehicles, the level of parking and the role of a green transport plan.

#### *Inclusive Access/ Access for Persons with Disabilities*

The approach is acceptable with regard to the number of spaces, their location and access to the building.

#### *Large Vehicle ( Coach, Refuse, Fire/ Emergency) Access.*

The layout has been designed to take into account the need to accommodate large vehicles, as reflected by the advice of HCC Highways. The DCC will be updated upon any views from Building Control in liaison with Hertfordshire Fire and Rescue Service.

#### *Sustainability/ Green Travel Plan*

HCC's agreement to a Green Travel Plan has been essential in developing a sustainable approach relating to access to the site. This is clearly in the knowledge that

despite being on a bus route and relatively near to Hemel and Bovingdon (including a bus route linked to the railway station), due to the site's relatively isolated location, there will be an inevitable users preference for access by car and a reluctance for people to walk or cycle to the site from either Hemel or Bovingdon by day or night. Hempstead Road is not 'user friendly for pedestrians or cyclists. The provision of 36 cycle spaces is important.

#### *Parking/ The Need for an Overflow Car Park/ The Implications of the Separate Use of the Leisure Facilities*

HCC Highways supports the proposed level of parking in the knowledge of an agreed Green Transport Plan and some of BAG's representations. Significantly the previously proposed overflow car park has been deleted which has addressed the LPA's concerns regarding its environmental and green belt impact...

Also it will be essential that the recommended Unilateral Undertaking specifically and robustly limits the use of the leisure facility at all times to ensure that parking remains adequate. This Planning Obligation should also control the provision of any overflow car parking at the site.

#### Ecological Implications / Biodiversity Benefit

There are no objections based upon Hertfordshire Ecology's and Hertfordshire and Middlesex Wildlife Trusts advice. This takes into account the effect upon protected bats and great crested newts, the opportunities for new planting and the benefits for ecological management of the whole site. There were no newts identified in the site's pond.

#### Crime Prevention/ Security

There are no overall objections in terms of layout taking into account the level of natural surveillance. The hotel's approach to management including the use of CCTV in the underground car park will be essential.

#### Contamination/Drainage/ Flooding/ Water Supply/ Ground Conditions

Following the receipt of additional information submitted through the Revised Scheme the development can be supported subject to conditions recommended by the Environment Agency and Thames Water. These are fundamental to any grant of planning permission.

Contamination conditions are also necessary. An informative addresses land stability.

#### Noise/Air Quality

Conditions and informatives are recommended. The submitted report acknowledges the absence of a noise boundary report which will be necessary.

#### Exterior Lighting/Light Pollution

An integral part of the design process is the consideration of the external lighting. The starting point is that this is a previously developed site. Therefore more flexibility is justified in supporting lighting at the site in this E2 Lighting Zone.

There are difficulties in reconciling the provision of the surface car parking with the need for external lighting. The scheme is aimed to be anti light pollution and its modern day time form echoes the building's design. The elimination of the overflow car park reduces the need for exterior lighting. It will have more impact than the existing along a road absent of street lighting.

In terms of reducing the effects of a the creation of an internal 'box of light' given the site location and the level of glazing a condition is recommended to ensure the scheme will feature glass which restricts light emission, in addition to the advantages of its angled window design.

#### Environmental Impact Assessment

This is not necessary.

#### Sustainable Construction

A key design objective is to establish a building with 'green credentials' in a countryside location. Progress has been achieved since earlier schemes. Overall the approach is acceptable. Given that here are some unknown elements at this stage e.g. wind turbine etc. a condition is recommended to consolidate the overall acceptable approach.

#### Planning Obligation: Unilateral Undertaking

As confirmed HCC Highways support the application a fundamental conundrum has been HCC Highways expectation of a very significant financial contribution for off site works. HCC Highways only supports the application with this contribution. LPA officers have questioned this approach and are unprepared to agree this element.

However, the following detailed issues would be most appropriately addressed by planning obligation through a unilateral undertaking and not through conditions:

- Restricting the leisure facilities to hotel guests only through a comprehensive management plan. This will ensure the operator is unequivocally committed to using the hotel as confirmed to the LPA. This should include a commitment to preventing the provision of any overflow car park.
- The approach to providing the mobile homes on a temporary and personal basis in addressing the displacement of the two remaining occupied mobile homes.
- Green Transport Plan.

#### Article 31 Dialogue/ Third Party Representations: Local Residents and BAG

The dialogue has been extensive.

In acknowledging the long established role of a hotel at the site and the local business benefits the officers have been prepared to positively consider proposals at the site in terms of the principle and its design. This is set against the very high level of opposition, with a level of representation (with significant involvement of BAG) which has been so much higher than in response to previous schemes at the site.

The applicants are unable to further change the scheme in light of the Parish Council's latest response.

The process has been exhausted and there is a need for the DCC to consider the proposal.

## Outstanding Issues

The LPA is seeking advice from technical consultees regarding the implications of the air safeguarding and wind turbine consultation zones. Unfortunately these were not carried out by the LPA at and following registration. The latter is a more recent requirement.

### **Conclusion**

Since the applicant's purchase of the site in 1998 there have been extensive discussions relating to the redevelopment of the Bobsleigh. The previous schemes have been unacceptable.

Until the end of last year the applicants were able to continue operating at the site. The latest application has been set against ongoing difficult operating requirements and the applicant's desire to establish a high quality hotel at the site to mirror its other establishments. The closure is a significant change in material circumstances.

Most of the applicant's main submissions pre date the closure. In this respect the application has sought to address the previous reasons for refusal and detailed material considerations set against such a high volume local community objections. It is extremely disappointing that the applicant has closed the hotel for viability reasons. This also provides the LPA and the local community to very carefully reflect upon the circumstances. What happens next?

There is a need to reinvigorate this long established previously brownfield site. The proposal provides an opportunity to redevelop the site by re establishing a hotel at the site with a design which may be very different and larger but which should refreshingly and positively assert its presence with an invigorating modern architectural response to its 'green setting', replacing the existing hotel's very tired ad hoc appearance of the existing hotel.

Officers have considered the very special circumstances and given the business opportunity to the Borough to establish a hotel at the site consider that these outweigh the harm of this inappropriate development in the Green Belt.

As clarified the Secretary of State will need to consider whether to 'call in' this application for determination under the departure procedures. If granted a wide range of conditions and a planning obligation regarding the leisure facility will be prerequisite.

## RECOMMENDATION

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.

That the following Heads of Terms for the planning obligation be agreed:

- Restricting the leisure facilities to hotel guests only through a comprehensive management plan. This will ensure the operator is unequivocally committed to using the hotel as confirmed to the LPA. This should include a commitment to preventing the provision of any overflow car park.



- The approach to providing the mobile homes on a temporary and personal basis in addressing the displacement of the two remaining occupied mobile homes.
- Green Transport Plan.

Suggested conditions

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

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

- 2 No development shall take place until samples of the materials proposed to be used on the external surfaces (including anti light pollution glass) 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 and the approved anti light pollution glass shall be retained at all times.**

Reason: To safeguard the character and appearance of the Green Belt countryside to accord with the requirements of Policies CS7, CS12, CS25 and CS32 of the Dacorum Core Strategy.

- 3 The mobile homes hereby permitted shall be provided in accordance with the approved details before the commencement of any demolition at the site unless alternative accommodation is provided for the existing residents in accordance with a scheme submitted to and approved in writing by the local planning authority.**

Reason: The mobile homes subject to a planning obligation are on a temporary/ personal basis and granted under very special circumstances and require the provision of services . Following the cessation of their occupation it is expected that the land is subject to a reinstalment scheme in the interests of safeguarding the openness of the Green Belt to accord with Policy CS5 of Dacorum Core Strategy

- 4 Before the provision of the mobile homes hereby permitted subject to Condition 3 a plan for its utilities/ services and exterior lighting shall be submitted to the local planning authority. These shall be retained and maintained at all times fully in accordance with the approved details for the whole duration of their occupation. Within 3 months of following the cessation of each of the mobile homes a scheme (including times) for the reinstatement of the land associated with the mobile homes shall be submitted to the local planning authority. The reinstatement scheme shall be carried out fully in accordance with the approved details.**

Reason: The mobile homes subject to a planning obligation are on a temporary/ personal basis and granted under very special circumstances and require the provision of services . Following the cessation of their occupation it is expected that the land is subject to a renitent schemes in the interests of

safeguarding the openness of the Green Belt to accord with Policy CS5 of Dacorum Core Strategy.

- 5 **Stable House shall be retained at all times for staff accommodation.**

Reason: To accord with the sustainable approach to development.

- 6 **The existing ice house shall be permanently retained and before the commencement of the development a scheme for its protection during the construction works and its repair shall be submitted to the local planning authority. The scheme shall be carried out fully in accordance wither approved details.**

Reason: To safeguard the character and appearance of the Green Belt countryside to accord with the requirements of Policies CS7, CS12 and CS25 of the Dacorum Core Strategy

- 7 **Before the first use of any part of the hotel hereby permitted is first brought into use the modified access to the site shall be provided fully in accordance with Drawing No. PS-05 and the two existing accesses shall be permanently stopped up and closed by removing their respective vehicle crossovers and raising their respective kerbs.**

Reason: In the interests of highway safety in accordance with Policy CS9 of the Dacorum Core Strategy and saved Policy 54 of the Decorum Borough Local Plan 1991-2011

- 8 **Before the first use of any part of the hotel hereby permitted the adjoining bus stops shall be modified fully in accordance with a scheme which shall be submitted to the local planning authority within 3 months of the date of the commencement of the construction of the development hereby permitted.**

Reason: To accord with the principles of sustainable transportation in accordance with Policy CS8 of the Dacorum Core Strategy

- 9 **Before the first use of any part of the hotel hereby permitted all of the access road, and all the parking areas shall be provided fully in accordance with the details shown by the approved drawings. The access road and car parking shall be designed with a capacity/ loading and design to accommodate use by a fire tender in accordance with details submitted to and approved in writing by the local planning authority. Thereafter all the approved access road and parking areas shall be retained at all times and only used for the approved purposes.**

Reason:To ensure that at all times there is an acceptable access including for fire/emergency access and inclusive and safe parking and adequate parking to serve the development in accordance with Policies CS 8 and CS12 of the Dacorum Core Strategy and Policy 63 of the Dacorum Borough Local Plan 1991-2011.

- 10 **Notwithstanding the submitted details prior to the commencement of the development hereby permitted a scheme for noise attenuation and noise boundary limits, ventilation, extraction and filtration shall be submitted to the local planning authority. No part of the hotel hereby permitted shall be brought into use until all of the approved details have been installed and thereafter these shall all be retained at all times.**

Reason: In the interests of residential amenity and the local environment to accord with the requirements of Policy CS12 of the Dacorum Core Strategy.

- 11 **Before the commencement of the development hereby permitted the trees shown for retention on the approved drawings shall be protected during the whole period of site excavation and construction fully in accordance with an approved detailed /updated arboricultural method statement. This statement shall show precisely how the development shall be constructed in relation to the adjoining preserved/ retained trees including reference to the tree roots, ground conditions, foundations, method of construction ( hand and or machine excavation), any changes to levels and details of all new utility services such as drainage, gas , electricity and telecommunications. The development shall be carried out fully in accordance with the approved details.**

Reason: To ensure that there is a long term compatible relationship between the development and the adjoining tree in terms of maintaining their health and safety to accord with to accord with the requirements of Policies CS7, CS10, CS24, CS25 and CS27 of the Dacorum Core Strategy

- 12 **Within the first planting season following the first use of any part of the hotel hereby permitted all the approved planting scheme (including the earth bank adjoining Highcroft Farm) shall be carried out fully in accordance with a scheme submitted to the local planning authority. For the purposes of this condition the planting season is between 1 October and 31 March.**

Reason: To safeguard the character and appearance of the Green Belt's countryside and biodiversity to accord with the requirements of Policies CS5, CS12, CS25 and CS29 of the Decorum Core Strategy .

- 13 **If within a period of 10 years from the date of the planting of any tree, shrub or section of hedge, that tree, shrub or section of hedge or any section of hedge planted in replacement for it, is removed, uprooted or destroyed or dies (or becomes, in the opinion of the local planning authority, seriously damaged or defective), another tree, shrub or section of hedge of the same species and size as that originally planted shall be planted at the same place in the next planting season, unless the local planning authority gives its written consent to any variation.**

Reason: To safeguard the character and appearance of the Green Belt's

countryside and biodiversity to accord with the requirements of Policies CS5, CS12, CS25 and CS29 of the Decorum Core Strategy..

- 14 **The application site shall be subject to an initial 10 year biodiversity/wildlife habitat management plan (including a programme/ times for commencement and ongoing maintenance) based upon the principles of the submitted ecological documentation. The management plan shall be submitted to the local planning authority within 1 year of the date of this decision or before the commencement of any demolition at the site, whichever is the sooner. Thereafter the approved management plan shall be continuously carried out fully in accordance with the approved scheme. After the completion of this 10 year period a scheme shall be submitted to the local planning authority to address the long term future management of the site and shall be carried out fully in accordance with the approved details.**

Reason: To safeguard the character and appearance of the Green Belt countryside to accord with the requirements of Policies CS7, CS12 and CS25 of the Decorum Core Strategy.

- 15 **Prior to the commencement of the development hereby permitted a scheme for the noise attenuation shall be submitted to the local planning authority. The approved scheme shall be installed and thereafter retained and maintained fully in accordance with the approved details at all times. The submitted scheme shall include full details of all the ventilation, filtration and extraction systems and all plant and machinery.**

Reason: To safeguard the local environment in accordance with the requirements of Policies CS5, CS12, CS25 and CS32 of the Dacorum Core Strategy.

- 16 **No development shall take place until a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years shall have been submitted to and approved in writing by the local planning authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority for its approval in writing.**

**This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers,

neighbours and other offsite receptors in accordance with Policies CS31 and CS 32 of the Dacorum Core Strategy

- 17 **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 Policies CS31 and CS 32 of the Dacorum Core Strategy .

- 18 **The development hereby permitted shall not be commenced until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage details shall include the management of all the surface water run-off from the new building for the 100 year climate change critical rainfall event. The scheme shall be carried out fully in accordance with the approved details before the development is completed and any part is first brought into use.**

Reason To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity to accord with Policy CS31 of the Decorum Core Strategy.

- 19 **The development hereby permitted shall not until a drainage strategy detailing any on and/or off site drainage works have been submitted to and approved by the local planning authority in consultation with the sewerage undertaker. There shall be 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 carried out fully in accordance with the approved strategy.**

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 to accord with Policy CS 29 of Dacorum Core Strategy..

- 20 **Prior to the commencement of the hotel hereby permitted a scheme for refuse disposal shall be submitted to the local planning authority. The approved scheme shall be maintained fully in accordance with the approved details at all times..**

Reason: To safeguard the local environment in accordance with the requirements of Policies CS8 and CS12 of the Dacorum Core Strategy.

- 21 **The car park exterior lighting scheme shall be installed and thereafter retained and maintained at all times fully in accordance with the approved car park lighting scheme and before the first occupation of any part of the hotel hereby permitted a scheme for exterior lighting of the building shall be submitted to and approved in writing by the local planning authority. The building lighting shall be installed, retained and maintained fully in accordance with the approved details at all times.**

Reason: To safeguard the local environment in accordance with the requirements of Policies CS5, CS12, CS25 and CS32 of the Dacorum Core Strategy and the saved Policy 113 and Appendix 8 of the saved Decorum Borough Local Plan.

- 22 **Subject to the requirements of other conditions of this planning permission the development hereby permitted shall be carried out in accordance with the following plans:**

**Please Note : To be confirmed by the Addendum Report**

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:

#### Bats : Works to the Roof and Demolition of Outbuildings

UK and European Legislation makes it illegal to:

Deliberately kill, injure or capture bats;  
Recklessly disturb bats;  
Damage, destroy or obstruct access to bat roosts (whether or not bats are present).

If bats or evidence of them are found to be present a licence will be required before any relevant works can be undertaken and this will involve preparation of a Method Statement to demonstrate how bats can be accommodated within the development.

If bats are discovered during the course of any works, work must stop immediately and Natural England (0300 060 3900), Bat Conservation Trust Helpline (0845 1300 228) or the Hertfordshire & Middlesex Bat Group Helpline (01992 581442) should be consulted for advice on how to proceed.

#### **(iii)Contacts:**

English Nature	01206 796666
UK Bat Help line	0845 1300 228 (www.bats.org.uk)
Herts & Middlesex Bat Group	01992 581442

#### Fire Access : Liaison with Hertfordshire Fire & Service

Before the commencement of development it is recommended that the developer contacts Hertfordshire Fire & Rescue Service to ensure accessibility to fire tenders and the availability of fire hydrants. The contact address is Fire Protection Dept., Postal Point: Mundells - MU103, Hertfordshire County Council, Welwyn Garden City, AL7 1FT Telephone : 01707 292310.

#### Land Stability

Notwithstanding the submitted details it is recommended that the application carry out further ground investigations before the commencement of the



development to ensure that the ground stability is fully addressed.

### Sustainable Drainage

The Environment Agency encourage sustainable drainage systems (SuDS) using infiltration provided it can be shown that the infiltration will be clean surface water into uncontaminated ground. The design of SuDS should include appropriate pollution prevention measures. If contamination is present in areas proposed for infiltration, it will be necessary to remove all contaminated material and provision of satisfactory evidence of its removal, the point of discharge should be kept as shallow as possible.

In order to discharge the surface water condition, the following information must be provided based on the agreed drainage strategy:

- a) A clearly labelled drainage layout plan showing pipe networks and any attenuation areas or storage locations. This plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
- b) Confirmation of the critical storm duration.
- c) Where infiltration forms part of the proposed stormwater system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.
- d) Where on site attenuation is achieved through ponds, swales, geocellular storage or other similar methods, calculations showing the volume of these are also required.
- e) Where an outfall discharge control device is to be used such as a hydrobrake or twin orifice, this should be shown on the plan with the rate of discharge stated.
- f) Calculations should demonstrate how the system operates during a 1 in 100 chance in any year critical duration storm event, including an allowance for climate change in line with the 'Planning Practice Guidance: Flood Risk and Coastal Change'. If overland flooding occurs in this event, a plan should also be submitted detailing the location of overland flow paths and the extent and depth of ponding.

### Removal of Asbestos from the Existing Buildings

Prior to works commencing the applicant is recommended to carry out a survey to identify the presence of any asbestos on the site, either bonded with cement or unbonded. If asbestos cement is found it should be dismantled carefully, using water to dampen down, and removed from site. If unbonded asbestos is found the Health and Safety Executive at Woodlands, Manton Lane, Manton Lane Industrial Estate, Bedford, MK41 7LW should be contacted and the asbestos shall be removed by a licensed contractor.

### Air Safeguarding Limit

The site is within an Air Safeguarding Area. Prior to the commencement of any development it is recommended that the developer liaises with the respective authorities.

### Crime Prevention/ Security

It is recommended that the applicant liaises with Herfordshire Crime Prevention Team to consider the previously provided advice.

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## **ANNEX A: THE AGENT'S APPROACH TO DESIGN**

### Design Comparison with the Previous Refusal

#### *Reason*

...' By reason of its scale, mass, size design and use of materials the proposed development would be out of keeping with its rural location and surrounding development. The local planning authority is not satisfied that there will be a compatible relationship with the existing surrounding residential'.

## *Review*

The design retains its contemporary aesthetic and language but has been reduced in scale and visual appearance. The swimming pool element has been relocated at basement level which has reduced the scale and massing of the elevation fronting onto Hempstead Road.

The overall appearance has been softened with a careful choice of materials which are compatible with the surroundings. The addition of curvature to the roof-scape and more organically profiled elements all reduce the overall impact.

The footprint of the building has been repositioned further away from the boundary with Highcroft Farm to lessen the perceived impact. The area between the new structure and the existing dwelling is to be heavily landscaped. The large expanse of glazing to the external curve of the bedroom wing has been removed and replaced with directional windows affording views over the surrounding countryside and not the farm buildings.

## Context

A significant factor which has influenced the positioning, design and the layout of the proposal, is the location, number and nature of the existing trees and landscape. The structure of the existing trees forms an important factor for the setting and plan form of the proposed development and justification and mitigation for any tree removal has been addressed within the supporting landscape assessment and impact report.

## Evaluation: Pre application Advice

Following the site assessments and in-depth pre-application consultations, a clear understanding of the site and what would be considered acceptable as a design approach for the proposed development was established.

From this, a comprehensive and well considered scheme has been developed of high quality design and detail which we consider responds directly to the rural location, the neighbouring buildings and the immediate and surrounding landscape and environment.

## Layout

The key issues influencing the layout of the proposal are:

- The relationship and impact of the Hempstead Road frontage.
- The relationship and impact on the existing 'Highcroft Farm' dwelling.
- The relationship and impact of the built form on the existing landscape of the site.
- The consideration of the effect on the surrounding open landscape.
- The overall internal space planning and relationship of the individual hotel functions to form a coherent and manageable whole.

The main built form of the development has been split into two blocks connected with a link section at first and second floors. These two blocks comprise of public/semi-public functions to the front of the site and private, guest bedroom accommodation to the rear.

The main block fronting onto Hempstead Road comprises the primary hotel entrance leading to the double height reception foyer and the operational 'hub' of the hotel. This hub affords direct circulation to the key functional areas of the premises both horizontally and vertically. The frontage block screens the busy main road from the quieter areas to the rear of the site which include the restaurant facilities and bedroom accommodation. The separation between the public and private elements allow for the more vibrant usesie. function rooms and health & leisure, to be located to attain a non-intrusive relationship with the adjacent Highcroft Farm buildings.

The natural topography of the site allows for the local excavation of the ground below to create semi-basement car parking which will lessen the impact of surface car parking and hard standing areas on the site at ground level.

The swimming pool hall, thermal suite/spa area and changing room facility are also located below ground in order to reduce the scale and massing and overall impact of the building frontage.

The primary design concept behind the shaping of the plan form of the development is the creation of a natural 'green heart' for the building and the relationship of the differing functions to this natural amenity. To the centre of the site sits a 'clump' of mature trees elevated on a mound creating a strong, natural feature. The plan form of the proposal has evolved to address this feature as an enhancement to the development. The building encompasses the 'green heart' as a central landscape feature. The restaurant at ground floor level and the terraces / balconies relating to the function / meeting areas address this external space in an active manner. The main bedroom wing curves around to embrace the green heart. The curvature of the bedroom wing also pulls the building away from Highcroft Farm in a sensitive and respectful manner.

The area of ground above the underground car parking facility is to be soft landscaped as an extension to the green heart, visually connecting the site to the open countryside beyond and enhancing the natural amenity for the hotel guests. The excess earth that is excavated for the basement level is to be retained on site to form a landscaped mound between the bedroom wing and Highcroft Farm as a tree / soft landscaped screen. The remainder of the earth will be utilised to landscape the south corner of the site.

The relationship and integration of the proposed development into the open countryside is further heightened by stepping back the bedroom wing as it rises at differing floor levels to create a terracing effect, utilising green-roof technology to soften the physical and visual impact on the landscape.

To the rear of the site, the area of land is to be landscaped and managed as a biodiversity Area

### Scale, Massing and Appearance

The requirement to address the scale of the proposal, in terms of its height, bulk and massing, was a key element to achieving a successful design solution.

Three main parameters were identified in respect of the consideration of scale:

- The need to respect the neighbouring residential properties.
- The effect of the site topography on the perceived height of the development.

□□ The scale of the new elements in relation to the surrounding open landscape.

The scale and massing of the separate elements has been carefully considered not only to take into account the above parameters, but also to form a coherent integration of the various functions of the building type.

The main block fronting onto Hempstead Road is predominately 3 storey. Significant care has been taken to articulate the forms of the separate elements of the building to ensure that the overall mass is broken down and softened in its appearance using differing planes, heights and materials. These elements offer a varying build-line and softened roof-line, to create a vibrant, interesting but not over-bearing frontage.. The rear of the main block is articulated to respond to its relationship with the 'green heart' courtyard that it overlooks with a sensitive but active approach. The differing heights and depths relating to the open and closed terracing and the curve of the restaurant aid the visual and physical link between the building and the natural landscape.

The bedroom wing relates to the natural topography of the site. The internal face of the wing is primarily fully glazed with external balconies to enhance its relationship with the courtyard, whilst the external face of the curve is more solid with windows articulated to allow views across to the surrounding countryside but away from the neighbouring Highcroft Farm premises in order to negate any potential overlooking. The stepped approach of the roof-line on this elevation will further lessen the impact of the scale of the building along this side, which will give the perception of a 2 storey building when viewed from ground level.

As the bedroom wing curves around to the rear of the site the roof steps down as previously mentioned to form a terracing effect as the building tumbles down to effectively meet the ground. Although set in a prominent position, the scale and orientation of the proposal has gently placed the building within its landscaped setting, thus reducing its overall visual impact on the its immediate and surrounding environment.

With the support of the LPA , the design has adopted a contemporary approach to the style and overall language of the building. This has been integrated into the building's surroundings by carefully softening the aesthetics by means of material choice and building element form and detailing to successfully achieve a balanced and well-mannered solution.

Modern detailing solutions and sustainable construction techniques will be incorporated into the building elements to give the building a contemporary edge, whilst the material palette has been carefully selected to soften the appearance and create a more tactile approach, to form a material link with the immediate and surrounding landscape setting and existing neighbouring residential buildings.

The scale and mass of the building is further reduced by the use of low pitched metal clad roofing with differing directions of fall and planes to break up the roof-line. The main roofs are to be finished in a 'verdigris' copper type skin to integrate the visual effect of the development into the surrounding rural aspect. Whilst the use of 'green' roofs at the rear of the development soften the structure as it hits the ground.

The considered choice of aesthetic for the proposed building successfully achieves the

solution as intended with a positive forward looking approach that has evolved in a fully satisfactory manner through the design process.

### Design Evolution

The Agent has been involved with projects relating to this site since 2002.

Various sketch schemes and feasibility proposals have been produced since this time. The following descriptions indicate a brief evolution of design up to and including this current application proposal. Amendments and revisions have been highlighted where appropriate, some of which were in direct response to Dacorum Borough Council's comments as noted.

### Refurbishment and Extension Schemes.

The application is accompanied by detailed illustrations showing the the original concept to retain the existing hotel buildings with the intension of remodelling the internal spaces and extending the premises to provide the necessary guest amenity enhancements. These schemes culminated in an application for full planning dated 2nd March 2004. Each scheme consists of the provision of additional guest bedrooms, function suite and health & leisure facilities all with additional car parking.

## **ANNEX B: REPRESENTATIONS** **Bovingdon Parish Council**

### Original Scheme: Initial Response

#### Object

Agree that the Bobsleigh Hotel is no longer fit for purpose and it needs to be replaced. It supports the size and design of the proposed new development, but is e disappointed that the proposed location will result in serious blight to the two adjacent

properties, namely Silver Birches and High Croft Farm. BPC believe it will be possible for the building to be relocated on the existing site so as to alleviate this problem. BPC therefore object to the proposal in its existing form.

#### Further Response ( Planning Consultant on behalf of the Parish Council)

The Planning Consultant has been instructed by Bovingdon Parish Council to act on their behalf in lodging representations to the application submitted for the demolition of existing hotel premises and associated buildings within the existing complex and construction of a new 100 bedroom hotel, together with revised access requirements and car parking and relocation of 2 caravans / mobile homes.

The site has been visited, the Planning Consultant has reviewed the planning application documents, assessed relevant Planning Policy and Guidance at the National and Local level and taken instructions from BPC.

On the basis of this work BPC registers **objections** to this planning application. This is on the basis that BPC must have regard to the significant planning history associated with this site and be consistent in decision taking; the planning application as submitted omits vital information necessary for the Council to fully assess proposals; and the proposals fail a raft of planning policy and guidance.

#### *Planning History*

There is a long history of applications, both withdrawn and refused, for works associated with the hotel use on the site.

Application reference 4/00474/04/FUL sought significant extensions to the hotel to provide, amongst other facilities, 52 additional bedrooms. The application was withdrawn prior to determination albeit the application was to be recommended for refusal.

A new hotel and associated buildings was proposed in 2008 under application reference 4/02335/08/MFA. This application was again withdrawn. This was followed by an application the following year, reference 4/01915/09/MFA for the construction of a hotel and associated works. This application was refused on four grounds; impact on the Green Belt, loss of land for a residential caravan park, impact upon the surrounding residential environment, and the lack of any sequential assessment.

In 2010 under application reference 4/00180/10/FUL an application was withdrawn for the replacement of two mobile homes.

Finally, the currently application was submitted in August 2013 and it is this application that awaits determination.

It is evident that there have been repeated and persistent applications lodged for hotel and associated development on the site, none of which have been approved and a number of which have been withdrawn presumably prior to refusal.

The Parish Council has maintained a consistent position of objecting to each of these applications and continue to adopt this position in respect of this application.

Planning history is a material consideration which the Council must have regard to in determining the current planning application. It is open to the Council to approve a scheme contrary to a previous decision where there has been a significant material change in circumstances, for example the nature of impacts arising from a scheme or a change in planning policy. Neither of these applies in this instance, given that the scheme continues to propose a substantial hotel and associated development in a Green Belt location outside a defined settlement boundary and outside a defined town or other retail centre.

The planning history associated with this site would clearly point to a refusal of this planning application.

### *Assessment of the Proposals*

The proposals should be assessed having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004.

The starting point for an assessment of the proposals is the Green Belt designation. Paragraph 79 to the National Planning Policy Framework makes clear:

*“The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics are their openness and their permanence”*

This statement is clear as to the importance of Green Belts; the position taken by the Coalition Government reinforces the provisions of the now withdrawn Planning Policy Guidance Note 2, and continues to support with vigour the retention of Green Belts as a longstanding policy objective of the UK planning system.

Development in the Green Belt associated with a hotel use and the siting of caravans, is inappropriate where this occurs on greenfield land, and also inappropriate where this occurs on brownfield land and the proposals have a materially greater impact upon the Green Belt than the existing buildings / use.

Paragraph 88 to the National Planning Policy Framework states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Furthermore, very special circumstances must be advanced to outweigh the harm to Green Belt by reason of inappropriateness and any other harm.

It is recognised that a distinction is made within the NPPF regarding development on brownfield land and development on greenfield land within the Green Belt. The applicants, however, have made no attempt to assess this distinction and have not for example undertaken a volumetric, footprint or landscape and visual assessment as to whether development on the previously developed part of the Green Belt would be no greater than the existing, such that for this aspect of the proposals the development can be regarded as appropriate.

In the absence of any detailed and volumetric or footprint information it is difficult to make a clear assessment between existing and proposed, however, it is evident that the height of the proposed buildings will be significantly greater than the existing



buildings, whilst the footprint will have a greater impact since the proposals seek a much greater mass of built form when compared with the discreet individual buildings set with landscaped gaps between them.

In respect of the previously developed area of the Green Belt therefore, the conclusion that is reached is that there would a greater impact arising from the proposals such that inappropriate development is being advanced.

Turning to the greenfield area of the Green Belt, there can no doubt whatsoever that inappropriate development is being advanced.

Thus, these proposals are harmful to the Green Belt simply by being inappropriate. In addition the proposals conflict with the five purposes of designating Green Belt as set out Paragraph 80 the National Planning Policy Framework:

- The proposals would result in the unrestricted sprawl of the built-up area;
- The proposals would lead to neighbouring settlements (Bovingdon and Hemel Hempstead) merging into one another;
- The proposals would lead to substantial encroachment into the countryside, noting for example that the curved rear leg of the proposed hotel building is of a substantial scale (in height, scale and footprint) and projects well into the undeveloped open area of the Green Belt;
- The proposal would not preserve the setting and special character of Bovingdon as an historic village; and
- The proposals would run counter to the aims of urban regeneration, by encouraging the development of unsustainably located part brownfield but principally greenfield land.

Substantial weight should be afforded to the combined level of harm having regard to the inappropriate nature of the development and the conflict with all of the five purposes for designating Green Belt. It is against this assessment that the proposals should be considered, the application can only be approved if there are very special circumstances advanced to outweigh this combined substantial harm.

The applicants have put no case forward to demonstrate very special circumstances. This is a significant failing of the application, and indeed it is noted that a previous refusal of planning permission for hotel use on the site included reference to no very special circumstances being advanced to outweigh the harm to the Green Belt.

In the absence of any such case there is a clear and demonstrable policy framework relating to Green Belts which would indicate that the application should fail, not on the basis that the principle of redevelopment is unacceptable but that the scale of the redevelopment is too great.

It is also considered that five further grounds for refusal exist in this instance as set out below:

The proposal will have a significant adverse impact upon biodiversity. The site comprises a part-greenfield parcel of land outside the built up area forming part of the wider open countryside.

As set out above no assessment has been undertaken by the applicants to establish the extent of the harm to biodiversity and no mitigation measure have been put forward.

Significant weight should be attributed to this aspect given that matters of biodiversity are controlled not only through planning policy, but also European legislation.

Secondly, the applicants are seeking to advance a substantial scale of development in an unsustainable, out-of-centre location. A hotel use is regarded as a town centre use for the purposes of planning policy. Town centre uses must be located within defined centres in order to underpin their vitality and viability. Only where no suitable sites are available in defined centres should edge-of-centre sites be identified, and only when these have been exhausted can out-of-centre sites be regarded as being policy compliant.

Not only is the application site regarded as being out-of-centre, it is also outside the urban area. The applicants have not submitted a Sequential Assessment to demonstrate there are no alternative sites available within or on the edge of defined centres in order to meet the requirements for a new hotel.

It is recognised that the existing use is as a hotel; however, given that the application proposes a significant intensification of the use, it is appropriate to require a Sequential Assessment to be undertaken.

A previous planning application on the site was refused in part as a result of the lack of a Sequential Assessment and this remains a reasonable and defensible reason for refusal in respect of this application.

Thirdly, notwithstanding the significant objections lodged in respect of the Green Belt impact, the design and overall treatment of the proposed building is regarded as poor. The building pays no regard to local context or character, the absence of a Design and Access Statement makes it difficult to understand how the applicants have designed the building in response to local constraints and opportunities, the scale, mass and bulk of the proposed building is substantial and the elevational treatment does little to break up the elevations and set the building within its rural setting.

The applicants appear to seek to justify a poorly designed building with substantial screening. This however is not an appropriate approach to design; a building should be of high quality in and of itself and should not rely upon screening to make it acceptable.

Fourthly, significant concern is raised in respect of the siting of two mobile caravans. These are to be located further outside the application site than the existing mobile caravans and have not been justified in respect of Green Belt, biodiversity, design or landscape and visual grounds. It is considered that the siting of two mobile homes as part of this application raises similar issues to the principal hotel building and are therefore wholly unacceptable.

Finally, there is a clear impact upon adjoining residential amenity. The proposed hotel will have significantly greater intensity of use and will have a considerable adverse impact upon residential amenity by reason of noise and disturbance. This relates to, amongst other matters, the general comings and goings of hotel patrons, vehicular manoeuvring and the opening and closing of car doors, the associated entertainment facilities within the hotel and use of external spaces.

It is to be recognised that hotel patrons are by their very nature transient and inevitably likely to have less sensitive regard to their surroundings than residential occupiers. There is therefore a clear incompatibility of land use terms between the hotel and residential uses.

In addition, there is a clear issue in relation to overbearing and potentially overlooking given the scale and nature of the proposed hotel building which would be substantial compared to the existing building.

Previous reasons for refusal for a hotel redevelopment of the site have related to impacts upon the residential environment and these allegations remain in respect of this application.

#### *Review of Planning Application*

The application raises a number of important planning considerations and yet the submitted documents are of poor quality and limited in their nature. As a consequence, it is not possible to fully assess the impact of the proposals upon material planning matters.

Whilst the overall presentation of the drawing package is considered to be good, there are basic drawings omitted from the application submission. For example there is no contextual plan demonstrating the relationship of the site to adjoining residential properties, nor an identification of the site relative to Bovingdon Village centre.

Cross sections and clarification has been provided in relation to separation distances, however, this information has only recently been submitted and did not form part of the original application documentation. In addition it appears that there are significant and important documents omitted from the application submission. There is for example no Design and Access Statement which is considered to be a critical document required by legislation in order to test in an analytical manner the application proposals.

No information has been submitted to demonstrate how the access is proposed to operate, given the important inter-relationship with the adjacent traveller site itself the subject of a current planning application for development. As a minimum it is suggested that an access strategy should be provided, and preferably a Transport Statement should be submitted setting out not only the trip rates and impact arising from this application, but also a cumulative Impact Assessment to include the adjacent traveller site proposals.

There is no information submitted in respect of biodiversity matters. Mindful that the site comprises part brownfield and part greenfield land, outside the defined built up area to Bovingdon, and containing a number of landscape features (some of which are proposed to be lost as part of the proposals), a detailed assessment of flora and fauna should have been undertaken by the applicants in the correct survey season in order to

establish whether there would be any harm to biodiversity and in particular European Protected Species governed not only by planning policy, but also European legislation. It is also unusual not to see any information on landscape impact given that these proposals seek to substantially extend both the footprint and height of buildings into undeveloped parts of the site.

Finally, it is noted that the proposals seek a substantial intensification of a town centre use in an out-of-town location. There is a policy presumption against this proposal on these grounds; it is incumbent upon the applicants to undertake a sequential assessment to demonstrate that there are no alternative sites either within or on the edge of a defined retail centre, since these are sequentially preferable locations to the application site.

These matters, both individually and cumulatively, lead to the conclusion that the Council cannot properly assess the application and, with respect, are not in a position to support the proposals as submitted.

Overall, therefore, there are robust and defensible reasons for refusal in respect of this application and the Council are respectfully invited to reject the proposals for the reasons set out above.

The Planning Consultant would be pleased to expand these grounds of objection should it be necessary, and hope that Dacorum Borough Council support the Parish and community of Bovingdon in rejecting this application.

#### Revised Scheme.

The minority of the Committee object on grounds of scale, size and bulk given the limited size of this plot of land, but would accept an 80-bedded hotel.

However, the Parish Council remains extremely concerned about the parking facilities and would ask that the Borough Council Planning Department confirm that the number of car parking spaces proposed are in accordance with guidelines and especially recognise the needs of staff parking.

It is noted that the proposed hotel will build on the land currently occupied by two mobile caravans and the Parish Council wishes to have it confirmed that it is appropriate that the applicant has advanced very special circumstances to build on it. The Parish Council also wishes to be reassured that delivery vehicles will be able to access the site without having to park on the Hempstead Road to make deliveries etc.

#### **Councillor Jack Organ**

As one of the Borough Councillors for Bovingdon, Flaunden and Chipperfield I am writing to object to the redevelopment of the Bobsleigh Inn (4/01088/13/MFA).

Apologies for sending from my personal account but I am at work and keen to register my views as early as possible.

I share the same view as that expressed by many residents and the parish council in that the Hotel is in need of refurbishment and redevelopment.

However, I believe the plans in the current form are not acceptable and should be recommended for refusal.

The plans seek to double the size of the existing hotel from 43 rooms to 100 plus. In order to facilitate this big increase in the number of rooms, the proposals that have been drawn up represent "disproportionate additions over and above the original building" on Green Belt land as set out in the NPPF. The design of the proposals are out of keeping with the local area. Furthermore, I have visited the immediate site neighbour and believe that from both their house and garden the plans represent a serious and unacceptable imposition on their current standard of living. For these reasons I believe there is more than enough of a case to refuse the application for being unacceptable in planning terms as over-development of the Green Belt. One of the key arguments used by the applicant to justify the size of the development is that 100 rooms is the minimum requirement needed to make the hotel financially viable. However, a needs case report appears to be missing from the planning application. At the very least this should be provided before any consideration is given to approving the redevelopment as it is required to demonstrate the "special circumstances" the applicant is arguing should be allowed to build on the Green Belt. I am also extremely concerned with the way the developers have conducted themselves in planning terms. In Dacorum's Statement of Community Involvement we state that applicants are encouraged to engage with local people at a pre-submission stage. I believe the applicants only paid lip service to consultation by displaying unmanned materials in the hotel with no facility to leave feedback or ask questions of the developers in person. For me this goes contrary to localism as local people had no input or say in the proposals.

Even more worryingly, the lack of a Flood Risk Assessment (as noted by the Environment Agency) and the applicants use of out of date and incomplete information in their Transport Assessment shows their disregard for making sure the proposals are workable and acceptable for the local area. I believe the only recourse is to recommend the refusal of the application and request the developers return with a more workable scheme that has been drawn up in consultation with local people and presented considering full and up-to-date data. To propose a scheme with no data on flood risks and out of date transport data is dangerous. These are two critical elements of any development and need to be thoroughly considered and not rushed or omitted as they seemingly have been.

Another serious concern, as highlighted also by the Environment Agency, is the affect the development, especially the underground car park, will have on the water table. A development of this size and scale could impact detrimentally on the water table, which is yet another reason the application should be recommended for refusal.

I hope my views will be taken into consideration when the report for the planning application is drawn up. I believe that myself, local people and the Environment Agency have provided compelling reasons why the application should be recommended for refusal.

I would also be grateful if you could acknowledge receipt of this email and any response to the points raised is always welcome.

## **Strategic Planning and Regeneration**

### Original Scheme

#### *Site context*

The site is located on the edge of Bovington village (approximately 500 metres outside of the village) on the Hempstead Road. The site is set within a rural context adjacent to the Little Hay golf course. The site is bounded to the north and east by large detached

dwellings on the opposite side of the road screened by mature trees, with the staff accommodation block, former Highfield Farm and the former caravan park either side of the hotel with open fields at the rear.

The applicant states that the existing Bobsleigh Hotel is still trading from the original 3 – storey property which has been extended over the years at ground level which provided additional bedrooms as well as a swimming pool which is no longer in use. Highcroft Trailer Gardens is located to the rear of the site; most of the static caravans are in poor repair with only two remaining caravans in use.

The caravan area of the site is heavily screened from view from the main road by tall mature trees. To the rear of the caravan area, there is an area that contains vacant garages and lock up sheds which are to be removed as part of the current development.

The existing hotel comprises of 43 bedrooms with ancillary leisure and business facilities. The hotel has been extended over a number of years to cope with increased demand, as a result of this; the hotel has extended in a piecemeal way. The applicant has indicated that it is difficult for the hotel operate with this piecemeal layout.

#### *The proposal*

The proposed development seeks to redevelop the existing hotel on a similar footprint (although marginally reduced from 2,566 sqm to 2,467 sqm) which will allow for a more functional building on site, incorporating leisure and space facilities and basement car parking.

The details submitted by the applicant state the following:

Existing floor area – 2,670sq metres

Proposed floor area – 8,995sq metres

Additional floor area – 6,225sq metres

From the above figures the proposed development represents a significant increase in floor area, bearing in mind its Green Belt context and semi-rural setting of the hotel.

The proposed new hotel will be split over 3-storeys fronting on the Hempstead Road. The new building will accommodate 103 bedrooms and will provide car parking for 133 vehicles.

#### *Planning History*

4/0195/09/MFA – permission was refused for the demolition of the existing hotel and associated buildings, and construction of a new access and car parking areas. The application was refused for four reasons based on the following issues –

1. The proposed development would constitute inappropriate development in the Green Belt. The applicant failed to demonstrate a case of very special circumstances which would justify inappropriate development in the Green Belt.
2. The development will result in the loss of use of land for a residential caravan park on the site; this would be contrary to Local Plan Policies 15 and 26.

3. The proposed development was considered to be contrary to Local Plan Policy 11, by reason of its scale, mass, size, design and use of materials, the development would be out of keeping with this rural area location and surrounding development.

4. The applicant failed to submit a sequential test as required under Policies EC15, EC16 and EC17 of the Local Plan.

Following a refusal of planning permission, the applicant is required to overcome the reasons for refusal within the new planning application submitted.

### *Policy Context*

#### (a) NPPF

The National Planning Policy Framework states that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open.

Paragraph 87 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

In the case of the proposed development, paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include –

- The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building
- The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
- Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

In order to comply with the requirements of the NPPF, the onus is therefore on the applicant to provide a case for exceptional circumstances.

The NPPF is also keen to support a strong rural economy through taking a positive approach to sustainable development (para. 28).

The NPPF will require a sequential test to be undertaken for this “main town centre use” (paras. 24 – 27), which the applicant has provided.

#### (b) Core Strategy

Given that the Core Strategy has recently been found sound (July 2013) and will shortly be adopted (end of September), its policies should be accorded significant weight in determining this application.

Policy CS5 states that the Green Belt will be protected from inappropriate development in accordance with national policy and should remain essentially open in character. There are some suggested circumstances where inappropriate development may be supported (para. 8.30). These exceptions include development that supports the vitality

and viability of rural settlements and proportionate investment in homes and existing commercial premises that help maintain a “living” countryside.

Policy CS17 (as does Policy 15) seeks to safeguard existing land and dwellings.

The Core Strategy is also supportive of the general principle of providing additional visitor accommodation, particularly where it supports local tourism, the local rural economy and in providing additional meeting and conference facilities (para. 11.19).

#### (c) Dacorum Borough Local Plan

Policy 4 sets out the Green Belt consideration which, while not reflecting recent changes in the NPPF, still maintains the same approach to inappropriate development and protecting the openness of the Green Belt.

Policy 15 (Retention of Housing) emphasises that the loss of housing land and dwellings will not be permitted except where overriding planning advantages would result. Policy 26 (Residential Caravans) states that proposals for residential caravans and mobile homes will be treated as though they were for residential buildings and will therefore be subject to the same policies. Therefore, there would be a general presumption in favour of their retention.

Policy 90 of the Local Plan encourages tourism and the provision of leisure facilities.

Policy 91 states that as a general guide, large hotels will be appropriate in, or next to town centres and where acceptable under employment policies, in general employment areas.

Policy 92 (Hotels and Guest Houses in the Green Belt and the Rural Area) is clear that in the Green Belt, permission will not be given for new buildings to provide hotel and guest house accommodation and the extension of existing facilities (reflecting the fact that this would need to be considered as an exception to normal Green Belt policy).

#### *Assessment*

The site is located within the Green Belt, but it is not identified as a Major Developed Site in the Green Belt (Policy 5 and para. 8.31/Table 2 in the Core Strategy) which would have allowed scope for moderate infilling opportunities.

The LPA needs to be satisfied that from the documents submitted, the applicant has made a case for exceptional circumstances which is required for any new development that is inappropriate within a Green Belt location. In addition to this, the proposal represents a building with an additional floor area of 6,225 sqm. In the case of a development of this level, the onus is on the applicant to provide evidence of exceptional circumstances such as its positive effect on the openness of the Green Belt, benefits to the local economy, the creation of additional jobs, and operational requirement/viability issue, etc. The key factor is that they need to demonstrate that the proposed development would not have a negative impact on the openness of the Green Belt.

As a starting point, the SPAR team would generally be seeking to welcome schemes like this where there is potential to benefit the operation of an existing and established



business. For example, where it:

- modernises and improves the competitiveness of businesses;
- allows for additional visitor (tourism and business) accommodation;
- leads to additional jobs; and
- improves local facilities (e.g. conference facilities, gym and swimming pool).

SPAR consider that a hotel development of this scale and size would have a positive impact on local tourism in the area and is likely to lead to a range of economic and operational benefits. The proposal stems from the need to address a decrease in trade and increasing operating losses, and to improve overall standards. SPAR appreciates the applicant's argument that to ensure the continued success of the hotel, improvements are required to increase room numbers and associated facilities. SPAR accept that refurbishment would only likely result in a piecemeal solution.

The applicant states within paragraph 5.25 of the Planning Statement that the proposal will deliver significant benefits to the sustainable growth of the economy both directly, and indirectly, but also improve social mobility through improved opportunities. It refers to the subsequent benefits to the area including the provision of jobs during the construction phase of the development, jobs within the hotel and indirect employment opportunities.

However, the applicant has provided little details in terms of the predicted number of jobs that would be created. It would be helpful to see what this might be as part of making a case of exceptional circumstance for a development of this size within a Green Belt location.

#### *Case for Exceptional Circumstances*

It is considered that Paragraph 89 of the NPPF relating to redevelopment of previously developed land is applicable in this instance, as the site would be considered a brownfield site. However, the primary issue is whether or not the proposed new and enlarged building would have a greater impact on the openness of the Green Belt than the existing buildings on site. This would need to be carefully considered in its own right and, if appropriate, whether other factors (mentioned above) outweigh any harm (para. 88). SPAR also acknowledge the on-going earlier discussions with the applicant that have led to the submission of the current scheme (although we are unclear as to how much has been informally agreed at that stage).

The applicant argues that the proposed development is not considered to be inappropriate development in the Green Belt (given it is redevelopment of PDL) and therefore not harmful to openness of the Green Belt. However, the existing buildings on site are to be demolished and replaced with a much larger scale of building than that which exists on site at present. While the footprint will not have changed significantly the bulk/height/mass will have to in order to accommodate the increased floorspace. This has implications to the openness of the Green Belt that has to be assessed along with the overall quality of design. It would be helpful to also assess the proposal in terms of height and volume change as these are two key aspects of the scheme that will have a bearing on the openness of the Green Belt.

SPAR acknowledge the benefits stemming from the removal of the caravans to the

rear of the site (and their part retention) and opportunities for improvement. We welcome the contemporary design and the approach to consolidating the current spread of buildings across the site into one footprint (with a consequent marginal reduction of 99 sqm). SPAR also support the decrease of the length of buildings on to the Hempstead Road frontage. The new building and topography of the site will also allow opportunities for under croft parking which is supported in terms of its positive benefits to the openness of the Green Belt, design and landscaping.

Whilst the economic benefits of the redevelopment and expansion of the hotel are acknowledged and are an important driver to the type, form and amount of development proposed, further detail would be required with regards to the potential number of jobs created within the hotel, in order for this to be considered as part of the overall case for exceptional circumstances. The applicant has provided no details of employment opportunities.

### *Residential Caravans*

Under the previous planning application, the scheme was refused based on the fact that development will result in the loss of use of land for a residential caravan park on the site contrary to Local Plan Policies 15 and 26. As such, the onus is on the applicant to overcome this previous reason for refusal. At present there are 11 static caravans on site with only two currently occupied (a position that has not changed since 1998). The redevelopment of the hotel will result in the removal of all 11 caravans and the relocation of 2 of the caravans i.e. a net loss of 9 caravans. The applicant states within the Design and Access Statement that only two of the caravans on site are currently occupied.

The applicant has submitted a caravan condition survey that demonstrates that many of the caravans on the site are in poor condition and consequently unoccupied. Furthermore, the land is also considered to be derelict in nature. Both factors would suggest a declining residential role for the site, and that there may well be benefits in ensuring its positive reuse that enhances the site as a whole (rather than continuing with the under-occupation). These are factors that can be taken into account in terms of considering the loss of the caravans (albeit 2 being retained) along with the potential benefits of the scheme as a whole. The latter is allowed for under Policy 15 (Policy CS17).

SPAR would advise you that the Housing team provides advice to establish whether or not all of the caravans on site would currently be considered as housing units, taking into account their condition and the fact that only two of the caravans are in use by permanent residents.

### *Sequential Test*

Under the previous application, the applicant failed to submit a sequential test for site selection, which resulted in the application being refused on this point as this failed to comply with PPS4 which requires such a test to be submitted for out of centre developments.

The NPPF reintroduces policy EC17 from PPS4, stating that where an application fails to satisfy the sequential test or is likely to have a significant adverse impact it should be refused.

The NPPF (Para 24) states that local planning authorities should apply a “sequential test” to planning applications for main town centres uses that are not located within an existing centre and not in accordance with an up to date Local Plan. As the proposed development is in excess of 2,500sqm the sequential test should include an assessment of the impact on existing, committed and planned investments in a centre and the impact on town centre viability and vitality (which has been provided).

The sequential test submitted by the applicant provides a list of sites that have been evaluated on the ability for the applicant to relocate to the specified location to deliver the facilities they will require on a single site. We welcome this in terms of addressing previous deficiencies in the earlier application. The applicant has assessed 15 sites within the Hemel Hempstead and Bovingdon area. The sequential test concludes that there are no sequentially preferable in-centre locations that are available or suitable for the applicant to relocate to.

Whilst SPAR has not read the statement in detail it appears to be a pretty thorough and reasonable study in terms of choice of sites and level of assessment. However, SPAR would agree with the applicant that it is not easy to replicate the existing type of operation given its rural setting (and the benefits this provides to them) in a more central location.

### *Design*

Issues relating to design have been negotiated in depth with the Planning Officer and the Design Team. SPAR do not wish to comment on this as a consequence apart from where it has implications on the openness of the Green Belt.

### *Conclusions*

It is acknowledged that there is an extensive planning history on the site. In addition to this, there have been recent pre planning discussion with Planning Officers and Design Officers with regards to the redevelopment of the site.

The proposal would be considered to be generally in accordance with Local Plan and Core Strategy policies that support economic growth, tourism and leisure. On this basis the development is welcomed.

The principle of the redevelopment of the site is considered to be acceptable provided that the new building would have no greater impact on the openness of the Green Belt than the existing buildings already have. SPAR’s main concern remains that the overall size and scale of the building will be materially larger than the existing building. This will need to be considered in conjunction with other factors to determine whether they have made a satisfactory case for an exception.

### Revised Scheme: Response to Planning Agent’s Supporting Statement

SPAR would refer you to its previous email in response to the earlier discussion on these same points. SPAR would stress again that given the different layout and size of building that it is not straightforward to conclude that it will not have a greater impact on the openness of the Green Belt. However, the planning and economic benefits set out in their letter are all welcomed and are supported in terms of making a case for

exceptional circumstances.

The agent's letter appears to give the impression that SPAR have not recognised the benefits of the proposal. In essence, SPAR believe that the LPA and Applicant actually share many of the aims set out in their comments and are ultimately keen to see positive use of the land.

( Note: The Previous Advice

Strategic Planning has already provided earlier policy advice which remains relevant and sets out the SPAR overview of the proposal.

SPAR recognise that the impact of the redevelopment on the openness of the Green Belt is a critical factor in determining this application. Normally, new buildings and extension to hotels in this location would need to be justified under very special circumstances

SPAR believe the proposal is difficult to assess in terms of its impact on the Green Belt under para. 89 of the NPPF given the different configuration, height and volume of buildings and extent of car parking. Generally, the assessment would be a lot more straightforward and easier to support in policy terms if they were simply looking for a like-for-like replacement (bearing in mind (and SPAR would acknowledge) that this would not achieve the level of benefits sought through the redevelopment).

SPAR consider that a pragmatic view should be given to the proposal and recognise a number of positives. This is an existing hotel site in the Green Belt and it makes sound planning sense to redevelop within the site where impacts are known and established. Obviously the opportunities outside of this arrangement are very limited in a rural location. While the volume will increase significantly (albeit some of this is tied to the underground car park), SPAR consider that the Applicant has made considerable effort to minimise the impact of buildings on the Green Belt in terms of concentrating the overall footprint of the development within the site, staggering heights and reducing its frontage to the Hempstead Road. This is all welcomed and supported as a coherent approach to the planning of this sensitive site.

The SPAR team as a whole would support the principles of the modernisation of and environmental improvements around the hotel in terms of its economic and tourism benefits. SPAR 'have not caught site of any recent financial appraisals' with this application detailing the economic benefits of redeveloping the hotel. However, SPAR would want to support a scheme which creates new jobs for local people, and the upgrading of a local hotel is also a boost for our Dacorum tourism focus.

The agents have pointed out that the proposal will create in the order of around 70 full and part-time positions and that the project represents a significant local investment for the hotel chain. It is good to see a scheme that seeks to improve an hotel at the higher rather than the budget/business end of the range in contrast to more recent hotel developments in the borough. This would not be so easy to achieve in more urban locations.

Given the above, SPAR would consider that a case for VSC can be made to support the proposal and subject to the outcome of other normal development management considerations).

## **Conservation & Design**

### **Original Scheme**

CD have no objection in principle to this redevelopment proposal. The design does however appear fragmented and lacking in architectural quality and may appear out of context in this rural setting.

The design lacks coherence across the various elements of the building with a myriad of different materials and roof forms. CD is concerned that the metal sheet profiling will be unduly harsh and urban and will not relate to the local context. Perhaps glazing with expressed internal timber framing and weatherboarding may be a better design option? (i.e. more barn-like).

CD is concerned that services have not properly been addressed since there is a lift shown on the floor layout plan and no box housing is shown externally for this, in addition no kitchen extracts are shown and there are no details for air conditioning etc. CD is also concerned that the main hotel rooms are facing south and will overheat due to the amount of curtain wall glazing.

CD is pleased to see the retention of the grotto building within the grounds and will be seeking the repair of this structure as part of any scheme.

CD understands that overflow parking is proposed at the rear. Could I suggest that this is kept to a linear row of parking broken down by tree planting and contained by trees and hedgerows.

Lighting will need very sensitive handling on this site given the green belt.

If there is a local design review panel I consider this would be a good candidate for their consideration. This would comply with Para 62 of the NPPF.

### **Revised Scheme**

There is no objection in principle to this redevelopment proposal. The design does however appear somewhat fragmented and lacking in architectural quality and may appear out of context in this rural setting.

The design lacks coherence across the various elements of the building with a myriad of different materials and roof forms. CD is concerned that the metal sheet profiling will be unduly harsh and industrial and will not relate to the local context. CD had previously suggested glazing with expressed internal timber framing and weatherboarding may be a better design option to appear more barn-like?

CD has also previously advised that the main hotel rooms are facing south and could overheat due to the amount of curtain wall glazing. What measures have been put in place to ensure that this does not occur?

CD is pleased to see the retention of the grotto building within the grounds and will be seeking the repair of this structure as part of any scheme.

Lighting will need very sensitive handling on this site given the green belt.

Again CD also suggests that this is considered by an external Design Review Panel. This would comply with Para 62 of the NPPF

## **Building Control**

No fundamental problems/ issues have been expressed.

## **Trees & Woodlands**

Based upon discussions it is understood there are no fundamental objections.

## **Housing**

The Housing Team do not have an up to date evidence base regarding demand for static caravans, or any housing policies which require the re-development/retention of static caravans on sites that are being developed.

Therefore it is minded to accept the applicants case for the removal of the static caravans as part of the wider development of this site.

## **Environmental Health: Noise & Pollution**

No environmental (acoustic/odour/dust) report has been submitted for the proposed redevelopment of the hotel. This would be expected for a development of this size and nature. We note that local residents have raised concern over noise levels in their response to the application. In any environmental noise report provided we would expect consideration to be had to typical noise sources associated with the hotel and details provided on how the applicant intends to mitigate sound levels or limit when noise occurs. Without an acoustic report, it is not possible for Environmental Health to fully comment upon how the suggested development would cause noise and the extent and impact upon local residents. Any such report should consider BS8233 for sound insulation and noise reduction, together with BS4142 for mechanical plant / extraction systems.

1) Noise Insulation - Non-Residential: Before construction works commence a scheme providing for the insulation of the building against the transmission of noise and vibration from the building shall be submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall be carried out before the use commences.

*Reason: To ensure that adequate precautions are implemented to avoid noise nuisance and loss of amenity.*

*Justification: The plans and proposed development is likely to have a number of mechanical extraction plant/ventilation systems that would have the potential to cause noise nuisance.*

2) BS4142 assessment – Plant and Machinery: Before the use commences a noise assessment should be carried out in accordance with BS4142 to establish whether the plant and machinery that are to be installed or operated in connection with carrying out this permission are likely to give rise to complaints at any adjoining or nearby noise sensitive premises. All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise does not, at any time, increase the ambient equivalent continuous noise level.

*Reason: To protect the amenities of neighbouring development.*

*Justification: Required where plant or machinery is located externally near to properties that may be detrimentally affected. Such equipment is likely to include ventilation/extraction equipment, air conditioning/refrigeration units etc.*

3) Site preparation and construction works shall be limited to the following hours: Monday – Saturday 0730 – 1830 hours. Sunday's and Bank Holidays no noisy works are permitted at any time.

*Reason: To protect the local amenity.*

*Justification: Dacorum BC has adopted criteria which states that no noisy activities as a result of construction shall occur outside of Monday – Saturday, hours 0730 – 1830*

hours. On Sunday's and Bank Holidays no noisy works to occur. Therefore, the condition is made to ensure that the activity complies with this adopted criteria.

4) Air Extraction and Filtration - Prior to the commencement of the catering kitchen use a scheme for the ventilation of the premises, including the extraction and filtration of cooking fumes, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out prior to the commencement of the use hereby permitted.

*Reason: To safeguard the amenities of those premises nearby the application site and the appearance of the building as a whole.*

*Justification: No specific detail is shown on mechanical extraction/ventilation plant is to be installed. No details on whether the system vents externally and is located near to properties that may be detrimentally affected is provided.*

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

6) Asbestos - Prior to works commencing the applicant is recommended to carry out a survey to identify the presence of any asbestos on the site, either bonded with cement or unbonded. If asbestos cement is found it should be dismantled carefully, using water to dampen down, and removed from site. If unbonded asbestos is found the Health and Safety Executive at Woodlands, Manton Lane, Manton Lane Industrial Estate, Bedford, MK41 7LW should be contacted and the asbestos shall be removed by a licensed contractor.

7) Bonfires: Waste materials generated as a result of the proposed demolition and/or construction operations shall be disposed of with following the proper duty of care and should not be burnt on the site. Only where there are no suitable alternative methods such as the burning of infested woods should burning be permitted.

### **Environmental Health: Food**

The application does not provide detailed information on the arrangement of facilities within the kitchen area. Until I have these details EH cannot comment with regard to food safety related matters.

No information has been provided on the extraction / ventilation systems to be used at the premises. EH need to see details of the extraction / filtration and odour control system that will be used for the kitchen and other facilities, as well as the position and height of the discharge points.

Workplace Transport: An assessment should be made with regard to proposed movement of vehicles (such as delivery, waste removal etc.) and the protection of pedestrians and customer traffic. (please note, reversing large vehicles back onto the highway would be an unsafe operation).

Car Parking: The application states that 133 car parking spaces are to be provided.

EHD is concerned that this number of parking spaces will be insufficient for premises of the proposed size (100 bedrooms, health spa, several meeting rooms, restaurant and associated staff).

#### Environmental Health : Mobile Homes

are dealing with the Mobile home site at Highcroft. While improvements are now under way in regards to the security of the site, this and the implementation of site rules as required under the Mobile Home Act 2013, has taken some time to achieve.

#### **Scientific Officer**

##### Initial Advice

Information provided in relation to the previous application (4/01915/09/MFA) indicates that the site has a workshop and garage area and also that parts of the site have been subject to fly-tipping. Consequently there may be land contamination issues associated with this site. Therefore I recommend that the standard contamination condition be applied to this development should permission be granted. For advice on how to comply with this condition, the applicant should be directed to the Council's website ([www.dacorum.gov.uk/default.aspx?page=2247](http://www.dacorum.gov.uk/default.aspx?page=2247)).

Response to Phase I Detailed Desk Top Study; Report Reference: EB1173/KR/3126; Issue: 01; Curtins Consulting: August 2013

The report provides a thorough desk-based assessment of the site. The qualitative risk assessment has determined an overall Low to Moderate level of risk from potential contaminants. The risk to the end user from ground gases is determined to be high, and the risk to end users and construction workers from UXO is High/Moderate.

An intrusive investigation has been recommended, to incorporate sampling of the shallow soils and ground water and ground gas monitoring. It has been recommended that an UXO report be obtained prior to the commencement of any intrusive works.

The intrusive investigation and associated sampling strategy must be designed to target all potential significant pollutant linkages identified by the preliminary conceptual site model in addition to providing adequate general site coverage. The ground gas monitoring programme must be undertaken in accordance with relevant published standards and guidance (BS 8485 and CIRIA C665). Comments will be required from the Environment Agency in respect of controlled waters.

Furthermore; information provided within the planning application documentation has indicated that a number of outbuildings are present on the site, formerly used as garages, workshops and storage, as well as areas which have been subjected to fly-tipping. These represent potential sources of on-site contamination, which will need to be targeted / assessed as part of the intrusive investigation.

In summary, as the Phase I desk top study report has recommended that an intrusive investigation be undertaken, it is recommended that the standard contamination condition be applied to this development should permission be granted to ensure the recommended works are undertaken. For advice on how to comply with this condition,



the applicant should be directed to the Council's website

### **Refuse Controller**

No response.

### **Hertfordshire County Council: Highways**

#### Initial Advice

##### Amendment

The applicants have agreed a time extension to enable the further consideration of a modified scheme. Before the agent provides a comprehensive formal and final resubmission under the current application please can you provide your advice upon the attached documentation consisting of: a Parking Provision Assessment, a Swept Path Analysis and an updated Interim Travel Plan. It is expected that the final scheme will be considered in September.

##### Decision

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:

##### Comments :

- A technical note dealing with the additional swept path analysis • In my response sent on 9/9/14 I recommended that this was not required unless and until permission is granted and the developer wishes to start work on site. Having said that I would be happy to recommend that the information supplied in Paul Mew Associates technical note dated 1/7/14 is sufficient for me to recommend that this condition be dropped.
- An update of the Travel Plan • In my response sent on 9/9/14 I wrote: 'An Interim Travel Plan has been provided with the application. It is dated September 2012 but is still deemed to be accurate. It has been drawn up in line with current national and local guidance. Data from a similar hotel in the client's chain have been used to build a robust and sustainable set of objectives and targets.'. I am glad that the Plan has been updated but am not clear what has been changed. Its status is slightly unclear. It calls itself the Travel Plan on the front cover but the Interim Travel Plan in paragraph 1.2. This should be clarified.
- A technical note setting out the process used to determine parking demand. This is essentially an update of the parking chapter from the Transport Assessment, which gives a clear justification of the proposal. • This appears to be an adequate description and justification of the levels of parking chosen

##### Revised Scheme

##### Decision

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

1 Prior to the commencement of demolition works details of all proposed methods of dust control, construction vehicle movements, construction access arrangements and construction wheel washing facilities shall be submitted to and approved in writing by the Local Planning Authority. These details should be submitted in the form of a Construction Management Plan. Reason:- To minimise danger, obstruction and

inconvenience to users of the highway and the access.

2 Two months prior to the occupation of the development, details of the proposed Travel Plan for the hotel shall be submitted to and approved in writing by the Local Planning Authority. Reason:- To promote a sustainable development in accordance with Local Plan policies.

3 Prior to the commencement of the development, details of the proposed turning movements for all delivery vehicles into and within the site shall be submitted to and approved in writing by the Local Planning Authority. There are concerns regarding the reversing of vehicles within the car parking area and the applicant is asked to provide additional details to demonstrate that these manoeuvres can be carried out without any detriment to the safe movement of members of the public. Reason:- To minimise danger, obstruction and inconvenience to users of the development and the adjacent access to the highway.

Informatives:

1) 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 new hotel; 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.

2) Works to be undertaken on the adjoining Highway will require a legal agreement with the highway authority. Before commencing the development the applicant shall contact the Hertfordshire County Council Highways (0300 123 4047) to obtain their permission and requirements. This is to ensure that any works undertaken in the highway is constructed in accordance with the specification of the highway authority and by a contractor who is authorised to work in the public highway.

The application is for permission to demolish the existing 47-bed hotel and associated buildings and to replace it with a new 103-bedroom hotel with revised access arrangements and car parking. Permission is also sought for the relocation of 2 caravans/ mobile homes. This application is linked to the application with DBC ref 4/01343/13/FUL for the change of use of land to use as a residential caravan site for 8 gypsy families in that the hotel could not be redeveloped without the relocation of the caravans to their new site.

The site is accessed from the B4505 Hempstead Road. This is secondary distributor in the HCC hierarchy and has 40mph speed limit past the site. The proposal is to close up the two vehicular access points to the existing car park and to use an improved version of the private drive to the south of the site which currently serves the caravan park behind it to serve the redeveloped hotel as well. This access crosses the wide unobstructed grass verge on the south side of the B4505 and affords good intervisibility in both directions. The access is wide enough to allow 2 cars to pass unobstructed. The removal of multiple access points is welcomed. If successful the applicant should be required to make good the grass verge and kerb at each redundant access.

Accessibility There is a footway into Bovingdon along the northern side of the B4505. The nearest bus stops are in a pair either side of the road outside the site. There are two main bus services – the 352 and 353. Both are of limited frequency but call at Hemel Hempstead rail station, and provide access to surrounding towns – Watford, Hemel Hempstead, Chesham, and Amersham. Neither stop has easy access kerbing or shelter. The bus stop immediately outside the hotel has no area of hardstanding and there is no footway here. There is a footway on the opposite (northern) side of the road. Hemel Hempstead station is approx 1.9 miles away. Trains are run by London

Midland and Southern and journey time into London Euston is between 30 and 33 minutes.

A Transport Assessment (TA) has been provided with the application. It is dated September 2012 but is still deemed to be accurate. The TA predicts that the proposed scheme is likely to generate an additional 40 trips in and out during the morning and afternoon peak hours. The additional daily total two-way trips could be 250. These levels of additional traffic would mean increases of up to 2.5% of existing flows and are therefore unlikely to have a severe detrimental impact on the local road network. An Interim Travel Plan has been provided with the application. It is dated September 2012 but is still deemed to be accurate. It has been drawn up in line with current national and local guidance. Data from a similar hotel in the client's chain have been used to build a robust and sustainable set of objectives and targets.

Offsite highway improvements and planning obligations it is the policy of the County and Borough Councils to seek planning obligations to mitigate the effects of development. HCC's requirements in respect of highways and transport are set out in section 11 of the document 'Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements)'. This can be read and downloaded from <http://www.hertsdirect.org/your-council/hcc/resandperf/hertsprop/planningobs/>.

Planning obligations so derived would be used on schemes and measures identified in the Hemel Hempstead Urban Transport Plan which can be read/ downloaded at <http://www.hertsdirect.org/services/transtreets/tranpan/tcatp/17645276/>. In accordance with paragraph 11.7 of the Toolkit I recommended that a 'first strand' contribution of £23,000 toward provision of easy access kerbing at the 2 nearest bus stops and an area of hardstanding/ footway for waiting/ alighting at the stop outside the hotel. I require a pooled 'second strand' contribution based on the charges set out in paragraph 11.14 of the Toolkit applied to the information provided in support of this application. In this instance it is predicted in the TA that the proposal could generate an additional 40 peak hour trips. Using the rate of £1,000 per trip (at June 2006) this gives a pooled contribution £40,000. This should be index-linked to SPONS from July 2006 to the date of its payment. This and other contributions collected in Bovington will be used to improve conditions for pedestrians, cyclists and bus users in the village.

**Hertfordshire County Council : Sustainable Transport and Development Officer:  
Forward Planning and Rail Liaison Team | Hertfordshire**

Revised Scheme

The Officer has liaised with the consultant working on the Travel Plan for the Bobsleigh Hotel. Amendments have been made as recommended in my previous assessment.

It is now feasible to recommend approval of the Travel Plan dated November 2014 (version 7), file name 'P974 Bobsleigh Hotel Travel Plan v7 111114' (attached). The Travel Plan should be secured through an appropriately worded S106 agreement.

The following points must be ensured:

From commencement of the development, the applicant must comply with the terms of the approved Travel Plan (or subsequent versions approved in writing by the County Council), including but not limited to implementing the measures and actions within the agreed timescales. This includes:

- .
- .
- . Prior to occupation, a Travel Plan Co-ordinator must be appointed and their

contact details provided to the travel plan officers at Hertfordshire County Council.

. Within 3 months of occupancy of the development, baseline surveys of staff, guests and servicing must be undertaken by the applicant and within 2 months of completion of the surveys, a revised Travel Plan incorporating the results of the baseline surveys, updated targets, measures and action plan, shall be submitted to Hertfordshire County Council for approval in writing.

. Annual monitoring surveys must be undertaken for a period of at least five years post final occupation, and within 2 months of completion of the surveys a monitoring report and updated Travel Plan must be submitted to the local transport authority for approval .

. Prior to commencement, the applicant shall pay to Hertfordshire County Council the sum of £6,000 towards the County Council's costs of administrating and monitoring the objectives of the Travel Plan and engaging in any Travel Plan Review

### Housing

The Housing Team do not have an up to date evidence base regarding demand for static caravans, or any housing policies which require the re-development/retention of static caravans on sites that are being developed.

Therefore it is minded to accept the applicants case for the removal of the static caravans as part of the wider development of this site.

### **Environment Agency**

#### Initial Advice

Thank you for consulting us on this application. In the absence of an acceptable Flood Risk Assessment (FRA) and a preliminary risk assessment (PRA) we **object** to the grant of planning permission and recommend refusal on this basis.

#### Objection one

The submitted FRA is not acceptable because:

- The applicant has not demonstrated that the storage volume required to attenuate surface water run-off from the critical 1 in 100 chance in any year storm event, with an appropriate allowance for climate change, can be provided on site.
- The applicant has not demonstrated that sustainable drainage systems (SuDS) will be used on site to provide storage for surface water generated on site, in line with the National Planning Policy Framework (NPPF) paragraph 103 that requires development to give priority to the use of SuDS.
- The applicant has not demonstrated that the peak discharge rate for all events up to and including the 1 in 100 chance in any year critical storm event, including an appropriate allowance for climate change, will not exceed greenfield rates.

The submitted FRA also appears to be out of date and designed for a different scheme than the one currently proposed. The drawings for the proposed hotel show a green roof, yet the FRA makes no reference to this valuable SuDS feature.

This is in line with your Local Plan policy 124, policy CS31 of your draft Core Strategy and the Hertfordshire County Council Interim SuDS Policy Statement Requirement 15.

## Resolution

The applicant must submit an FRA which adequately addresses the points highlighted above.

Surface water for up to the 1 in 100 chance in any year storm event, including an allowance for climate change, must be safely contained on site. It is acceptable to partially flood the site during this event, ensuring that buildings are not affected by flooding and the site can be safely navigated by users. Where this flooding will be within roads or pathways, the applicants must ensure that safe access and egress is still available. The FRA must show how SuDS will be used on site to prevent the risk of flooding being increased. I have attached a copy of our SuDS guidance, which contains the SuDS hierarchy on page four, for the applicant to use. This hierarchy must be used in descending order, with any obstacles to the use of the most sustainable techniques fully justified. Tanks should only be used as a last resort. It is promising that a green roof, one of the most sustainable SuDS techniques, is shown on the drawings. The FRA should take account of this.

## Objection two

We object to the proposed development as submitted because there is insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable.

There are two strands to this objection. These are that:

- We consider the level of risk posed by this proposal to be unacceptable
- The application fails to provide assurance that the risks of pollution are understood, as a preliminary risk assessment (including a desk study, conceptual model and initial assessment of risk) has not been provided. It requires a proper assessment whenever there might be a risk, not only where the risk is known.

The site is located in Source Protection Zone 3, meaning that the groundwater beneath the site forms part of the public drinking water supply. The site may be contaminated as a result of previous uses.

This objection is in line with policies CS31 and CS32 of your draft Core Strategy. NPPF paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Paragraph 120 states that local policies and decisions should ensure that new development is appropriate for its location, having regard to the effects of pollution on health or the natural environment, taking account of the potential sensitivity of the area or proposed development to adverse effects from pollution.

Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121). **Resolution** The applicant should provide information to satisfactorily demonstrate to you that the risk to groundwater has been fully understood and can be addressed through appropriate measures. This information should be in the form of a PRA. I have attached our GPLC3 reporting checklists, which include our PRA checklist on page three, to help the applicant. Please feel free to contact me if you have any questions.

## Further Advice: Response to Additional Information

Thank you for confirming that you are accepting the Preliminary Risk Assessment and revised Flood Risk Assessment (FRA) as part of this planning application. While we

are now satisfied that risks to groundwater can be addressed through conditions we are still not satisfied with the FRA. We therefore maintain objection one.

### **Reason**

The applicant has not demonstrated that infiltration will be feasible on site or that sustainable drainage systems (SuDS) will be used to provide storage and water quality treatment. This is required in line with your policies CS29, CS31 and CS32, the National Planning Policy Framework, draft Planning Practice Guidance and the Thames River Basin Management Plan.

The Thames River Basin Management Plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery. The River Gade is currently at moderate ecological status. As one of these reasons for failure is diffuse pollution it is essential that all opportunities to address this are taken.

### **Resolution**

The applicant must show that infiltration is possible on site through the submission of soakage tests. If this cannot be shown then an alternative approach should be outlined. This should demonstrate that there is sufficient space available on the site (within the context of the proposed site layout) to attenuate runoff on the site up to the 100 year storm event, including an allowance for climate change.

I have again attached a copy of our SuDS guidance, which contains the SuDS hierarchy on page 4. This hierarchy should be used in descending order, with any obstacles to the use of the most sustainable techniques fully justified.

Please contact me if you have any queries.

### Final Advice

Thank you for consulting us on the Soakaway Test Report and the drawing indicating the current use of soakaways for the existing development. The Soils Report indicates soil infiltration rates are fairly poor, however we feel it will be possible for soakaways to be designed to achieve an appropriate surface water drainage system on the site. Therefore we remove our objection providing the following condition is imposed on any planning permission granted.

**Condition** The development hereby permitted shall not be commenced until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage details shall include the management of all the surface water run-off from the new building for the 100 year climate change critical rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. **Reason** To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity. This condition is in line with your Local Plan policy CS31: Water Management.

### **Advice for Applicant**

We encourage sustainable drainage systems (SuDS) using infiltration provided it can be shown that the infiltration will be clean surface water into uncontaminated ground. The design of SuDS should include appropriate pollution prevention measures. If contamination is present in areas proposed for infiltration, we will require the removal of all contaminated material and provision of satisfactory evidence of its removal, the point of discharge should be kept as shallow as possible.

**Advice on surface water condition** In order to discharge the surface water condition, the following information must be provided based on the agreed drainage strategy: a)

A clearly labelled drainage layout plan showing pipe networks and any attenuation areas or storage locations. This plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.

b) Confirmation of the critical storm duration.

c) Where infiltration forms part of the proposed stormwater system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.

d) Where on site attenuation is achieved through ponds, swales, geocellular storage or other similar methods, calculations showing the volume of these are also required.

e) Where an outfall discharge control device is to be used such as a hydrobrake or twin orifice, this should be shown on the plan with the rate of discharge stated.

f) Calculations should demonstrate how the system operates during a 1 in 100 chance in any year critical duration storm event, including an allowance for climate change in line with the 'Planning Practice Guidance: Flood Risk and Coastal Change'. If overland flooding occurs in this event, a plan should also be submitted detailing the location of overland flow paths and the extent and depth of ponding.

## **Thames Water**

### Initial Advice

#### Waste Comments

Following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application, Thames Water would like the following 'Grampian Style' condition imposed. "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 Ground Water. 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 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

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.

#### 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 - Veolia Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

#### Revised Scheme

Following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application, Thames Water would like the following 'Grampian Style' condition imposed. "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.

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#### Supplementary Comments

The receiving network is known to be at, or approaching capacity. Thames Water request that an impact study be undertaken to ascertain, with a greater degree of certainty, whether the proposed development will lead to overloading of existing infrastructure, and, if required, recommend network upgrades. Please liaises with Thames Water Development Control Department (telephone 01923 898072) with regard to arranging an impact study.

#### Hertfordshire Fire & Rescue Service

Advice awaited.



## **Hertfordshire Constabulary: Crime Prevention Advisor**

### Original Scheme : Initial Advice

- The main doors and any fire doors should be tested to LPS1175 SR2 and if these doors have access control doors tested to STS202 BR2 will be acceptable.
- There is a lot of glazing in the proposed hotel and I would be looking for all glazing whether in public places or windows to bedroom to be both toughened and laminated, one to protect the public in the event of an accident and the other for crime prevention reasons.
- I note the roof has “verdigo” copper within its make-up and I would just urge caution if copper is being used as this metal is sought after by various professional thieves and is worth a lot of money on the open market so security when delivered to and stored on site will be important.
- I am pleased to see a security gate on the basement car park, but would ask who will have access and if a code, how frequently will it be changed.
- Hotels with sporting and leisure facilities as part of their facilities have suffered criminality in the past so locker room and personal security will be important.
- I know in other hotels safes, including laptop safes, have been provided either in the resident’s bedroom or in a safe block in the reception area so they are on constant view both by reception staff and CCTV.
- There is no indication of lighting or CCTV around the hotel or in the car parking areas, perhaps this can be clarified.
- I would like to see CCTV in the basement car park and also the walls of the car park painted say a light blue so as to both reflect light and perhaps reduce the level of lighting.
- In the basement the disabled spaces appear to be too far away from the lifts.
- There is no mention of hotel security within any of the documentation which I do find a little concerning and if Macdonald Hotels Security would like to contact me to discuss further my contact details are at the top of this letter.

### Original Scheme : Further Advice

- The main doors and any fire doors should be tested to LPS1175 SR2 and if these doors have access control doors tested to STS202 BR2 will be acceptable.
- There is a lot of glazing in the proposed hotel and I would be looking for all

glazing whether in public places or windows to bedroom to be both toughened and laminated, one to protect the public in the event of an accident and the other for crime prevention reasons.

- I note the roof has “verdigo” copper within its make-up and I would just urge caution if copper is being used as this metal is sought after by various professional thieves and is worth a lot of money on the open market so security when delivered to and stored on site will be important.
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- I would like to see CCTV in the basement car park and also the walls of the car park painted say a light blue so as to both reflect light and perhaps reduce the level of lighting.
- In the basement the disabled spaces appear to be too far away from the lifts.
- There is no mention of hotel security within any of the documentation which I do find a little concerning and if Macdonald Hotels Security would like to contact me to discuss further my contact details are at the top of this letter.

### Revised Scheme

On the basis of further information supplied I am content with the application.

Pleased that previous consultations with the previous advisor has confirmed that the:

- The main doors and any fire doors within the development will be specified to be as tested to LPS1175 SR2 and STS202 BR2 where applicable.

2 All windows to both public areas and guest bedroom areas are to be specified as both toughened and laminated as requested.

3 The development will be controlled with security lighting and CCTV system throughout with the additional comment from Mr Swann “we would be grateful if this could be subject to a condition of any planning approval”.

It is hoped the above will help the development achieve that aims of the National Planning Policy Framework (NPPF).

- 17 – re high quality design
  - 2. 58 – re function for the lifetime of the development as well as designing against crime and fear of crime.
  - . 69 – re safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.
- & Dacorum Core Strategy policies:
- . CS12 – re safe access, layout and security

## **Hertfordshire Ecology**

### Initial Advice

1. We have no ecological information on the application site, for which a number of surveys have been undertaken and submitted with this application.
2. The great crested newt survey found no evidence of GCN and considered their presence to be very unlikely. There are no records of the species in the area and the pond is very small and isolated. Consequently it is considered as having low potential for supporting GCN and that further surveys were not considered necessary. Whilst this report is now significantly out of date (2008), in the circumstances I have no reason to believe that the situation has changed in respect of GCN given the nature of the pond when surveyed and further weed infestation that is likely to have occurred since. On this basis I do not consider Great crested newts to be an issue that need to be considered further in determining the planning application.
3. However they remain fully protected under the Habitats Directive and as such any works should be undertaken with due care.
4. Bat surveys have been undertaken in 2008 and 2012. In both cases no bat roosts were identified in any of the buildings or trees. The 2012 activity survey recorded one pipistrelle bat so the grounds in places are suitable for bats but such limited activity and evidence indicates that it is highly unlikely that any bats would be affected by the proposals. The potential for winter hibernation in the ice house has, however, been identified although this feature is not affected by the proposals.
5. On this basis the LPA can proceed with determination of the application as it is reasonable to consider that bats will not be affected.
6. Recommendations are provided regarding tile removal by hand and checking for evidence and timing of works to trees with ivy that could provide potential roosting opportunities. Given the roof areas involved in the demolition and the potential for bats, this approach would not seem unreasonable although given the lack of any evidence it should not delay works unduly.
7. Consistent with the Consultants recommendations I advice that the following Informative is attached to any permission:
  - . *If bats or any evidence for them are found, all works must stop immediately and*

*advice sought as to how to proceed from one of the following:*

*A bat consultant;*

*The UK Bat Helpline: 0845 1300 228;*

*Natural England: 0845 6014523 or*

*Herts & Middlesex Bat Group: [www.hmbg.org.uk](http://www.hmbg.org.uk) ‘*

8. This survey is now also getting old but I see no reason to undertake any further surveys given the demonstrable lack of previous evidence. However if the proposals have not begun within two years of any permission, I would advise another activity survey to identify any bat presence that may need further investigation given that bats do move their roost sites.

9. The recommendations regarding avoidance of light pollution and habitat enhancement should also be considered where possible.

10. I note in the D&A Statement (p24) there is an intention to manage an area of land to the rear of the site for biodiversity. I was also going to suggest this approach, presumably for the area in the southern corner of the site. This approach is to be welcomed, but no details are given. I consider it would add character to the hotel's grounds and potentially provide some benefit to the kitchens if an **orchard was to be planted**, along with **wildflower grassland**, to enhance the grounds ecologically and provide a usable food resource. Proposals for this should be presented as part of the **landscaping proposals which should be a Condition of Approval** if the application is approved. I also welcome the proposals for a green roof on some areas of the development - at least as shown in some of the models.

11. Other than the above considerations, **I do not consider that there are any ecological constraints associated with the proposals.**

#### Original Scheme

None of the ecological surveys were positive in recoding presence of, of significant potential for, bats and great crested newts and that would be affected by the proposals. On this basis it is reasonable to conclude that these species are highly unlikely to be impacted by the proposals which can therefore be determined accordingly. The recommendation is a sound precautionary approach but I do not consider there is sufficient justification for the LPA to require this if permission is granted, given the lack of emergence evidence.

2. However I do advise that the following informative is attached to any permission:

. If bats are discovered during the course of any works, work must stop immediately and Natural England (0300 060 3900) or the Hertfordshire & Middlesex Bat Group Helpline (01992 581442) should be consulted for advice on how to proceed.

3. The potential for Great crested newts is very low and no mitigation or compensation is considered necessary and I have no reason to dispute this conclusion.

4. I do not see the need for any further surveys.

5. I note in a previous e-mail there are proposals for biodiversity enhancement and I

support these in principle although there are no further details of the proposals in the information provided. Whilst the scattered trees and shrubs do provide habitat connectivity, the planting in Area 1 could equally and perhaps more usefully be in the form of an orchard which would also contribute to the local ecological resource as well.

### Final Advice

In respect of the above consultation which is an amended scheme, unless you are aware of the contrary, I have no reason to believe that the ecological issues or my advice would be any different to that expressed in December 2103. I acknowledge that the ecological interest could change over time, but given that it was so negligible when assessed previously, I consider the risk of this happening in any event to be very low. Should, however, another year or so pass before this is determined, it may be prudent to update the bat assessment although their legal protection does of course apply at all times.

A minor comment - the new tree planting map has no details so there is no way of telling what these will be; native spp or orchard it doesn't *really* matter, but we have lost more orchards than scattered trees and scrub and an orchard creates potential community involvement associated with the development.

## **Herts & Middx Wildlife Trust**

### Initial Advice

The planning application has been identified by Herts & Middlesex Wildlife Trust as having potential implications for wildlife. For instance, it may involve demolition of a building or changes to a roof which may impact upon roosting bats; or removal of habitat which may support reptiles, great crested newts, or nesting birds. However, the application does not meet the Trust's priority criteria for submitting a detailed, case-specific consultation response. The Council nevertheless has a statutory duty to consider the impacts of development applications on biodiversity, and on protected and priority habitats and species in particular

### Revised Advice

#### *Bats*

The updated bat surveys from August 2012 suggest that there are no roosts in buildings or trees within the site, therefore no need to obtain an EPS licence.

Agree with the ecologist that a precautionary approach should be taken to demolition or modification of any buildings and tree works. The recommendations of the ecologist in section 8 should be observed and implemented fully. If any bats are discovered during the course of works, work should cease immediately and advice sought from a qualified ecologist. Any new lighting installed should be designed to avoid adverse impacts on bat activity.

It should be borne in mind that if works on site are delayed, then site conditions can change and bats roosts may be established. Surveys are typically considered valid for

only up to 2 years.

Note that the site includes an icehouse, which will be unaffected by the development. Ice houses provide ideal conditions for hibernation roosts. Any future development involving the ice house would need a hibernation survey.

#### *Great crested newts*

The great crested newt survey found the pond to be suboptimal for newts. Due to its size and isolation, the ecologist considers it unlikely that GCN are present. No further surveys were considered necessary. The conclusion is accepted. If the conditions of the pond and surrounding habitat have changed however since 2008, an update habitat suitability assessment would be recommended. Site workers should as a precaution be made aware of the potential for great crested newts, which are protected under British and European law. If any newts are found during the course of work, works should stop immediately and advice be sought from a suitably qualified ecologist.

#### *Biodiversity enhancement*

HMWT encourages biodiversity gain in new development. This could be achieved through incorporating bird and bat boxes in new buildings or on mature trees around the site; creating a wildlife pond, or enhancing an existing pond to make it attractive to wildlife (including amphibians); planting new native shrubs, trees and hedgerows and strengthening habitat connectivity through the site.

#### **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.

#### **Affinity Water**

No responses.

#### **EDF Energy**

No responses.

#### **National Air Safeguarding Services**

Comments awaited.

#### **Wid Turbine Consultee**

Comments awaited.

#### **Response to Neighbour Notification/ Publicity**

100 responses with most from Bovingdon : 94 Objections, 6 Support.

Objections for the following reasons:.

. Green Belt. Issues :Effect on Openness. Inappropriate. Excessive Size. Scale too much on Plot. Insufficient Justification. Precedent.

- Design.
- Parking Problems / Insufficient Parking. Traffic.
- Environmental Impact.
- Harm to residential amenity. Noise, disturbance, privacy.
- Parking Problems / Insufficient Parking. Traffic.
- Light Pollution,
- Water Table, Supply and Flooding

### BAG

Survey of dwellings in the immediate vicinity.

29 Opposed.

1 In favour

3 Could not be contacted.

The majority support the principle but not the size and scale. VSC do not outweigh the damage to the openness. All are opposed to an overflow car park.

(Note: Questions regarding Parking

*The statement regarding the intended overflow Green Belt parking can be found in the September 2014 'Travel Plan': "Section 3.29 It should be noted that there is an opportunity to provide a number of overspill car parking spaces to the rear of the site on a controlled / managed basis for larger functions at the hotel."*

*This contradicts the planning application submitted by Street Design Partnership which clearly designates the Green Belt land to the rear of the hotel as a wildlife / biodiversity area, labelled 'Area 1' (see attached Street Design document/map): "This area of the site is to be retained as a biodiversity area to include extensive landscaping of the native shrubs and hedgerows to strengthen habitat connectivity."*

*It is apparent that despite their best efforts MacDonald's agents have not been able to plan sufficient parking for such a large hotel with a full array of services on this limited Green Belt plot.*

*Local residents agree and are supportive of Bobsleigh redevelopment and are appreciative of the changes made to the proposed front of the hotel. However after reading this amended application, we remain very concerned that the overall size and scale of the proposal is still too large and the steps required to provide the necessary parking will damage the Green Belt further:*

- *Unlike all their other Leisure & Spa Hotels, MacDonald will be unable to provide leisure, health and spa services on a local membership / daily rate basis due to the lack of parking facilities and in order not to exceed their proposed parking*

capabilities of 133 spaces. If the application is approved there will no doubt be constant pressure to open the hotel's leisure facilities in line with operations at their other hotels, despite insufficient parking. This risk should be clearly discussed and resolved as part of the planning approval process. The term "hotel guest" will need clear definition to ensure that these facilities and services are not made available to 'day' and 'casual' guests, or on a membership basis.

- With its impressive new health, leisure and function facilities the new Bobsleigh will aggressively promote its wedding, business and special event capability, extremely important elements in ensuring the ongoing viability of the hotel. However the associated additional parking requirements can and will exceed the hotel's parking capabilities. There is no mention or modelling of the parking requirements that the planned special events and weddings will generate or the number of such events anticipated annually. Such events and functions will also require more staffing which will exacerbate the parking situation even further.

- Contrary to the 'Need & Viability Statement' the Bobsleigh, in its semi-rural location, is most certainly **not** well serviced by public transportation. Local Bus Services only run for 12 hours a day Monday to Friday; 11 hours a day on Saturdays and only 6 hours a day on Sunday and, as the Council have recently announced, faced with financial restraints they are looking to cut back/reduce the public transport servicing the Bobsleigh even further.

- The limited parking facilities must be addressed in the approval stage, but despite this, the September 2014 'Need & Viability Statement' (Section 6.0 & 7.0) indicates that MacDonald will not submit a travel plan to help reduce parking requirements until after the hotel has been in operation for 3 months.

- In Section 3.11 of the Transport Report that around 20 of the Bobsleigh's 100 staff will live on-site which will reduce both travel and parking requirements. Where at the Bobsleigh will these staff live? Clearly the MacDonald owned Stable Lodge is far too small to accommodate 20 staff and in this current application it is reported that this building will be reduced in size. As a result staff parking projections are understated. Clearly there is insufficient parking capability to meet the peak needs of a hotel this large with the services it will provide. This situation needs to be properly resolved as part of the planning process. One option MacDonald should consider is (1) reducing the size of the hotel to 84 bedrooms by eliminating or relocating up to 16 rooms\* from the front curve and pushing the hotel back to provide more above ground parking and (2) expanding its current underground parking capability (please see attachment).

If implemented such a plan would better protect the Green Belt, could be used to provide 50 to 60 additional parking spaces, MacDonald could consider immediately opening their health and leisure facilities to the public, the hotel entrance and parking would be far less cramped and more in keeping with a 4 Star Hotel and by moving the hotel back there would much less risk of noise nuisance to the neighbouring homes on the Hempstead Road).



## ITEM 5.06

**4/01228/15/FUL - DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF TWO DETACHED DWELLINGS WITH INTEGRAL GARAGES AND CAR PARKING, LANDSCAPING AND REVISED VEHICULAR ACCESS. THE PENNANT, DOCTORS COMMONS ROAD, BERKHAMSTED, HP4 3DW. APPLICANT: EXIMIUS DEVELOPMENTS LTD - MR J HAYDON.**

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[Case Officer – Sally Styles]

### Summary

This proposal is recommended for approval.

The provision of new dwellings in the built up area is acceptable in accordance with the NPPF and Policy CS4 of the adopted Core Strategy. The proposal would respect adjoining properties in terms of site coverage, scale, height, bulk and layout and would enhance the general character of the street scene and the Conservation Area. The contemporary design is in keeping with the mixed approach taken on this side of Doctors Commons Road and the amendments to the materials and colour palette relate to the locality. The proposal is therefore in accordance with Policies CS11, CS12 and CS27 of the Core Strategy and saved Policy 120 of the Local Plan. The level of parking is acceptable in light of the Council's standards and the impact on the amenity of adjacent residents is acceptable.

### Site Description

The application site comprises a detached bungalow with garage and associated curtilage located on the south-eastern side of Doctors Commons Road, approximately half way between the junction with Charles Street and Graemesdyke Road.

To the front there is a paved open parking area served by two vehicle crossovers to Doctors Commons Road. A high close boarded fence exists to the street frontage.

To the rear the site falls steeply away from the bungalow and at the end of the garden is a mature tree line which separates the application property from the rear garden of 25 Kings Road.

The surrounding area comprises a mix of development; although primarily residential, the site is close to Berkhamsted Preparatory School. This side of the road is characterised by small detached properties which, with the exception of the school buildings, are generally of a contemporary style. On the opposite side of the road, the houses are on an elevated position and are more traditional Victorian or Edwardian dwellings.

The application site is located in the Berkhamsted Conservation Area.

### Proposal

Permission is sought for the demolition of the existing bungalow and the construction of two contemporary designed detached dwellings each with three bedrooms.

The proposed dwellings would be part two-storey part three-storey with a two-storey

presence to Doctors Commons Road and a three-storey elevation at the rear. The dwellings would have a flat roof and have a stepped frontage at first floor level. Glazing would wrap around the corners of the proposed dwellings and each would have a side roof terrace with glazed balustrade. At the rear, the ground and first floor would over sail a terraced area at lower ground level.

Each dwelling would have a single integral garage and a further parking space to the front. The remainder of the space at the front would be hard and soft landscaping, and a lightwell to the lower ground floor. Each front door would be accessed via a bridge over the lower ground floor lightwell.

The two dwellings would be of similar style, although there would be a variation in the tones of the materials.

Each dwelling would be 8.9m in width and have a maximum depth of 12.2m at ground level. From ground level on Doctors Commons Road, the buildings would be approximately 6.3m high, but from the rear, the buildings would be 9.2m in height.

Following negotiations with the applicant during the consideration of this application, changes have been made to the scheme as listed below. These have been discussed in detail in the relevant sections below, but in summary include:

Amendments to the materials and colour palette

Reduction in glazed screen / ballustrading to the front of the building

Reduction in bulk of plot 2

Additional soft landscaping to the frontage

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 modern design, the balconies in the streetscene, the loss of amenity caused by the balconies, the scale, height, mass and bulk of the rear elevation and inadequate garden sizes.

### Planning History

Application 4/00173/14/FUL for demolition of existing dwelling and construction of three two-storey three-bedroom terraced dwellings with parking, landscaping and creation of vehicle crossovers was withdrawn on 6 May 2014.

Application 4/01358/14/FUL for demolition of the existing dwelling and construction of two storey semi-detached pair and detached dwelling to provide three three bedroom dwellings and alteration of existing vehicle crossovers was refused on 6th August 2014.

There was one reason for refusal which was:

The proposed dwellings, by reason of their layout, site coverage and landscaping

together with their amenity space would result in a tightly configured and overdeveloped site that would fail to relate to adjoining properties, with a car-dominated frontage providing minimal opportunities for landscaping.

Additionally, the proposed dwellings, by reason of their design, as well as excessive scale, height and bulk giving them a two-storey appearance to the front and a three-storey elevation to the rear would fail to provide an appropriate transition between the lower profile neighbouring properties either side, to the detriment of the appearance of the street scene and the Berkhamsted Conservation Area.

Consequently, the development would fail to positively conserve and enhance the character and appearance of the Berkhamsted Conservation Area, would be incongruous with the typical density of the area, failing to achieve a suitable degree of integration with the streetscape character, and would not enhance the spaces between buildings. The proposal is therefore contrary to the aims of the National Planning Policy Framework, Policies CS11, CS12 and CS27 of the Dacorum Core Strategy (September 2013) and saved Policy 120 of the Dacorum Borough Local Plan 1991-2011.

An appeal against this refusal was dismissed on 16th January (PINS ref APP/A1910/A/14/2225583). The reasons for dismissing the appeal can be summarised as:

Design would be different from the immediate context of low profile, modern 20th century development

Interrupts views out of the conservation area, across the valley with the proposed scheme omitting visibility between dwellings and across the site

Extent of solid form across the site frontage would be harmful to the character and appearance of the conservation area

Detailed appearance would be at odds with the built form on this side of the road which comprise clean lines and a restrained approach

The extent of car parking would harm the character and appearance of the conservation area given the extent of unrelieved hard surfacing

The three storey projections at the rear would be dominant structures given their proximity to the side boundaries and also resulting in garden depths of 8m

The proposal would appear cramped

### Policies

The site lies within the built up area of Berkhamsted and within the Berkhamsted Conservation Area.

National Policy Guidance

National Planning Policy Framework (NPPF)  
National Planning Practice 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  
CS17 New Housing  
CS18 Mix of Housing  
CS27 Quality of Historic Environment  
CS29 Sustainable Design and Construction  
CS31 Water Management  
CS35 Infrastructure and Developer Contributions  
Saved Policies of the Dacorum Borough Local Plan  
Policy 13 Planning Conditions and Planning Obligations  
Policy 18 The size of new dwellings  
Policy 21 Density of Residential Development  
Policy 58 Private Parking Provision  
Policy 99 Preservation of Trees, Hedgerows and Woodlands  
Policy 120 Development in Conservation Areas  
Appendix 3 Layout and Design of Residential Areas  
Appendix 5 Parking Provision  
Supplementary Planning Guidance / Documents  
Clarification Note on the Provision of Affordable Housing  
Berkhamsted Conservation Area Statement  
Summary of Representations  
Conservation and Design

Initial Comments:

The scheme seeks to demolish The Pennant and replace it with a two detached dwellings two storey to the street scene and three storeys at the rear.

Though the principle of development remains acceptable, it should be noted that historically plots along this side of the street contain either semi or detached dwellings.

My concern remains the same as they were expressed at pre-application: and at both of the previous full applications: these latest proposals appear out of character within the street scene out of character with the location. I refer to my comments made on Applications 4/001816/13/PRE; 4/00173/14/FUL; and 4/01358/14/FUL.

I have quoted in much of this report the concerns I raised in the two FUL reports as I see no point in reinventing the wheel and also because I consider that many of the issues I raised in my previous reports have been repeated in this latest endeavour.

To put the location in context, Doctors Commons Road has two distinct characteristics at this point: on the north is a mixture of late Victorian/Edwardian detached or semi-detached dwelling houses of varying architectural styles but with a rhythmic scale and density. These are also located on higher ground as the land rises upwards on this side of the road. On the east where the school site is also located, and where the land falls away, there is a mixture of dwellings but again the common theme is single or semi-detached dwellings, mainly 20th century and of varying architectural styles. However, the only place where a terrace is visible is at the entrance to Doctors Commons Road from Charles Street when one is met by rather unfortunate terrace of modern 20th century dwellings of no great architectural merit. However, the school site allows a breathing space between this and the next developments. These form a mixture: from a Victorian stable block (converted into housing), two recent detached modern developments, followed by The Pennant which is adjacent to two innovative developments which have an empty plot dividing them, which are followed by detached garage link 20th century range of dwellinghouses.

Because the land falls away so steeply on the east side of the road, the view of the ridge height of buildings in this location including The Pennant is low.

I consider this proposal entirely alien within the environment and negative. The form and materials used appear entirely alien in the street scene. Though as I have stated previously pastiche is not the way forward, the buildings do need to at least attempt to coalesce with the other nearby structures. I consider that this staggered glass box approach does little to enhance the street scene or locality and the predominating materials offer no cohesion with the setting.

As I stated previously and is again the case, the design of the dwellings would introduce an unacceptable variation into the mix of buildings in the area, would sit uncomfortably on the site and would adversely affect the character or appearance of the area.

I remain of the view that the development introduces a building type which is out of keeping with the rhythm, pattern and design of the existing dwellings which would result in incongruous structures out of keeping with the rhythm of development locally. The only positive I can include is that the plot has benefitted from two dwellings rather than three as previously submitted.

The main issue in my consideration is whether the proposal both preserves or enhances the character and appearance of the conservation area, and respects the townscape and general character of the area in which it is set. The scale, bulk, height and especially materials of the buildings, and the effect of the development on the street scene. The National Planning Policy Framework aims to conserve heritage assets in a manner appropriate to their significance.

The form and materials of the proposal would detract from the character of this part of Doctor's Commons Road, and would therefore fail to preserve or enhance the character and appearance of this location. The proposed size and position of the buildings, their bulk and form and architectural detailing would be visually intrusive and detract from the character of the local landscape, thereby failing to maintain or enhance the character and appearance of the area, and fail saved Policy 120, the Act, and NPPF policies quoted. I consider this particularly apparent regarding the rear elevation where words almost fail me to describe the architectural mish-mash and over-glazing this view presents.

When looking at the street scene it is very obvious that the built environment differs from one side of the street to the other. Therefore it is my opinion that the visual relationship between the different sides of the street needs an appropriate and different architectural approach. To my mind this is part of the character of the road and its contribution to the street scene and the conservation area, and is a noticeable and prominent feature that draws attention; the 20th century developments on the lower slopes actually helping to draw attention to the higher placed and dominant heritage buildings, rather than intruding into the dominance of the older parts. I consider that these two buildings would intrude and have an over-bearing uncharacteristic form within the street scene.

I remain of the view that this is a sensitive site and whatever is allowed here could have a significant impact going forward. I consider that the proposal would have a negative effect on the setting of the conservation area, and the location and the street scene and therefore strongly recommend it for refusal.

Further comments:

I've been looking at the amended scheme and reading the previous Inspectors comments.

Further amendments are necessary since the scheme currently does not address the Inspectors comments "extent of solid form across the site frontage would be harmful to the character and appearance of the Conservation Area". I also think we need to address the garden depth, particularly for plot 1.

Overall the design is moving in the right direction.

In response to the CGI:

I've taken a look at the CGI and I am still of the view that the amended scheme does not address the Inspectors comments concerning the extent of solid form across the site frontage. The Inspector noted that a solid form would be harmful to the character and appearance of the Conservation Area; the layout and distance around the buildings has not materially altered from the previous refused scheme. Hence this concern remains.

#### Berkhamsted Town Council

Object.

The proposal would neither preserve nor enhance the character and appearance of the Berkhamsted Conservation Area in this part of Doctors Commons Road.

The proposed design of two dwellings would stand in too stark a contrast to the neighbouring properties of Treetops and Greensleeves, as well as the more modern property Darul Aman, and thus detract from the streetscene in this locality.

The proposed balconies/roof terraces would also introduce an alien element into the streetscene as well as posing privacy issues and a loss of amenity for neighbouring properties.

The scale, height, mass and bulk of the rear elevation is excessive and the depth is such as to provide inadequate garden depths which are well below the depths of adjacent properties and unacceptable for these family dwellings - a point highlighted in the report of Diane Fleming, the Planning Inspector, who dismissed a recent appeal for the development of this site (APP/A1910/A/14/2225583 - attached)

#### Hertfordshire Highways

Doctors Commons Road is an unclassified local access road. The proposal is for the construction of two detached houses, each served with its own vehicle crossover and one off street parking space in front of each garage.

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 conditions regarding visibility splays, size of car parking spaces, drainage of the parking area and storage and delivery of materials, plus a suggested informative regarding the vehicle cross over.

#### Thames Water

Standard comments regarding waste and drainage.

Trees and Woodlands

Comments remain outstanding at the time of writing. Any comments received will be reported at the meeting

### Public Comment

Comments have been received from 4 neighbouring properties and the Berkhamsted Citizens Association. They make the following points (please note these comments are in response to the original scheme, at the time of writing, no comments have been made to the amended scheme):

- No objection to the demolition of the bungalow
- The latest proposal is a welcome improvement on the previous plans
- The improvements to the previous application with a reduced number of houses and reduction in height are appreciated
- Proposal had addressed previous concerns in terms of density, roof line and parking
- Design is bizarre and ugly and does not sit well within the Conservation Area
- To introduction of two virtually identical houses of very modern design is too great a contrast with the existing properties, additional differentiation between the designs would reduce this impact
- The design and architectural style is not appropriate for the conservation area and does not blend with the surrounding houses and mix of architecture and has an urban / city feel
- Contemporary architecture is not objected to, but the design of the Pennant is disappointing and harsh
- The front terraces will look directly into the houses opposite
- Overlooking from the new terraces

### Considerations

The main issues of relevance to the consideration of this application relate to the policy and principle justification for the proposed dwellings, the impact of the development (in terms of scale, height, bulk and design) on the character and appearance of the street scene and Conservation Area, the impact on neighbouring properties, and the impact on car parking.

### Policy and principle

The NPPF states that housing applications should be considered in the context of the presumption of sustainable development. Similarly, Policy CS4 of the Core Strategy directs residential development to the towns, including Berkhamsted and within



established residential areas, where the application site is located. Policy CS17 seeks to promote residential development to address a need for additional housing within the Borough.

Specifically, the provision of new dwellings is supported in principle by Policy CS16 of the Core Strategy, and saved Policy 18 of the Local Plan.

The proposed development would result in a density of 34 dwellings per hectare (based on two dwellings on a plot of approximately 587m<sup>2</sup>). This would sit within the expected range of 30 to 50 dwellings per hectare outlined under saved Policy 21.

The existing bungalow does not have any particular architectural or historic merit and as such, there is no opposition to its demolition, subject to the quality of the replacement scheme.

The principle of the development is therefore considered acceptable in light of the relevant policies.

Impact of height, scale, bulk, layout and detailed design on street scene and Conservation Area

The existing bungalow does not have any particular architectural or historic merit and as such there would be no opposition to its demolition.

The application site is bounded by detached properties on this side of Doctors Commons Road and these are typically of a varied but modern, low profile design. The principle of a modern design is therefore not objected to and as noted by the Inspector, the previous pastiche scheme would not have been appropriate.

The overall height of the buildings has been kept low; the flat roof design means that the overall height will be lower than the buildings either side. It is however, noted that the neighbouring properties achieve some of their height in the form of a sloping roof and their eaves height is therefore lower than the parapet height of these proposed dwellings. Notwithstanding this, the proposed dwellings will not represent a greater bulk to the streetscene than the neighbouring buildings. This is achieved by a notable part of the first floor of each of the proposed dwellings being set back from the main front building line by 6m in the case of Plot 1 and 5m in the case of Plot 2. Thus, the two storey front building line will be broken, not only by the impact of this staggered building line, but also as a result of the gaps between the buildings. Furthermore, as a result of negotiations with officers, plot 2 has been reduced in depth by 2m and set back 1m within the plot to reduce the bulk in relation to the streetscene (when viewed from the south-west and in relation to Holly House).

It is therefore considered that the scale, height and bulk of the proposed development is acceptable given the context of the immediate surroundings and having regard to the comments of the previous Inspector and the Council's Conservation Officer.

In terms of site coverage across the width of the plot (taken at the front building line), this is set out as follows at ground level:

Existing bungalow - 93% (21.5m built form, across the total plot width of 23m)

Proposed scheme - 77% (17.8m built form, across the total plot width of 23m)

Refused and dismissed scheme - 87% (20m built form, across the total plot width of 23m)

At first floor, this is as follows:

Existing bungalow - 0% (although there is a low lying pitch roof to the bungalow)

Proposed scheme - 52% (12m built form, across the total plot width of 23m)

Refused and dismissed scheme - 87% (20m built form, across the total plot width of 23m)

In terms of the layout of the development within the plot a gap of 2m exists between the two proposed dwellings. To Holly House to the south-west, the gap is 2.3m, which is an increase compared with the existing by virtue of the fact that existing garage to the Pennant sits on the site boundary. To the north east, the gap between proposed Plot 1 and Treetops is reduced by 0.2m from 2.7 - 2.5m at the closest. The position of the dwellings within the plot allow 10.5m rear gardens with the inclusion of the covered lower ground floor terrace. The subdivision of the plot into 2, results in plot widths of 11 and 12m (plot 1 and plot 2 respectively). This is not at odds with the general plot widths in the area and wider than that of Treetops and Greensleaves. The design of the dwellings, with an integral garage, requires only 2 parking spaces on the frontage of the development. This will result in a considerable amount of the site frontage being available for soft landscaping. In overall terms therefore, the layout is considered appropriate to the context of the site and the gaps between buildings would still allow views out of the conservation area and across the valley.

It is therefore considered that the scale, height, bulk and layout of the proposed development is acceptable given the context of the immediate surroundings and having regard to the comments of the previous Inspector and the Council's Conservation Officer regarding the amount of solid form across the site. In particular, the Conservation Officer notes that that the proposal is moving in the right direction and the main outstanding point is that of solid form and gaps. However, for the reasons stated above, it is considered that the proposal is acceptable given the context of the site and the planning history.

In terms of garden space to the proposed dwellings, each would be provided with a rear garden of 10.5m including a lower ground floor terrace set underneath the projecting ground floor. This would fall short of the 11.5m standard garden depth; however it is important to note that the proposed dwellings each contain three bedrooms and for smaller family homes the allocated private amenity space would not be unacceptable. The neighbouring properties at Treetops and Greensleaves have slightly longer gardens, but they are narrower plots and in terms of garden area are not therefore dissimilar. In addition, each dwelling will also have a roof terrace. In

isolation, therefore, the shortfall of garden length for each dwelling would not be a reason for refusal.

The appearance of the proposed buildings is of a contemporary design. The principle of the contemporary approach is not objected to given the context surrounding the site on this side of Doctors Commons Road which comprises a mix of non traditional buildings. Following the original submission of the application, negotiations have been held with the applicants to try and address the concerns of the conservation officer. This has resulted in modifications to the design and materials. In particular the central panels will be brick: two different types are proposed in the form of a red brick for one plot and a yellow brick for the other plot. The remainder of the facades will be rendered off white. This is considered to be a better reflection of the materials and colour palette found within the street scene and immediate conservation area surrounding the site allowing the modern design to coalesce with its surroundings in response to one of the key concerns of the conservation officer to the original scheme. Furthermore, the amount of glazing in the form of balustrades as it would be visible in the streetscene has been significantly reduced as a result of the roof terraces being set back from the frontage.

The building has a three-storey presentation to the rear that would be visible from the rear of the neighbouring properties, particularly those either side. However, the depth of Plot 2 has been reduced to address the impact on Holly House and this in itself is not considered to constitute a reason for refusal given that no visual intrusion will be caused (see impact on residential amenity below). It is noted that the adjacent dwelling at Treetops is visible above rear garden vegetation from the perspective of Kings Road (between numbers 23 and 25), however, these views are just glimpses and the proposed dwellings are lower overall.

All aspects considered, the proposal would respect adjoining properties in terms of site coverage, scale, height, bulk and layout and would enhance the general character of the street scene and the Conservation Area. The contemporary design is in keeping with the mixed approach taken on this side of Doctors Commons Road and the amendments to the materials and colour palette relate to the locality. The proposal is therefore in accordance with Policies CS11, CS12 and CS27 of the Core Strategy and saved Policy 120 of the Local Plan.

Conditions are recommended removing certain permitted development rights such that the integrity of the scheme can be controlled.

#### Impact on neighbouring properties

The application site has three directly adjoining properties, including the dwellings either side at Treetops and Holly House, and the dwelling to the rear at No. 25 Kings Road.

Neither Holly House nor Treetops appear to have side-facing windows that would directly face the application site. The submitted plans demonstrate that the development would not intrude into a 45° line taken from the nearest rear-facing

windows within both dwellings. The proposed building would achieve a separation of 1m from the shared side boundaries and would not project excessively beyond the rear of both dwellings so not to result in unreasonable levels of visual intrusion or loss of light.

The proposed roof terraces to each property will be partially screened at each rear corner in order to prevent overlooking. Other than that, the terraces will look towards the rear garden areas of each of the properties, or will be along the sides of the proposed dwellings where no windows exist.

A distance of approximately 31.5m would be achieved between the rear walls of the proposed dwellings and No. 25 Kings Road. This property is set on lower ground relative to the application property, but given the distances involved, it is not considered the development would not result in unreasonable levels of overlooking. Furthermore, a tall, thick evergreen treeline exists between the two properties which appears to be on the neighbouring property outside the application site. Although the development would bring three three-storey elements closer to the shared rear boundary with No. 25 Kings Road, given the distances of the building from the boundary and the wide and generous rear garden dimensions (approximately 24m wide and at least 23m in depth) of the neighbouring property, it is not considered the proposal would have an adverse impact in terms of visual intrusion. The substantial landscaping within the neighbouring property would assist in screening of the development.

As such, the proposal accords with Policy CS12 (c) of the Core Strategy.

Conditions are recommended removing certain permitted development rights in order to preserve neighbour amenity.

#### Impact on access and car parking

The proposed site layout would provide two spaces for each dwelling which would result in a shortfall of 0.5 spaces from the maximum standard under Appendix 5 of the Local Plan. However, this is not considered to cause undue stress on the surrounding road network. The highway authority has raised no concerns with the proposals, subject to conditions regarding visibility splays and drainage.

#### Impact on Trees

At the time of writing, the comments of the tree officer are outstanding. However, the previous scheme, which had a greater level of built form, was not refused for impact on trees. There are no significant trees on the site, albeit that conditions are proposed regarding tree protection as the vegetation on the boundaries of the site form an important screen.

#### Sustainability

The applicant has only submitted a sustainability checklist from Appendix 1 of the Local Plan. However, it is stated in the design and access statement that the proposed

building would be highly sustainable and energy efficient, particularly given the modern building system proposed. Specific details regarding the sustainability credentials of the building, and about how the proposal would accord with the objectives of Policy CS29 of the Core Strategy, could be secured by condition as is recommended.

### Planning Obligations

In March 2015 the Council prepared a Clarification Note which confirms that planning obligations are not sought on schemes of less than 10 units in the urban area as set out in the governments Ministerial Statement from 2014 and the subsequent amendments to National Planning Policy Guidance. It is therefore not appropriate to seek planning obligations, or contributions towards affordable housing in connection with this proposed development.

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

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

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

- 2 No development shall take place until samples of the materials proposed to be used on the external walls (bricks and render) and roofs of the development shall have been submitted to and approved in writing by the local planning authority. Such details shall include a sample panel of the proposed brick work should the panelled system be utilised, including mortar. The approved materials shall be used in the implementation of the development.**

Reason: To ensure a satisfactory appearance to the development and in the interests of the visual amenities of the Conservation Area in accordance with Policies CS12 and CS27 of the Dacorum Core Strategy (September 2013) and saved Policy 120 of the Dacorum Borough Local Plan 1991 – 2011.

- 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, indicating the positions, design, height, materials and type of boundary treatment to be erected to the north-eastern and south-western (side) boundaries and the south-eastern (rear) boundary;**

- soft landscape works to the front of the properties which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- trees to be retained and measures for their protection during construction works;
- proposed finished levels or contours; and

The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted. Development shall be carried out in accordance with the approved details.

- 4 **Pedestrian visibility splays of 0.65m by 0.65m shall be provided, and thereafter maintained, on both sides on the entrances to the site, within which there shall be no obstruction to visibility between 0.6m and 2m above the carriageway.**

Reason: In the interests of the safety of persons using the access and users of the highway

- 5 **The proposed car parking spaces shall have measurements of 2.4m by 4.8m respectively. Such spaces shall be maintained as a permanent ancillary to the development, shall be paved and shall be used for no other purpose.**

Reason: To ensure the adequate provision of off-street parking at all times to minimise the impact on the safe and efficient operation of the adjoining highway.

- 6 **The development shall not begin until details of the disposal of surface water from the parking area have been submitted to and approved in writing by the local planning authority.**

Reason: To minimise danger, obstruction and inconvenience to highway users.

- 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 without the prior written approval of the local planning authority:**

**Schedule 2 Part 1 Class A, 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 ensure adequate private amenity space for the dwellings in accordance with policies CS12 and CS27 of the Dacorum Core Strategy and saved policy 120 of the DBLP 1991-2011.

- 8 **Notwithstanding any details submitted, prior to the commencement of the development hereby permitted, plans and details showing how the development will meet objectives of sustainable design and construction shall be submitted to and approved in writing by the local planning authority. The approved measures 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 sustainable development of the site in accordance with the aims of Policy CS29 of the Dacorum Core Strategy.

- 9 **Notwithstanding any details submitted, prior to the commencement of the development hereby permitted, plans and details of the privacy screening shall be submitted to and approved in writing by the local planning authority. The approved measures shall be provided before any part of the development is first brought into use and they shall thereafter be permanently retained.**

Reason: To enable the local planning authority to retain control over the development in the interests of ensuring adequate private amenity space for the dwellings and for protecting the amenity of the adjacent residential dwellings in accordance with Policies CS12 of the Dacorum Core Strategy (September 2013)

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

**9424-L-00-09-A**

**9424-L-00-10-A**

**9424-L-00-11-A**

**9424-L-00-12-B**

**9424-L-00-13-A**

**9424-L-00-14-A**

**9424-E-00-15**

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

Informatives

HIGHWAY INFORMATIVE:

The highway authority require the construction of the vehicle cross-overs 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. This includes any work to the existing street furniture that is required by the highway authority to which all costs will be borne by the applicant. 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.

All areas for 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, in the interest of highway safety and free and safe flow of traffic.

Article 31 Statement – negotiations required, then the development was acceptable.



## ITEM 5.07

**4/01454/15/OUT - CONSTRUCTION OF TWO DWELLINGS.  
HIGH DRIVE, AYLESBURY ROAD, TRING, HP234DJ.  
APPLICANT: MR. ED WHETHAM.**

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[Case Officer - Patrick Doyle]

### Summary

The application is for outline permission for two dwellings with all matters reserved. The key consideration is therefore can two dwellings be accommodated on the application site in principle with details considered at reserved matters staged. The scheme was originally for 3 detached dwellings, the proposal was later amended to 2 dwellings after discussions with the applicant.

The application is recommended for approval

### Site Description

The site consists of the large rear garden area of High Drive and its outbuildings, accessed from Chiltern Villas off Aylesbury Road. High Drive is a bungalow in a poor state of repair, the site has not been occupied for considerable amount of time.

The site has a mature setting bound by trees on the east boundary shared with St Francis de Sales School. Tall hedge like collection of vegetation on the west boundary and the site interspersed with other trees and vegetation the site is covered by a Tree Preservation Order.

The character of the area is predominantly residential with a mix of two storey and some single storey houses, principally in Edwardian and post war styles.

### Proposal

This is an outline application for two dwellings with all matters reserved including sustainability, materials, appearance, means of access & parking, landscaping, site coverage, layout, height, waste storage facilities and scale. The development is to include the demolition of existing outbuildings on site.

### Referral to Committee

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

It should be noted Tring Town Council objected to the original scheme. A consultation request was sent 28th May but Tring Town Council opted not to place the amended application on their agenda for their meeting on 8th June, this appears to be out of a misunderstanding regarding the outline nature of the application. Given the standing objection to the scheme the application is brought to committee for determination

### Planning History

None recent

## **Policies**

### National Policy Guidance

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

### Adopted Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS2 - Selection of Development Sites  
CS3 - Managing Selected Development Sites  
CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport  
CS9 - Management of Roads  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS13 - Quality of Public Realm  
CS17 - New Housing  
CS19 - Affordable Housing  
CS27 - Quality of the Historic Environment  
CS28 - Renewable Energy  
CS29 - Sustainable Design and Construction  
CS31 - Water Management  
CS32 - Air, Water and Soil Quality

### Saved Policies of the Dacorum Borough Local Plan

Policies 10, 12, 13, 15, 18, 19, 21, 22, 23, 58, 99  
Appendices 3, 5 & 7

### Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)  
Area Based Policies (May 2004) - Residential Character Area TCA 1: Ayelbury Road  
Accessibility Zones for the Application of car Parking Standards (July 2002)  
Planning Obligations (April 2011)  
Affordable Housing (Jan 2013)

### Advice Notes and Appraisals

Refuse Storage Guidance Note

## **Summary of Representations**

### Town Council

The Council recommended refusal of this application on the grounds: 1)

Overdevelopment of the site 2 or 3 bedroom dwellings would be more appropriate. 2) Road safety turning into Longfield Road & Aylesbury Road is dangerous because restricted vision of traffic entering Longfield Road from Aylesbury Road and for cars turning left onto Longfield Road and left again onto Aylesbury Road takes them onto the opposite carriage way. 3) The site is relatively large and is of ecological value. Any development should protect this aspect of the site. The application gives insufficient details of the measures taken to mitigate any impact of the development.

Tring did not respond to the consultation request sent 28/5/2015 regarding the change of description to two dwellings.

#### Hertfordshire Highways

I can confirm that we would be happy to commit to the use of the turning head to all vehicles in perpetuity, with this enforced perhaps by a planning condition. We recognise that the availability and use of the turning head would be an important mitigating factor.

#### Trees and Woodlands

(Awaiting final comments)

#### Hertfordshire Biological Records Centre

(Awaiting final comments)

#### Hertfordshire Fire & Rescue

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.
- Access routes for Hertfordshire Fire and Rescue Service vehicles should achieve a minimum carrying capacity of 15 tonnes.
- 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

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

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

- Not more than 60m from an entry to any building on the site.
- Not more than 120m apart for residential developments or 90m apart for commercial developments.

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

#### Contaminated Land Officer

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

#### Thames Water

##### Waste Comments

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

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

##### Water Comments

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

#### Response to Neighbour Notification

**(All responses received were in response to the original 3 dwelling proposal, no comments have been received with respect to the amended scheme of 2**

## **dwelling)**

### *1 Chiltern Villas - Obj*

I live in #1 Chiltern Villas and concur with all of the points articulated clearly by my neighbour at #4 Chiltern Villas which were posted on the Tring Council Website re: this planning application. I would add the following:

I was frankly disappointed that, despite receiving a verbal commitment from the Applicant at a residents consultation meeting at #8 Chiltern Villas on March 24th, this formal application provides no written commitment from the Applicant to commit to resurface and maintain the access way between High Drive and Longfield Road ("the access way") to an reasonable standard. It is quite clear to all who live here that this access way is currently sub-standard and has been so stated in the application documentation. Furthermore the reference in the planning documentation (the Application itself and the Transport Report) that this proposed development would cause a minor increase in vehicle movement is an understatement. Currently, when all spaces are filled there are approximately 10 vehicles parked outside Chiltern Villas/Gordon Villas residences. The addition of a further 6 constitutes a 60% increase in this vehicle movement up and down this access way which, is not insignificant and will undoubtedly increase the risk to safety and wear and tear of the access way. Secondly, I know that many residents have expressed concern about the challenge already for cars to reverse out of this access way onto Longfield Road. Not only does the driver have to anticipate traffic coming down to Aylesbury Road from Longfield Road (as well as looking out for pedestrians walking down the parallel pathway) but also the driver has to anticipate traffic turning into Longfield Road from Aylesbury Road itself from both directions. Furthermore, I would share my experience that it can be just as risky to road safety to exit in a forward direction if attempting to enter Aylesbury Road from this access in the direction of Tring town because the turning circle required can require the driver to enter the opposite lane of Aylesbury Road facing oncoming traffic coming from Tring which is very dangerous.

Whilst I do not have an major objection to the principle of building three houses in this proposed plot I would very much welcome as part of this application the requirement and commitment from the applicant to convert and maintain this access way to an more acceptable standard as well as coming up with a safer solution for entering onto Longfield Road from this access way. Surely the addition of a 4th bedroom to this design will generate enough profit on the venture even after committing to this enhancement to the access way.

### *2 Chiltern Villas - Obj*

I object to the proposed development on the following grounds:

1. Over-development. The current neighbourhood density is 15 per ha and the proposed development is 19 per ha, a 25% increase. A site visit would show that 3x 4-bedroom houses would not fit in the space allocated it would look cramped for the area.
2. Overlooking / loss of privacy. The proposed new houses would overlook all the gardens on Chiltern Villas, substantially increasing overlooking. Accepting this outline planning permission would result in a substantial increase in overlooking and loss of privacy.

3. Adequacy of parking. The proposed development of 3x 4-bedroom houses allows for parking of 2 cars per house within the development area. A family in a 4-bed house could well have more than 2 cars which would mean that the extra cars would be parked on Longfield Road leading further parking congestion on the road.

I urge the rejection of the proposal and outline plan as it stands. I sympathize with and understand that the current owner of the land wishes to sell and that housing development is the only economically viable use of that land. It is the scale of the development and its impact to which I object. I ask that the outline plan be revised to reduce the density (e.g. 3x smaller houses or 2x 4 bedroom houses) and that these houses be in keeping with the design of the road (e.g. in line with the existing row of houses that constitute Chiltern Villas and Gordon Villas

#### *4 Chiltern Villas - Obj*

As a near by resident and consultee of this application i hereby object on the basis of access via the existing private driveway, which passes Chiltern and Gordon Villas. Not only is the road not wide enough, it is currently in need of repair and would not withstand a further increase of traffic, both residential or construction, without significant aggregate and survey. Furthermore additional cars, would increase the likely hood of cars not being able to pass upon entrance or exit as there is no passing place. There is no mention of the plans to improve this surface of this access in the application, including widening or re-surfacing material that would be used. I would wish to see detailed, documented proposals for the resurfacing of this road access, with material which is sympathetic to the surrounding outlook (i.e. not tarmac). Furthermore i would wish to see legally binding agreement that residents of Chiltern and Gordon Villas continue to have the right of access and right to park out side their address. The road is not wide enough for construction traffic and there is a strong likely hood that damage would be caused to service pipes and local property as part of this development. Although i have no objection to the property in principle, not enough thought or planning has been made with regard to access and the impact and safety of residents of Chiltern and Gordon Villas, Longfield Road and Aylesbury Road. Turning from the existing private road on to Aylesbury road is not possible in one manouver if turing towards Tring town centre, so the turning point really is not an answer to this and raises further questions regarding safety.

#### *8 Chiltern Villas - Obj*

I would like to object on the following grounds:

1. *Over-development.* The neighbourhood density is 15 per ha; the proposal is 19 per ha; this is over 25% greater. A brief site visit easily shows that 3 3-4 bedroom houses will never 'fit' into the space provided.
2. The proposal cannot meet the relevant standards on the size of gardens.
3. *Overlooking.* The proposed new houses would overlook all the gardens on Chiltern Villas, substantially increasing overlooking. There is no reasonable way of fitting in the houses without this type of design and so accepting this outline planning permission would imply an increase in overlooking that is substantial in my opinion.
3. One of the outbuildings, it is has been said, is potentially of historic importance. I believe I was told that this building was the hunting lodge of a former king, taken from the forest and re-built in Tring - this may be inaccurate, but the historical significance

should be explored before any decision is made to demolish the lodge.

4a. *Road Safety - inaccurate assumption.* The application states that there is no turning circle at present. This is false. I live on the road at number 8 and turn every day in order to exit on to Longfield Road driving forwards. So the assertion that the introduction of a turning circle will improve safety is not completely true.

4b. *Road Safety - unsafe even if exiting going forwards.* There is no way one can exit Chiltern Villas without driving onto the wrong side of Longfield Road. This is a dangerous manoeuvre as (i) traffic may be turning off Aylesbury Road into Longfield Road (into your lane as you are, momentarily at least, on the wrong side of the road), (ii) you need to execute a 2-3 point turn in the junction and (iii) you are inevitably not paying sufficient attention to pedestrians who may be about to cross your path on the pavement, usually going to the allotments. On this last point, I narrowly missed a young family with children only a few weeks ago; the wall on Chiltern Villas 1a blocks your view until the last moment.

Unfortunately commercial arrangements have been put in place which mean that the only sensible development of the site (a series of houses in-line with the existing row) is not being tabled. I urge that this proposal is rejected.

### *7 Aylesbury Road - Object*

We would like to object to this development proposals on the following below bullet points.

- This proposal surely cannot meet the relevant garden size standards
- The development would incur increasing over looking on Chiltern Villas, there seems to be no reasonable way to build these house without this.
- I believe the neighboured density is 15 per ha, but the proposal is 19 per ha, so this would be 25% greater, so not sure how 3 x 3-4 bedroom houses will fit into the proposed space.
- Road safety must be the forefront of this development, but we cannot see how this will be met, the access to the junction at the bottom of the unmade road onto the main road is perilous at best. You cannot turn left without encroaching the other side of the road, and with the proposed development this obviously comes with much more traffic trying to attempt this manoeuvre, a fatal accident waiting to happen we feel.
- The existing unmade road has had a history of underground utility service problems and there is no way this road will cope with the development building traffic and extra house hold traffic. I believe that the sewage pipes are Victorian under this road, and we can foresee what will happen when brick, cement, and scaffold Lorries drive up this road on a near daily basis.
- We feel that the idea of this unmade road being used as an access for the development and future household traffic is ludicrous.
- We hope you can take these objections on board and come to the correct decision, and that is to reject the application.

### *26 Longfield Road - Comment*

In principal we support the utilisation of the site as it would represent an improvement on the current derelict property. However after careful consideration we object to the outline proposal on the following basis:

#### *Privacy and overlooking*

The development has the potential to significantly affect our privacy  
We welcome the engagement by the developer around impact to surrounding properties and the assurance that there will be no rear facing attic windows in the proposed plot three.

We do have significant concerns that the draft drawings for plot three (not on DBC's website, but shown to me by the developer) show two bedroom windows on the first floor of the rear elevation of plot three. In particular the one nearest to our property would significantly affect the privacy of our main living areas.

Our clear preference would be that any detailed application would only have opaque (e.g. bathroom) windows on the first floor where there is the potential for a view into our living areas.

If this can be accommodated then we would be more supportive. Unfortunately it would appear that this may be difficult to achieve due to the density of the development which is significantly higher than surrounding areas.

#### *Overdevelopment and traffic safety*

Access to the development would be from the unmade road that joins the junction with Aylesbury Road and Longfield Road. This is a difficult junction that affects road safety for drivers and pedestrians especially dog walkers and families such as ours that regularly cross to the allotments. The extra traffic movements from three plots plus the eventual redevelopment of the bungalow into one or more further plots will only add to the danger at this junction.

#### *Summary*

We strongly suggest that the site is only suitable for two plots not three and that would help resolve some of the objections regarding overlooking and traffic movements.

### **Considerations**

#### Policy and Principle

Core Strategy policy CS4 encourages appropriate residential development in Towns and Large Villages. The principle of a new dwelling in this location is acceptable and should be considered primarily against Core Strategy policies CS11: Quality of Neighbourhood Design, CS12: Quality of Site Design and saved DBLP appendices 3 - Site Layout for Residential Development & 7 - Small Scale House Extensions.

#### Effects on appearance of building

The design, height and scale are reserved matters of the application and will be assessed at the reserved matters stage should permission be granted. There is adequate land to ensure two additional dwellings would not lead to a cramped form of development, with scale and height and design to be agreed at reserved matters stage.

The outbuildings to be demolished have little architectural merit and their loss is



considered acceptable.

It is considered the development could achieve acceptability in accordance with Core Strategy policies CS11, CS12 and saved DBLP appendices 3 & 7.

#### Impact on Street Scene

The appearance and effect upon the street scene will be dealt with at reserved matters stage. Two dwelling subject to reserved matters could potentially integrate into the existing street scene satisfactorily. There is sufficient land to accommodate two low key dwellings which would be located in a position which would unduly impact upon the appearance or character of the locality.

The proposals will add to the bulk and amount of development in the street scene. Nonetheless the new dwelling will be behind High Drive and be rarely visible from the public realm. There is scope for the relationship with the neighbouring properties to have sufficient space either side of it to avoid undue massing and cramped appearance and spacing between the dwellings visually from the front and variation in the relationship to avoid an overly awkward relationship, respecting the character of the street scene sufficiently.

High Drive is an already uncharacteristic plot in its size for the area and its occupation by a bungalow, the prevailing character of the area is Edwardian family homes with some post war infill. A design could be achieved which would integrate with this character.

The loss of dishevelled outbuilding have no negative impact upon the character of the area.

Satisfactory garden areas could be achieved.

It is considered the proposal can preserve attractive streetscapes in accordance with CS11 and integrate with the streetscape character in accordance with CS12.

#### Impact on Highway Safety

The site is accessed by a private lane located just off Ayelsbury Road. The private lane serves 8 other dwellings and the lane is commonly referred to as Chiltern Villas. The lane slopes up towards the entrance to High Drive, is a quite poor state of repair and is an undulating stone and dirt lane way.

The Lane is only wide for single file traffic and it not possible to come and go in a forward gear, although there is scope for some properties to manoeuvre within their own private front drive to ensure they can exit in a forward gear.

Chiltern Villas adjoins an awkward junction Aylesbury Road and Longfield Road. Currently the majority of vehicular movements have to leave the Chiltern Villas by reversing out onto Longfield Road.

A turning head is to be provided to the benefit of all users of Chiltern Villas and Gordon Villas by way of a deed of grant should the development occur, which would allow

vehicles to turn more safely and leave Chiltern Villas in a forward gear. This is considered a substantial mitigating factor which would improve highway safety beyond the harm an additional two dwellings may cause in terms of intensification of use of the existing poor arrangement. Highways have also agreed the turning head would be an acceptable solution to mitigate the impact of development the turning head would improve highway safety.

There is adequate space on the site to achieve the turning circle for the benefit of other users of Chiltern Villas and for users of the proposed dwellings to turn within the site to come and go safely in a forward gear. Like wise there is sufficient space for emergency vehicles to be able to turn on site, however the detail of which will be subject to condition at reserved matters stage.

There is adequate room on site for an acceptable level of car parking to be achieved on site commensurate with the size of dwellings, details of which will be required by condition, therefore preventing on street parking demand which might compromise highway safety.

Noting resident concerns about highway safety, research into the accident record for the area indicates two accidents have occurred in the last five years one within 190m of the junction and the other 280m.

The lane is to be resurfaced to improve access for all users and ensure an access capable of accommodating emergency vehicles. The details of which will be required at reserved matters stage.

It is therefore considered in principle the site is capable of meeting the Core strategy policies CS8, CS12, saved DBLP policy 58 and appendix 5.

### Impact on Neighbours

Subject to reserved matters a scheme could potentially be put together which does not unduly compromise neighbouring amenity. A residential use is compatible with this residential area. Certainly there is potential for bungalow style development and/or sensitively locating windows and use of obscure glass to avoid visual intrusion of neighbouring dwellings.

### Ecology

An ecology report has been submitted which recommends that a bat survey is completed prior to demolition of the outbuildings as they offer some scope as a bat habitat. Should bats or other protected species be found then appropriate mitigation strategy shall be put in place. A condition would be attached to this permission should it be granted to that effect.

The remainder of the site is considered to be an unlikely habitat for protected species.

The proposals could therefore be capable of meeting statutory requirements with regards to consideration of protected species.

### Sustainability

The development is proposed within the Town of Tring in accessible location with bus stop close by.

The design of the buildings is a reserved matter however it shall be conditioned so as it accords with Core Strategy CS29 and meets code level 4 of sustainable homes or equivalent. This will ensure sustainable development occurs on site. Likewise permeable materials shall be used in the hardstanding areas to ensure sustainable drainage and mitigate any localised flooding that can be caused by excessive areas of hardstanding.

### Landscaping & Trees

Appropriate tree protection measures and landscaping will be required by condition so as the development will accord with CS11, CS12 and saved DBLP policy 99.

### Other Material Planning Considerations

The Government has issued a written ministerial statement on 28 November 2014 (House of Commons Written Statement - reference HCWS50) which 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 on to 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. Although floorspace has not been confirmed it is very unlikely a 1000 sq m of development would prove acceptable at this site.

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> and would therefore fall 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.

However there is a serious under provision of fire hydrants as identified in the response from the Hertfordshire Fire and Rescue service. Any future development could potentially be at risk of not being adequately served by Fire Hydrants putting occupiers and neighbouring properties at risk. A condition requiring the provision of fire

hydrants is attached should permission be granted.

### Permitted Development Rights

As many of the reserved matters are an unknown quantity, it is considered necessary to remove the permitted development rights at this stage as it is not possible to do so at reserved matters stage. Therefore, the permitted development rights contained within Schedule 2 Part 1 Classes A, B, C & E will be removed to allow the council to reasonably protect potentially adverse visual impact on the surrounding area and on the amenity of the occupiers of neighbouring properties and their future occupiers though uncontrolled development, in accordance with CS11 & CS12 and saved DBLP appendices 3 & 7.

### **Conclusions**

The principle of development is considered acceptable in this location. The size and location of the site give some scope for a scheme to be worked up which would have an acceptable impact upon the locality, neighbouring properties and future occupiers of the proposed dwellings, with potential highway issues mitigated by conditions leading to improved safety offered by the turning head and resurfacing of the road serving Chiltern Villas and access to the site.

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 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.

- 2 This is an outline application with all matters reserved including design, appearance, means of access, landscaping, layout and scale.**

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

- 3 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.

- 4 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 and boundary treatments;
- soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of trees and plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- proposed finished levels or contours;
- car parking layouts and other vehicle and pedestrian access and circulation areas;
- Waste/Recycling storage areas

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

Reason: To ensure a satisfactory appearance to the development and in the interests of the visual amenities of the locality in accordance with the aims of Policies CS8, CS11, CS12 & CS29 of the Core Strategy.

- 5 **Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the local planning authority.**

Reason: To ensure a satisfactory appearance to the development and in the interests of the visual amenities of the Conservation Area in accordance with the aims of saved policy 99 of the DBC Local Plan 1991 - 2011 and policies CS11, CS12 and CS29 the DBC Core Strategy.

- 6 **Prior to the commencement of the development hereby permitted details of a surface and foul water drainage system shall be submitted to and approved in writing by the local planning authority. The surface water drainage system shall be a sustainable drainage system and shall provide for the appropriate interception of surface water runoff so that it does not discharge into the highway or foul water system. The development shall be carried out and thereafter retained fully in accordance with the approved details.**

Reason: To ensure that the site is subject to an acceptable drainage system serving the development in accordance with the aims of Policies CS12 and CS31 of the DBC Core Strategy.

- 7 **The development hereby permitted shall not be occupied until details of proposed parking arrangements have been submitted, approved and shall not be used thereafter for any purpose other than the parking of vehicles associated with the approved dwelling houses.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities in accordance with the aims of saved policies Policies 54 & 58 and saved appendix 5 of the Dacorum Borough Local Plan 1991 - 2011 and Policies CS8 & CS12 of the DBC Core Strategy.

- 8 **No part of the development shall begin until details of visibility splays on both sides of all the proposed access (to residential element of the site at High Drive) shall have been submitted to and agreed in writing by the Local Planning Authority. The areas contained within the splays shall be kept free of any obstruction to visibility between a height of 0.6 m and 2.0 m above the carriageway.**

Reason: In the interests of highway safety in accordance with the aims of saved policies 54 & 58 and saved appendix 5 of the DBC Local Plan 1991 - 2011 and Policies CS8 & CS12 of the DBC Core Strategy.

- 9 **Details of the tree protection measures side shall be submitted and agreed in writing with the local planning authority prior to commencement of development.**

Reason: In order to ensure that damage does not occur to the trees during building operations in accordance with Core strategy policies CS11, Cs12 and Saved DBLP policy 99.

- 10 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:**

**Schedule 2 Part 1 Classes A, B, C & E**

Reason: To enable the Local Planning Authority to control future development which may give rise to adverse visual impact on the surrounding area and on the amenity of the occupiers of neighbouring properties and their future occupiers through uncontrolled development, in accordance with CS11 & CS12 and saved DBLP appendices 3 & 7.

- 11 **The details to be submitted for approval in writing by the local planning authority shall include details of the proposed slab, finished floor and ridge levels of the dwellings in relation to the existing and proposed levels of the site and the surrounding land. The dwellings shall be constructed in accordance with the levels that have been approved in writing by the local planning authority.**

Reason: To ensure a satisfactory appearance to the development and in the interests of the visual and residential amenities of the locality and satisfactory integration with the street scene in accordance with the aims of Policies CS11 & CS12 of the DBC Core Strategy.

- 12 **Notwithstanding any details submitted as part of the planning application, prior to the commencement of the development hereby permitted, plans and details showing how the development will be designed and constructed sustainable and to meet code level 4 or equivalent of the code for sustainable homes shall be submitted to and approved in writing by the local planning authority. The approved measures 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 sustainable development of the site in accordance with the aims of policy CS12 and CS29 of the DC Core Strategy.

- 13 **Schedule 5 of the *Wildlife & Countryside Act 1981 (as amended)* and Schedule 2 of the *Conservation of Habitats and Species Regulations 2010 (as amended)*, require due regard is paid to protected species, the proposed site has structures which are a possible habitat for bats. No bat survey has been submitted for consideration, prior to commencement the council a bat survey shall be conducted and submitted to the local authority, if protected species are found a mitigation strategy shall be agreed with the local planning authority and implemented prior to the demolition of the outbuildings.**

Reason: To observe statutory requirement to consider potential impact upon protected species and accord with Core Strategy policy CS29 (i) assessing and minimising impacts on biodiversity and incorporate positive measures to support wildlife.

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

**For the purposes of this condition:**

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

**A Phase II Report consists of an intrusive site investigation and risk**

**assessment. The report should make recommendations for further investigation and assessment where required.**

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

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development in accordance with Core Strategy policy CS32

- 15 **All remediation or protection measures identified in the Remediation Statement referred to in Condition 14 shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.**

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

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

Informative:

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

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

- 16 **Details of the resurfacing of the Chiltern Villas access road shall be provided and agreed in writing with the local planning authority prior to commencement of development. The access road shall be resurfaced as agreed prior to the commencement of development upon the dwellinghouses.**

**The development hereby permitted shall not commence until a deed of grant has been registered against the title of the property and a copy provided to the District Planning Authority which ensures that the hammerhead to be constructed on the access road to the development may be used as a turning area in perpetuity and without hindrance by**



**the owners and occupiers of Chiltern Villas.**

**Details of the hammerhead and its construction shall be submitted and approved by the local authority before the development commences. The hammerhead shall be implemented and be in operational use and lawfully available to other users of Chiltern Villas before any part of the residential development is commenced. The Hammerhead thereafter shall be maintained for such purposes.**

Reason: To ensure an appropriate means of access to the site for construction traffic and emergency vehicles and so as not to compromise highway safety. Also to mitigate impacts of development on the highway for all users of Chiltern Villas and proposed dwelling in accordance with Core Strategy policy CS8 & CS12 and saved DBLP policies 54 & 55.

- 17 **Detailed proposals for the fire hydrants serving the development as incorporated into the provision of the mains water services for the development whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and in accordance with the approved details thereafter implemented prior to occupation of any building forming part of the development.**

Reason: To enable appropriate development to occur, ensure a safe, sustainable form of development which provides for its own infrastructure for fire emergencies in accordance with core strategy policies CS1, CS4, CS12 & CS29.

- 18 **The outline permission hereby permitted is granted with respect to site location plan (scale 1:1250) PD01 Rev P1 all other submissions were for illustrative purposes only. Plans detailing the dimensions, height, scale, layout, materials of the dwellings and any associated outbuildings and access to them shall be submitted at the reserved matters stage and be approved by the local planning authority before development commences.**

Reason: For the avoidance of doubt and in the interests of proper planning and to ensure a satisfactory form of development in accordance with core strategy policies CS1, CS4, CS11 & CS12 and Saved DBLP appendices 3 & 7.

#### 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 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.

# Agenda Item 13

## ITEM 5.08

**4/00221/15/FUL - CONSTRUCTION OF DETACHED DWELLING WITH INTEGRAL GARAGE. NEW DETACHED GARAGE TO SERVE 2 ST MARYS AVENUE, CLOSURE OF VEHICLE ACCESS TO DARRS LANE AND FORMATION OF NEW VEHICLE ACCESS TO DARRS LANE. DEMOLITION OF TWO GARAGES. R/O 1 COVERT ROAD AND 2 ST. MARYS AVENUE, NORTHCHURCH, BERKHAMSTED, HP4 3RR.  
APPLICANT: JEVON HOMES (BURSTON) LTD.**

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[Case Officer - Joan Reid]

### Summary

The application is recommended for approval. The principle of residential development is considered acceptable in the site's location within a town and residential area. The proposed development would not have any adverse layout implications, and the proposed dwelling would be acceptable in terms of its appearance and would not detract from the street scene. The development would not have a detrimental impact on the amenity of neighbouring properties. The access and car parking arrangements are satisfactory. There would not be any significant harm to the important trees. The proposal is therefore in accordance with the aims of the National Planning Policy Framework, Policies CS4, CS11, CS12 and CS25 of the Dacorum Core Strategy (September 2013) and saved Policies 18,21,99 of the Dacorum Borough Local Plan 1991-2011.

### Site Description

The application site is located within the residential area of Northchurch, between St Marys Avenue and Covert Road, fronting onto Darrs Lane. The site comprises the two sections of the rear gardens of both number 2 St Marys Avenue and 1 Covert Road, both sections accumulatively providing the plot. The two existing gardens contains a detached garage with typical garden soft landscaping and there is an existing vehicular access from Darrs Lane to the site. The site is set in from the road by a landscaped strip and mature trees set between the road and a public footpath. The topography is such that it slopes from St Marys Avenue down towards Covert Road.

There is some variation of building types around the application site, including St Marys Avenue which is composed of bungalows, many of which have been extended and two storey semi-detached properties on Covert Road. The site directly faces onto two storey semi-detached properties on Darrs Lane.

### Proposal

The application seeks planning permission for the erection of a new dwelling together with garden and parking. The scheme also comprises the creation of a new access and garage to serve 2 St Marys Avenue

Amended plans have been received for the scheme which lessened the size and siting of the dormer windows.

### Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Northchurch Parish Council

## **Planning History**

None recently

## **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

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

CS17 - New Housing

CS29 - Sustainable Design and Construction

CS35 - Infrastructure and Developer Contributions

### Saved Policies of the Dacorum Borough Local Plan

Policies 13, 18, 21, 58 and 99

Appendices 3 and 5

### Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)

Area Based Policies (May 2004) - Residential Character Area

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

Planning Obligations (April 2011)

## **Summary of Representations**

### NorthChurch Parish Council

- Far too little amenity space
- Should the garage be developed, car parking will have to be either in the street or on the existing amenity space which is already inadequate
- Impact of drainage to neighbours garden should a blockage problem arise in the future(main drain runs through neighbours garden
- Safety issues regarding cars pulling out into Darrs Lane, this road is already a problem and will get worse when Durrants Lane development is completed
- Neighbours at the rear and at the rear will be overlooked.

- Another example of garden grabbing
- insufficient access at the rear should fire fighter need to fight a fire from the rear
- impact of the mature trees at the front, either the tree roots will be damaged or the property will be damaged by the roots.

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

Reason: In the interest of highway safety.

2) The development shall not begin until details of the disposal of surface water from the parking area have been submitted and approved in writing by the Local Planning Authority. Reason: - To minimise danger, obstruction and inconvenience to highway users.

3) All areas for 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

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

HIGHWAY INFORMATIVE: The highway authority requires the existing vehicle crossover that is not part of this scheme and therefore redundant, to be closed off and the kerbs raised to full height and the crossover reverting back to verge. Construction of the new crossover must 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.

Note Although the highway authority in principle has no objection to the construction of this house, the VXO works as detailed above need to be completed before occupation. On balance, this proposal is unlikely to have a significant impact on the safety and operation of the adjacent highway, consequently the Highway Authority does not consider it could substantiate a highway objection to this proposal. The Highway Authority has no objection subject to the above conditions to the grant of permission.

### Trees and Woodlands

I make no objection with regard to this application to construct a detached dwelling at the rear of 1 Covert Road and 2 St Marys Avenue, Northchurch.

The site is formed of land currently divided into two sections of rear garden. Each section contains a detached garage with typical garden soft landscaping. No vegetation of note is located within the gardens.

A large Chestnut tree is located on a highway grass verge between two existing driveways, access points to the garages. The Chestnut is owned by Herts County Council but managed by DBC through an Agency Agreement.

The proposal seeks to minimise the effect of development to the tree by leaving the

existing driveways as is. One would be utilised as a driveway for the new dwelling whilst the other would be blocked off.

Landscaping around the new dwelling is indicated in submitted plans; details should be provided of plant species, planting sizes and locations for assessment.

The demolition and construction phases of the scheme have potential to physically damage the Chestnut tree and cause soil compaction, affecting tree roots. In order to maintain tree health it will be necessary to install protective fencing and ground boards in proximity of the tree and surrounding grass areas. Protective measures would be expected to exclude vehicles, machinery and materials from all areas under the tree canopy. The parking of vehicles within this area and on the highway verge should not be permitted.

A plan of tree protection measures should be submitted by the agent / applicant for assessment and, if approved, installed prior to any ground works. An Officer of Trees & Woodlands should be contacted in order to inspect protective measures prior to the commencement of ground works.

#### Hertfordshire Biological Records Centre

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

I do not believe that protected species will be a constraint to this development proposal and I have no reason to request any ecological surveys in connection with this application. Therefore, the application can be determined accordingly.

Contaminated Land Officer

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

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

None

### **Considerations**

#### Policy and Principle

Policy CS4 of the adopted Core Strategy supports the provision of new dwellings within the residential areas of Towns and Villages. The NPPF promotes good design and advises that local planning policies and decisions should aim to ensure that developments are visually attractive as a result of good architecture and appropriate landscaping.

Policy CS12 of the adopted Core Strategy requires development to provide safe and satisfactory means of access and sufficient parking. Development should also avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties. Retention and enhancement of trees and will be expected and all development should respect adjoining properties in terms of; layout, security, site coverage, scale, height, bulk, materials and landscaping and amenity space.

Saved appendix 3 of the local plan should also be considered as it sets out good design practice for the layout and design of new dwellings in the residential area.

Area appraisal for Northchurch (BCA 19) states within this character area, that there are limited opportunities for plot amalgamation and infilling. In design terms, BCA19 recommends that in parts where there is a clear repetition of design styles of dwellings from the 1940s/1950s, the use of architectural themes and details on those buildings is strongly encouraged in new development. In particular, the use of angled front bays and tile hanging is encouraged. Also, the roof style should follow that of nearby and adjacent dwellings. Detached houses and bungalows are considered acceptable whereby the height should not exceed two storeys. Medium dwellings are encouraged. In terms of layout, the existing layout pattern should be followed and dwellings should front onto the road with gardens to the front and rear.

The scheme is considered to be acceptable in principle as it comprises a new dwelling within the residential area. There is no policy presumption against the redevelopment of gardens however the acceptability of this needs to be tested having regard to the impact of the proposal to streetscene, neighbouring properties, car parking provision etc. It is noted that there are a number of similar examples nearby in Northchurch which have been found acceptable for redevelopment of new dwellings including one recently at 45 Covert Road 4/00229/14/FUL.

#### Effects on appearance of building

The design, height and scale of the proposal is considered to be acceptable in design terms and indeed represents a good quality well proportioned property. The plans were amended as a result of discussions between the agent and the planning officer to realign the dormer windows in order to remove some bulk from the roof slope. As a result of this no objection is raised from a design perspective.

#### Impact on street Scene

One of the main considerations is the impact of the new dwelling to the character of the streetscene and area. The dwelling would sit at the rear gardens of number 2 St Marys Avenue and 1 Covert Road and comprises a chalet bungalow which fronts onto Darrs Lane. It is considered that the scheme has been designed with regard to the prevalent character of the area of which similar chalet bungalows can be seen. The siting of the dwelling is such that it fronts onto the road and it is not considered therefore to detract from the prevailing character of the area. The streetscene comprises both chalet bungalows and two storey properties and this scheme therefore would not depart in house type. Sufficient spacing is retained around the scheme to avoid a cramped development and whilst the dwelling is perpendicular to the properties on Covert Road and St Marys Avenue, it fronts onto the road, similar to the properties immediately opposite on Darrs Lane. Overall, it is not considered that the scheme would seriously detract from the character of the streetscene.

#### Impact on Trees and Landscaping

The site is formed of land currently divided into two sections of rear garden. Each section contains a detached garage with typical garden soft landscaping. No vegetation of note is located within the gardens. A large Chestnut tree is located on a

highway grass verge between two existing driveways, access points to the garages. The Chestnut is owned by Herts County Council but managed by DBC through an Agency Agreement. The proposal seeks to minimise the effect of development to the tree by leaving the existing driveways as is. One would be utilised as a driveway for the new dwelling whilst the other would be blocked off. No objection is raised to the new scheme in terms of impact on trees subject to conditions requiring protective fencing. The applicant has submitted a tree protection plan and method statement which has been submitted to the tree officer for comment.

### Quality of Accommodation

Appendix 3 sets out guidance for residential development and states that private gardens should normally be positioned to the rear of the dwelling and have an average minimum depth of 11.5 m. Ideally a range of garden sizes should be provided to cater for different family compositions, ages and interests. Appendix 3 goes on to say that a reduced rear garden depth may be acceptable for small starter homes, homes for the elderly and development backing onto or in close proximity, to open land, public open space or other amenity land. For infill developments garden depths which are below 11.5m but of equal depth to adjoining properties will be acceptable. Generally all gardens should be of a width, shape and size to ensure the space is functional and compatible with the surrounding area.

The proposal comprises a garden which is located to the side and front of the dwelling which is not normally ideal however, in this instance, it is considered that a practical and useable garden measuring approximately 100sq.m is being provided which is of a size proportionate to the chalet dwelling.

### Impact on Highway Safety

No impact is raised from the Highway Authority on highway safety with the exception of requiring the access to be completed before development of the dwelling. A Grampian Condition will be imposed requesting this provision.

The site makes provision for two car parking spaces (one within the garage and one fronting the garage) which is considered sufficient car parking provision for 3 bedroom dwelling within this location. Northchurch have raised concern that should the garage not be used for car parking this could result in a lack of car parking provision and this point is supported and considered. A condition will be imposed removing permitted development rights for conversion of the garage to safeguard adequate provision of car parking.

### Impact on Neighbours

The proposal has been designed to limit the impact of the proposal to the neighbouring properties. As such no objection is raised in terms of neighbouring amenity. There are not clear glazed windows on the first floor and as such it is not considered that there would be any significant overlooking to the neighbouring properties. Sufficient distances are retained between the rear elevations of 2 St Marys Avenue and 1 Covert Road to ensure that the new dwelling would not appear overbearing or visually intrusive and the scheme has also been designed with a low ridge height and eaves height to fit comfortably into the site without appearing overbearing to the neighbours. It is not considered that the scheme would result in any significant lost of light to the

neighbouring properties and overall no objection is raised on this basis.

### Sustainability

A sustainability checklist has been submitted setting out sustainability measures to be incorporated into the design in order to accord with policy CS29 of the adopted Core Strategy. No objection is raised.

### Other Material Planning Considerations

S106 - the scheme proposes 1 new unit and in November 2014, the Government announced changes to its Planning Practice Guidance. Among other things, those changes indicated that contributions for affordable housing and tariff style planning obligations should not be sought from small-scale developments of ten units or less.

### Contamination

The site is located within the vicinity of potentially contaminative former land uses. Consequently there may be land contamination issues associated with this site. The standard contamination condition has been applied to this development in order to ensure that any contamination is re mediated before the building commences.

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 to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development in accordance with policy CS12 of the adopted Core Strategy.

- 3 The windows at first floor level in the north west and eastern roof slopes of the dwelling hereby permitted shall be permanently fitted with obscured glass unless otherwise agreed in writing by the local planning authority.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with policy CS12 of the adopted Core Strategy.



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

Reason: In the interest of highway safety in accordance with policy 58 of the local plan and policy CS8 of the adopted Core Strategy.

- 5 **The development shall not begin until details of the disposal of surface water from the parking area have been submitted and approved in writing by the Local Planning Authority.**

Reason: - To minimise danger, obstruction and inconvenience to highway users in accordance with policy 58 of the local plan and CS8 of the Core Strategy.

- 6 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) (with or without modification) the garage hereby permitted shall be kept available at all times for the parking of vehicles associated with the residential occupation of the dwelling and it shall not be converted or adapted to form living accommodation.**

Reason: In the interests of highway safety and to ensure adequate parking provision is retained for the dwelling in accordance with policy CS8 of the adopted Core Strategy and appendix 5 of the adopted local plan.

- 7 **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:**

- (i) a survey of the extent, scale and nature of contamination;**

- (ii) an assessment of the potential risks to:
  - 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,
  - archaeological sites and ancient monuments;
- (iii) 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 11 of the adopted Dacorum Borough Local Plan 1991 - 2011.

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>

- 8 The trees shown for retention on the approved Drawing No. 2116-p1b shall be protected during the whole period of site excavation and construction in accordance with the plan protection plan.**

Reason: In order to ensure that damage does not occur to the trees during building operations in accordance with policy 99 of the adopted local plan.

- 9 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;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **proposed finished levels or contours;**

**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 CS12 of the adopted Core Strategy.

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

**2116-P2B**

**2116-P1B**

**2116-LP1**

**2116-s1A**

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

Note 1:

Highway Informative

The highway authority requires the existing vehicle cross-over that is not part of this scheme and therefore redundant, to be closed off and the kerbs raised to full height and the crossover reverting back to verge. Construction of the new crossover must 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.

Note 2: 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.

**4/00280/15/FUL - CONSTRUCTION OF FOUR 3 BEDROOM SEMI-DETACHED HOUSES.  
52 & 54 LOCKERS PARK LANE, HEMEL HEMPSTEAD, HP1 1TJ.**

**APPLICANT: Mr R Wittrick.**

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[Case Officer - Briony Curtain]

## **Background**

This application was deferred by Members at their meeting on 9th April 2015 for investigations to be undertaken in relation to the planning history of the site, including alleged refusals on this site.

A full history check of the application site; the rear of 52 & 54 Lockers Park Lane and that of the individual and adjacent sites, No.s 50, 52 and 54 has now been undertaken and is set out below;

## **Planning History**

### Application site

4/03183/14/PRE 4 NO. 4 BEDROOM SEMI DETACHED HOUSES  
Unknown  
18/12/2014

4/1552/94 – Two detached dwellings (Outline) – Granted

4/1669/91 – Two detached dwellings (outline renewal) – Granted

### No. 52 Lockers Park Lane

4/01496/13/FHA SINGLE STOREY FRONT EXTENSION AND TWO STOREY SIDE EXTENSION.  
Granted  
27/09/2013

### No. 54 Lockers Park Lane

4/00534/04/FUL DEMOLITION OF EXISTING GARAGE AND CONSTRUCTION OF DWELLING  
Refused  
21/04/2004

4/00231/75/FUL CAR PORT  
Granted  
30/06/1975

### No. 50 Lockers Park Lane

4/01537/92/4 DETACHED DWELLING  
Granted  
27/01/1993

4/01529/91/4 ERECTION OF 4 BEDROOM DETACHED HOUSE  
Refused  
02/01/1992

## **Considerations**

At the last committee and in representations received, residents and the ward councillor drew Members attention to several refusals of planning permission at the

site. Planning permission was refused in 2004 for a single dwelling to the rear of No. 54 Lockers Park Lane. This is the only refusal of planning permission in the immediate area. All other applications for additional residential accommodation at this and adjacent sites have been approved. The remainder of the refusals referred to by residents appear to relate to land tribunal appeals (dealing with restrictive covenants) and not planning appeals. The applicants agent has confirmed that the restrictive covenant preventing the construction of additional dwellings has now been lifted from the site. This is not therefore a matter for consideration.

With regard to the planning history of the site, notwithstanding the 2004 refusal, the principle of additional residential accommodation at the rear of the existing dwellings has already been established through the granting of outline planning permission in 1994 and 1991. Furthermore as set out in the original committee report the principle of the development would be acceptable in line with Policy CS4 of the Core Strategy and Saved Policy 10 of the Local Plan.

The main considerations in the determination of the application are thus the visual impact of the new dwellings and their impact on the residential amenity of adjacent properties. These matters have been addressed in the original committee report. In addition, in line with Members previous concerns, it is necessary to compare the refused scheme to that currently proposed.

With regard to the refused scheme it is considered materially different to that current proposed in the following ways;

- it related to half the current application site only,
- it proposed a single large, detached, 4-bed single dwellinghouse of significant height and prominent design, which related (in design and form) neither to the one and half storey chalet style dwellings to the north of Park Hill Road, nor the terraced two and three storey properties to the south of Park Hill Road.
- the rear garden depth was far less than that currently proposed and below the minimum standard required by policies.

## **Conclusion**

The current scheme seeks consent for two pairs of two and a half storey semi-detached dwellings, which, on balance, are considered to provide an acceptable transition in the street scene from the lower, large, detached dwellings to the north and the higher, terraced properties to the south. The site is situated in HCA 9; Hammerfield North wherein the development principles state that all types of housing are acceptable, however they should not exceed two-storeys in height unless they would adjoin three storey development and should be of a small to medium size. Variety in layout is acceptable, where a clear building line exists then this should be followed. The majority of these principles have been adhered to.

It is recommended that planning permission be granted in accordance with the details and conditions set out in the original committee report (below).

## **Summary**

The application is recommended for approval.

The application site falls within the residential character area of Hammerfield North (HCA9) in Hemel Hempstead. Policy CS4 of the Core Strategy states in residential areas appropriate residential development is encouraged. The character study for Hammerfield North (HCA9) states all types of development are acceptable as long as they respect that of adjoining and nearby development.

The proposed development would be sited within the residential gardens of No. 52 & 54 Lockers Park Lane, and would front Park Hill Road. The proposed development would comprise of 4 semi-detached dwellings with two off road parking spaces each and a rear garden depth of 11.5m.

The proposal is considered acceptable in accordance with National Planning Policy Framework, Policy CS4, CS11, CS12 of the Core Strategy 2013 and Policy 10, Appendix 3 and 7 of the Dacorum Local Plan.

### **Site Description**

The application site is currently the rear gardens of 52 & 54 Lockers Park Lane with the bottom of the rear garden occupied by detached garages. The surrounding area is characterised by a variety of dwellings with detached, semi detached and terraced properties found along Park Hill Road and the wider area of Lockers Park Lane. The surrounding area is within a residential area in the town and within character area Hammerfield North (HCA9).

The character study describes the surrounding area as: a wide variety of dwelling types found throughout with mainly two storeys and ranging from small to medium sized. On street parking is considered heavy throughout.

### **Proposal**

Full planning permission is sought for the construction 4 No. semi-detached dwellings within the rear garden of 52 & 54 Lockers Park Lane and would front Park Hill Road. The proposed dwellings would be set back from the main road and would accommodate two off road parking spaces each.

Each dwelling would measure 11.4m in depth, 4.3m in width and would have a maximum height of 8.2m with the eaves set at 4.6m high. The dwellings would be characterised by gable ends with two rooflights to the front and a flat roof rear dormers and a rear garden depth of 11.5m.

### **Referral to Committee**

The application is referred to the Development Control Committee due to the application being called in by Councillor Neil Harden who is a representative of Boxmoor Ward.

### **Planning History**

4/01496/13/FHA – Single storey front extension and two storey side extension – Granted

4/1552/94 – Two detached dwellings (Outline) – Granted

4/1669/91 – Two detached dwellings (outline renewal) – Granted

## **Relevant Policy**

### National Planning Guidance

National Planning Policy Framework (NPPF)

### Adopted Core Strategy

Policy NP1, CS1, CS4, CS11, CS12 and CS29

### Saved Policies of the Dacorum Borough Local Plan

Policies 10, 18, 21

Appendix 3, 5 and 7

### Supplementary Planning Guidance

Area Based Policies (May 2004) Character Area HCA 9 – Hammerfield North

## **Summary of Representations**

Comments received from Local Residents

### Mr Stobie from 10 Parkhill Road (07/02/15)

- We live at 10 Parkhill Road which means our house faces directly onto the proposed site
- Our concerns relate to extra traffic, and the inexorable increase of on street parking with 4 new dwellings.
- I can already count 11 cars already parked on the pavement between my house and the proposed site.
- Park Hill Road is narrow and cars park on the majority of the pavement to allow cars to pass.
- Permission for 4 new dwellings would directly increase the risk of accidents to people on already a precarious road.

### Mr Mogan from 8A Church Street (07/02/15)

- There is a covenant on the land to rear of Lockers Park Lane preventing a house from being built.
- This would not prevent permission but development will not start until the covenant is paid to be removed.
- Where the houses are proposed the road is quite narrow and would make parking into the new development difficult.

### Mr & Mrs Bevan 22 Park Hill Road (15/02/15)

- Restrictive covenants prevent construction of housing on the site
- Although the properties are set 26m apart, no mention is made for the ground level for my property in Park Hill Road which is considerably lower than the site
- The separation between the existing houses in Park Hill road and those proposes is approximately only 18m. If the proposes houses are built, my property in Park Hill Road would suffer serious overlooking and loss of privacy.
- The proposed houses are 3 storeys high having the main bedroom and bathroom considerably higher than the ridge of the houses in Park Hill Road. The houses if built would dominate and be visually intrusive to the existing houses.
- The design and appearance of the house sis out of keeping with the existing houses and would be at odds with all the homes close by.
- New houses will further increase the level of traffic, and the road is simply not wide



enough for vehicles to be parked on both sides. Access for emergency and service vehicles would be jeopardised and unacceptable.

- New housing will increase the flooding issues as the existing garden soils, trees and vegetation will be replaced with driveways, pathways and buildings.
- There are lesser houses with big gardens and these need to be preserved.

Mr & Mrs Hunt from 26 Park Hill Road (16/02/15)

- Restrictive covenants prevent construction of housing on the site
- Residential gardens should not be treated as brownfield sites.
- Originally were only supposed to be 8 properties built on the site
- Any additional housing would cause intolerable parking for current residents, difficulties of access and increase in traffic that would raise the risk for pedestrians.

Mrs Simpson from 14 Parkhill Road – (17/02/15)

- Access/parking - insufficient width in the road to accommodate additional traffic and parking demand.
- Height of houses will obscure light, feel imposing on the road and is not in keeping with design of houses opposite who are in a lower position on the road and will look up to very tall buildings.
- Design not in keeping with houses in closest proximity - although 3 storey exist further along the road the design and use of materials on these houses is not in keeping with their nearest neighbours.

Mr & Mrs Snowball from 28 Parkhill Road (16/02/15)

- The new properties would cause a serious loss of privacy and natural daylight along with overshadowing and visual intrusion
- New houses will further increase the level of traffic, and the road is simply not wide enough for vehicles to be parked on both sides. Access for emergency and service vehicles would be jeopardised and unacceptable.
- Park Hill Road is narrow and cars park on the majority of the pavement to allow cars to pass.
- Permission for 4 new dwellings would directly increase the risk of accidents to people on already a precarious road.
- Restrictive covenants prevent construction of housing on the site

Mr Holland from 56 Lockers Park Lane (13/03/15)

- Great news will bring more homes and jobs to Hemel

Noelle Hunt 26 & 18 Park Hill Road (08/02/15)

- Restrictive covenants prevent construction of housing on the site
- Council has refused planning permission on these sites on a number of occasions, and therefore should be rejected again.
- Would like the application deferred to Development Control Committee
- A petition consisting of 21 signatures from residents of Park Hill Road was also submitted

Consultations

Thames Water (28/01/15)

Waste Comments

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for

future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.

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.

#### 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.

### **Considerations**

#### Policy and Principle

Policy NP1 identifies areas where development will be concentrated with Hemel Hempstead being the focus for housing development within the borough, providing sufficient new homes to meet the natural growth of its population.

Policy CS4 of the Core Strategy states development will be guided to the appropriate areas within settlements. In residential areas appropriate residential development is encouraged. Making the most of underused land through new buildings is also encouraged by Saved Policy 10 of the Dacorum Borough Local Plan.

The application site is within close proximity to the town centre with many local facilities such as schools, shops, leisure centres, bus stations and main transport links such as the A414 and A4146.

#### Impact on Site Layout, Appearance of Building and Street Scene

The proposed 4 new semi-detached dwellings would be sited within the rear garden of 52 & 54 Lockers Park Lane and would front the road parallel at Park Hill Road. Appendix 3 of the Local Plan states the minimum distance of 23m between the main rear wall of a dwelling and the main wall (front or rear) of another should be met to ensure privacy. The rear wall of 52 & 54 Lockers Park Lane would be spaced approximately 26m apart from the rear wall of the proposed new dwellings and would therefore be considered appropriate in regards to spacing between the dwellings.

Residential development should provide private open spaces for residents and must have an average depth of 11.5m. Generally all gardens should provide a width, shape, and size to ensure the space is functional and compatible with the surrounding area. The proposed development proposes a garden depth of 11.5m with a small patio area and lawn, and would be in accordance with Appendix 3 of the Local Plan.

The proposed dwellings would be constructed from facing brick and slate roof tiles, would be two storeys high and comprise of 3 bedrooms including the loft accommodation. The Area Based Policy development principles state all types of dwellings are acceptable and new proposals should respect that of adjoining and nearby development. Dwellings should not exceed two storeys in height, except for cases where the proposal will adjoin three storey development and the character and appearance is not harmed, small to medium sized dwellings are acceptable and spacing should be at least within the medium range (2-5m).

The proposed development would measure a maximum height of 8.2m and would benefit from a bedroom within the loft. Along Park Hill Road a terrace row of 3 storey high dwellings can also be found and therefore the maximum height of the building would not be out of character with the surrounding area.

The proposed rear dormers would be set below the ridge line, pushed up from the eaves and set in from the flanks. These would be in accordance with Appendix 7 of the Local Plan.

The upper floor windows to the flank elevations of Dwelling No. 4 would either serve a bathroom/ en-suite or landing area. Although these would not look out onto any properties these would be conditioned to be obscure glazed so that the development does not prevent the land to the south east coming forward for development in the future in accordance with Policy 10 of the Local Plan.

The proposed development would respect adjoining properties in terms of layout, security, site coverage, scale, height and bulk therefore considered in accordance with Policy CS11 and CS12 of the Core Strategy.

#### Impact on Neighbours

All windows to the upper floor flank elevations of all four new dwellings that serve a bathroom would be conditioned to be obscure glazed, with the second window at first floor level serving a landing area.

The proposed development would be sited to the north east side of Park Hill Road and therefore the dwellings along the south west would not be adversely affected by the loss of sunlight as the sun would pass via the south from east to west. Furthermore the dwellings along Lockers Park Lane would be situated on a higher ground level.

#### Impact on Access and Car Parking

Each site would benefit from 2 off road parking spaces to the front and would fall outside of Residential Zone 1 & 2. Appendix 5 states 3 bedroom dwellings outside zone 1 & 2 require a maximum parking standard of 2.25 spaces. The Policy states the required number is a maximum number of spaces required and would therefore be in accordance with Appendix 5 of the Dacorum Local Plan. ample parking provision is

retained for the two existing dwellings off Lockers Park Lane.

### Sustainability

The proposal would be built to modern building regulation standards therefore improving the overall sustainable performance and general improvement of the property. The proposal is considered acceptable with reference to Core Strategy policy CS29.

### Planning Obligations

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 on to 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> and would therefore fall 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 specified on the approved drawings or such other materials as may be agreed in writing by the local planning authority.**

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

- 3 The windows at first floor and second floor level on all flank elevations of the proposed development hereby permitted shall be non opening and shall be permanently fitted with obscured glass unless otherwise agreed in writing with the local planning authority.**

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

- 4 Visibility splays of not less than 2.4 m x 33 m shall be provided before any part of the development hereby permitted is first brought into use, and they shall thereafter be maintained, in both directions from the crossover, within which there shall be no obstruction to visibility between a height of 0.6 m and 2.0 m above the carriageway.**

Reason: In the interests of highway safety.

- 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 Classes A, B, C & D**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality in accordance with Core Strategy policies CS11 and CS12, and saved DBLP appendix 7.

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

**[Wren naj 02a 2015 Rev A](#)  
[Wren naj 02d 2015](#)  
[Wren naj 02b 2014](#)  
[Wren naj 02c 2015](#)  
[Wren naj 02e 2015](#)**

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

Note 1: 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 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.

## ITEM 5.10

### **4/03601/14/FUL - DEVELOPMENT OF 2 NEW DETACHED DWELLINGS ON LAND ADJOINING OLD FISHERY HOUSE WITH ACCESS ROAD AND SINGLE GARAGE ATTACHED TO EACH DWELLING.**

**OLD FISHERY HOUSE, OLD FISHERY LANE, HEMEL HEMPSTEAD, HP1 2BN.**

**APPLICANT: The Estate of the Late D Ronald & Frances Ronald Will Trust.**

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[Case Officer - Briony Curtain]

### **Summary**

The application is recommended for approval.

The site is situated within the urban area of Hemel Hempstead, in Character area HCA 7: Boxmoor wherein residential development would be acceptable in principle in accordance with Policy CS4 of the Core Strategy and saved Policy 10 of the Local Plan. The development principles for HCA 7 identify that a range of dwellings styles are acceptable.

Old Fishery House is a relatively large detached house that has evolved in phases since the late C18th or early C19th and occupies a secluded position on the east side of Old Fishery Lane. The house sits close to the road with an extensive garden running down to the river and canal beyond. Several outbuildings cluster the frontage adjacent to the Lane. The property is considered worthy of local listing but is currently an 'undesigned heritage asset'. National and Local planning policy seeks to protect the setting of heritage assets and consideration must therefore be given to the impact of the proposed new dwellings on the setting of this important historic building.

The proposal would impact on the setting of the existing building. However, it is considered that the level of harm caused to its setting would not be significant enough to warrant a refusal. Although the setting of a heritage asset would be harmed, the merits of this scheme are balanced in favour of its approval for the following reasons;

- The new properties are set some distance within the plot allowing the main house and its outbuildings to remain the dominant building across the site. There would therefore remain a hierarchy in the buildings across the site, the new dwellings appearing as subservient, set back structures in comparison to the prominent historic building .
- The height of the proposed dwellings has been lowered, again to respect the hierarchy across the site,
- Limited visibility - the new dwellings would only be visible from immediately in front of the access drive, from all other public vantage points they would largely be screened from view. On the other hand, Old Fishery House and its outbuildings sit very close to the road and as such are imposing buildings in the street scene (most of the properties in this section sit a little back from the road, especially on the eastern side of the Lane). The proposal would not change the overall street scene in a significant manner.
- Old Fishery House is set in extensive grounds, such that even with the new dwellings and their respective gardens, a large garden remains to serve Old Fishery House and this extends right up to the canal to the north. It is concluded therefore that the remaining garden would adequately preserve the setting of the building.
- The new dwellings are situated to the west of the site, within the existing built up area, and in close proximity to surrounding properties; Heron House and the properties

of Moorland Road. The east of the site, towards the canal would remain open and undeveloped.

With regard to the design of the dwellings, the site is situated in character area HCA7 wherein a range of house styles are acceptable. On balance the design proposed is considered acceptable in this secluded location. There are other examples of recent dwellings of a range of designs in the immediate vicinity. Despite appearing as tandem development, the layout is in this instance considered acceptable. The site is sufficient in size to accommodate the development proposed and given it would only serve 2 dwellings the access would not cause significant harm in terms of noise or disturbance.

There would be no significant harm to the residential amenities of adjacent properties. The separation distances comply with the minimum 23m required, and the dwellings have been designed and orientated in such a way as not to give rise to significant privacy or overlooking issues.

The application site straddles the River Bulbourne and extends right up to the Grand Union Canal. Parts of the application site are situated within Flood Zones 2a and 2a, whilst the majority is classified as Zone 1. Importantly, the area to be developed is situated in Zone 1 and as such the Environment Agency are now satisfied (subject to conditions) that sufficient information has been advanced to ensure future residents are not at risk of flooding.

### **Site Description**

The application site is located to the east side of Old Fishery Lane and comprises the large rear gardens of Old Fishery House. The River Bulbourne cuts through the site along its east-west axis and curves up to the north-eastern corner. The Grand Union Canal lines the southern boundary. The site is very well treed with numerous, significant, mature trees and the southern section is entirely wooded.

Old Fishery House, is a large, detached, two storey, white painted building which, along with its smaller outbuilding to the north, dominates this section of Old Fishery Lane.

### **Proposal**

The application seeks Full Planning Permission for the construction of 2 detached dwellings to the east of Old Fishery House. The dwellings would be sited to the north-eastern corner of the site, adjacent to the River Bulbourne and would comprise two storey (with accommodation in the roofspace) buildings set at right angles to each other. The buildings would be accessed via a new drive running the length of the northern boundary and would provide 6 off street parking spaces. The dwelling of Plot A would be served by a small garden to the south of the building which would extend right up to the River. Plot B would be served by a much larger garden, also to the south, which would extend as far as the Grand Union Canal. New close boarded fencing would be erected to the east of Plot B separating the proposed dwellings from Old Fishery House. An 8m buffer has been provided to the river Bulbourne wherein there is not proposed to be any development.

### **Referral to Committee**



The application is referred to the Development Control Committee as it has been called in by Cllr Marshall.

### **Planning History**

No recent history .

### **Policies**

#### National Policy Guidance

National Planning Policy Framework (NPPF)  
Circular 11/95

#### 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  
CS17 - New Housing  
CS27 - Quality of the Historic Environment  
CS28 - Renewable Energy  
CS29 - Sustainable Design and Construction

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

Policies 10,  
Appendices 1, 2, 3,

#### Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)  
Area Based Policies (May 2004) - Residential Character Area  
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**

#### Env Agency

latest response

Thank you for consulting us on the amended Flood Risk Assessment (FRA) by Resilience and Flood Risk (16 March 2015, V2.0 ref1027B).

We have reviewed the submitted FRA and are satisfied that the proposed dwellings are 8 metres from the River Bulbourne and now located in flood zone 1. There has been enough information provided to demonstrate people will be kept safe from flood hazards and that all fencing will be left open. As the dwellings are now located in flood zone 1 the sequential test is not required. We remove our objection on inadequate FRA, providing that the

following condition is imposed on any planning permission granted.

**Condition** The development hereby permitted shall not be commenced until such time as a scheme has been submitted to ensure:

- finished floor levels are set no lower than 84.35 m above Ordnance Datum (AOD)
- The occupants register for the Flood Warning Service provided by the Environment Agency
- That fencing on land below 84.35m above Ordnance Datum AOD shall be open in style to allow the passage of floodwater without an increased flood risk. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority

### **Reason**

To reduce the risk of flooding to the proposed development and future users and to properties in the vicinity of the development site.

This condition is supported by your Local Plan policy CS31: Water Management.

### **Flood Defence Consent**

Under the terms of the Water Resources Act 1991, and the Thames Land Drainage Byelaws 1981, the prior consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the River Bulbourne, designated a 'main river'. All landscaping including gardens or structures, such as an outfall, within will require our consent. This is irrespective of planning permission granted.

### **Original comments**

Thank you for consulting us on the submitted Flood Risk Assessment (FRA) by Resilience and Flood Risk (2<sup>nd</sup> February 2015, V1.0 ref1027B). We have reviewed this FRA in line with the red line boundary shown in the site plan (drawing no. 990/2A).

We are in a position to remove our objection on the sequential test (ST), as evidence has been submitted within the FRA. It is for you as the Local Planning Authority to determine whether or not there are other sites available at a lower flood risk as required by the ST in the National Planning Policy Framework. Therefore you need to be satisfied with the evidence submitted, and decide if this development has passed the ST and first part of the Exception Test (ET). The FRA states that the new dwellings will be set back 8 metres from the River Bulbourne. Therefore we are in a position to remove our objection on proximity to the River Bulbourne.

As an FRA has now been submitted we are able to remove our absence of a FRA objection. We have reviewed the FRA and find it inadequate therefore we **object** to the grant of planning permission on this basis and recommend refusal. Until we are satisfied with the FRA the second part of the ET has not passed.

**Reason** The FRA submitted with this application does not comply with the requirements set out in paragraph 10 the National Planning Practice Guidance to the National Planning Policy Framework. 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. demonstrate that the development is outside Flood Zones 3b and 3a plus climate change and we cannot therefore assess the risk of flooding to the proposed residential units
2. demonstrate that people will be kept safe from flood hazards identified

3. show a plan with cross sections of the exact distance from the River Bulbourne
4. show all fencing within 8 metres from the River Bulbourne to be open so flood water can pass through

**Overcoming our objection** The applicant can overcome our objection by submitting an FRA which covers the deficiencies highlighted above and demonstrate that the development will not increase risk elsewhere and where possible reduce flood risk overall. In particular adequately addresses the discrepancy between the Finished Floor Levels stated in Section 5.1 and the datum used for the topographic survey.

### Conservation and Design

The application site is adjacent to the River Bulbourne and is an attractive rural location with open views across the water. The site is accessed via a narrow lane with no footpath.

Old Fishery House is a relatively large detached house that has evolved in phases since the late C18th or early C19th and occupies a secluded position on the east side of Old Fishery Lane (now a cul-de-sac). The house sits close to the road with an extensive garden running down to the river and canal beyond. The entire house is brick with slate roofs, the original core is rendered with stucco joint lines, otherwise the brick is painted white. Cast iron rainwater goods and timber fenestration throughout. The house has a late C18th or early C19th core, two storeys, square on plan with a hipped roof and central ridge stack. This appears to have faced south originally, with a principal heated room each side of the rendered ridge stack; the staircase was probably located to the north side. This was replaced in the second half of the C19th by a taller rectangular block with its own hipped roof, providing a large principal room facing east with a dog-leg staircase and entrance. Further service additions were made to the west of the original core with a narrow projecting gable with oversailing brick courses to the gable and a further wing with similar detailing to gable end extending west at right angles to this projecting gable, with rendered stacks at each end. Infill for stairs and service rooms creates a stepped layout on plan in the north-west angle. A glazed conservatory, part glazed roof wraps around the south-east corner of house and extends across the whole south and east façades of the original core. Fenestration consists of two 4-light casements, 3 panes per light to each of the south and east facades of the original core, with half glazed door between the two windows on the south side. The upper panes have slender Gothic tracery design, which is echoed in the later extensions.

Old Fishery House is considered an undesignated Heritage Asset. The National Planning Policy Framework (NPPF) describes heritage assets as “A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage assets include designated heritage assets and assets identified by the local planning authority (including local listing)”. Paragraph 129 of the NPPF states: “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal”.

Old Fishery House has been informally considered for local listing and it is the view of the Conservation & Design Team that the building is suitable for local listing. The procedure for local listing is being reconsidered by Cabinet in July 2015; following approval of the new designation procedure Old Fishery House will be formally assessed for inclusion on the Local List of Heritage Assets. As such the effect of this planning application on the significance of a non-designated heritage asset should be taken into account in determining this application.

I am very concerned at the siting and design of this proposal and consider that this would be detrimental to the setting of Old Fishery House by virtue of the number of dwellings proposed, the proximity of the parking to the heritage asset and the 'anywhere design' of the buildings.

For any proposal to be acceptable it needs to relate to the setting of Old Fishery House and its garden setting. In this regard no development is acceptable to the west in front of the main house. In addition I would suggest that for any development to be acceptable that the design needs to relate to historic character of the main building and sit comfortably as a group with the main house and the existing outbuilding.

#### Herts Highways

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

1. On site parking shall be provided for the use of all contractors, sub-contractors, visitors and delivery vehicles engaged on or having business on site in accordance with details to be agreed in writing with the local planning authority, in consultation with the highway authority, before the commencement of on site works.

Reason In the interest of highway safety and efficiency.

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.

Comments:

The proposal is for the construction of 2 new detached dwellings on land adjoining Old Fishery House with access road and single garage attached to each dwelling.

Access

The applicant indicates the development will involve a new access to the highway. Old Fishery Lane is an unclassified road with a speed limit of 30mph. The proposed access is acceptable in Highway grounds.

Parking

The applicant indicates there will be 6 parking spaces within the site to serve the proposed dwellings. Submitted drawing no 990/2D dated March 2015 shows sufficient space in front of the dwellings to provide parking for 4 on-site parking and a turning area so that vehicles can able to enter and leave the highway in forward gear. Under these circumstances I do not consider I could substantiate a highway objection to this development.

Conclusion

Hertfordshire County Council as the Highway Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highways and consequently have no objections on highway grounds

### Canal & River Trust

After due consideration of the application details, the Canal & River Trust has **no comments** to make.

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 302 591 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.

### Trees and Woodlands

The scale bar attached to the plans appears to be inaccurate but provided the new building is to be 17 metres from the tree, that is sufficient, so long as the root protection zone is suitably protected, whether anyone wants to live 17 metres from a mature beech tree is another matter.

The belt of trees on the northern boundary provide good screening and site separation. All their root systems all extend out into the area where there will be a lot of vehicle movement in connection with building the new houses and finally the new access road constructed.

Please condition:

A tree survey in accordance with BS 5837 for trees only to the north of the river and further work to demonstrate, i) how the beech trees will be protected during construction ii) how trees on the northern boundary will be protected both during construction and as a consequence of the new access road being put in.

### Hertfordshire Biological Records Centre

Thank you for consulting *Hertfordshire Ecology* on the above application. We previously provided comments in our letter response dated 14/04/2015. I still consider our comments to be applicable, please see below.

*Comments taken from our previous letter response, dated 14/05/2015:*

#### Ecology Report

Thank you for sending me a copy of the ecology report for the above site, for which I have the following comments:

1. The site already had three mature ash trees felled before the survey was undertaken, so any ecological impact of this action had already occurred.
2. Three remaining trees with bat potential and other ecological interest (invertebrates – woodpecker holes) will be affected, two needing to be removed.
3. No evidence of water vole was recorded and mitigation measures will ensure that the river bank habitat will not be directly impacted by the proposals.
4. Although bird nesting habitat will be removed, no evidence of badgers or good reptile habitat was recorded.
5. It is recommended that tree works are undertaken in the presence / under supervision of a bat ecologist, given the potential these have for bats and the impact of the works - Recommendations 1 and 3.
6. Overall increase in disturbance to the river is not considered to be significant given the nature of existing development within the river corridor. However I consider that given the site originally supported several mature ash trees which have now been removed, it previously provided a better ecological resource locally than is currently present. The riverside bank habitat with its marginal vegetation in Photo 7 is also clearly natural and is of good ecological quality. Given that one new house will be 5m from the river edge, in any event, protection of the river habitat should follow the advice outlined in Recommendation 4.
7. General vegetation removal should be undertaken outside of the bird nesting season or following prior inspection, as per Recommendation 5.
8. Landscaping should replace habitats lost to the development – namely trees, shrubs and climbing plants (Recommendation 6).
9. The wood chippings pile should be removed with due caution given the potential this has for attracting a range of wildlife, some of which (reptiles) will be protected - Recommendation 7.
10. There has clearly been some locally significant habitat removal within the site before the survey was undertaken, but I consider the survey to be a fair and reasonable reflection of the existing ecology as observed. No particular special interest was recorded other than features which are clearly used by wildlife and have the potential to support protected species. These issues should be dealt with as outlined within the recommendations of the

report. **The LPA may consider making the Recommendations subject of an Informative** should the application be approved – not all the recommendations may be appropriate to be subject to a Condition. **I assume the development will be subject to an appropriate landscaping scheme to the satisfaction of the LPA.**

11. On this basis **I consider the LPA is fully informed with respect to the ecological sensitivity of the application site and the impacts of the proposals**, and should **seek to ensure the recommendations as outlined in the report are followed** when determining the application.

12. I have no reason to consider there are any other ecological issues associated with this proposal, **which may be determined accordingly.**

#### Environmental Health - Contaminated Land Officer

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

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

Online Petition comprising 359 signatures.

Representation received from No.s 8, 14, 15, 19, 24, 26, 30, 32, 34, 36, 38, 40 Moorland Road, Old Fishery Cottage, Longview, Coach House, Heron House, Five Elms, 7 & 12 Cangel Close, 55 Lawn Lane, 19 St Nicholas Mount, 33 Chipperfield Road, Numerous unknown addresses. Boxmoor Trout Fisheries Ltd.

- Inappropriate 'tandem' development
- Amended scheme dwellings are even closer to Moorland Road
- Old Fishery House is a significant historic dwelling dating back to the early 18th century. The house and grounds are a focal point with the community along with the historic watercress gardens
- Overdevelopment of the site
- Increased visual intrusion and overlooking to adjacent dwellings
- Inadequate services
- Visual implications from the Moor and the canal
- Dangerous access
- Concerns over the integrity of the paved driveway close to the application site which would be used for turning
- The development would give rise to noise and light pollution
- size and style of dwellings is not in keeping with the area
- the lane is heavily used by cyclists and walkers
- there is a weight restriction on the bridge and it is in danger of collapse if heavy delivery lorries use it to turn
- the development would threaten wildlife
- Fishery Lane is a very narrow lane with no passing or turning space, the development would adversely affect safety
- the increase in traffic and pedestrians would adversely affect safety
- The dwellings would be sited too close to the River Bulbourne and would thus be at a high risk of flooding.
- there are many mature trees across the site which should be protected before they

are removed

- The boundary line on the western and north-western edges of the lake, bank and river are incorrect
- the adverse environmental and wildlife implications may impact adversely on the area of our property that adjoins the site.

## **Considerations**

### Policy and Principle

The site is situated within the urban, residential area of Hemel Hempstead wherein the principle of the development is considered acceptable in accordance with CS1 and CS4 of the Core Strategy. Saved Policy 10 of the Local Plan also applies with regard to ensuring the efficient and optimal use of Urban Land.

### Design & Layout.

Policy CS11 of the adopted Core Strategy (Quality of Neighbourhood Design) states that within settlements and neighbourhoods, development should:

- a) respect the typical density intended in an area and enhance spaces between buildings and general character;
- b) preserve attractive streetscapes and enhance any positive linkages between character areas;
- c) co-ordinate streetscape design between character areas;
- d) protect or enhance any positive linkages between character areas;
- e) incorporate natural surveillance to deter crime and the fear of crime; and
- f) avoid large areas dominated by car parking.

Secondly, policy CS12 (Quality of Site Design) 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 streetscene character; and g) respect adjoining neighbours in terms of:

- i) layout;
- ii) security;
- iii) site coverage;
- iv) scale;
- v) height;
- vi) bulk;
- vii) materials; and
- viii) landscaping and amenity space

The specific development principles for this area are set out in Saved HCA7:Boxmoor



- Design: Style of new dwellings may vary, but the scale, height and orientation of new proposals should follow that common to the street scene and to the nearby and adjacent dwellings
- Type: Semi-detached and terraced dwellings are encouraged. Detached dwellings may be acceptable where those types forms the majority of nearby and adjacent development.
- Height: Should not normally exceed two storeys in height.
- Size: Small to medium sized dwellings are acceptable, large scale bulky development will not normally be acceptable.
- Layout: Proposals should normally maintain a close to medium spacing (less than 2m or between 2m and 5m). Dwellings should front onto the highway following a straight, formal building line.
- Density: Development should be provided in the high density range, (35 to 50 dwellings/ha) although lower densities will be required in areas where the predominant density of below those in this range.

As stated the site falls within the Boxmoor Character Area HCA7 (1). Area 1 is the older central core dating from the 19th century featuring much Victorian and Edwardian development. However, this has been progressively infilled with housing from all ages onwards, such as Moorland Road. All types of dwellings are represented with a variety of architectural styles throughout. The height is mostly two storey with generally small to medium size properties.

Despite the Conservation Officers comments ('anywhere design'), on balance, the design and layout of the dwellings proposed is considered acceptable in this secluded location. The proposed dwellings appear two storeys in height with accommodation in the roofspace. The dwellings are situated at right angles to each other and appear as a mirror image. They both comprise two storey gabled roof dwellings with projecting gabled front and rear wings. A smaller gabled porch is provided to the front and a dummy pitched attached garage is located to the side. Their design does not relate to the existing building Old Fishery House but according to the agent draws together numerous features from surrounding dwellings.

The dwellings to the south-western corner of Moorland Road, the properties of Cangel Close and indeed some properties on Old Fishery Lane itself (Bargemoor and Five Elms) are two storeys / two and a half storeys in height, and all exhibit a wide variety of design features including large projecting front gabled wings, side dormers, flat roofs, and dummy pitched roofs. Heron House, the new dwelling which has been constructed immediately adjacent to the entrance of the application site, whilst one and half storeys in height, comprises a large projecting front gable. Given the vast variety in the area, the design proposed is considered acceptable and would not cause significant harm to the surrounding area.

The dwellings proposed are not considered of any architectural merit but would relate to other dwellings in the vicinity. Furthermore given their set back position, behind Old Fishery House, and their limited visibility from public vantage points, it is considered that their visual impact on the overall character and appearance of the wider area would be minimal. A refusal could not be sustained. The dwellings are set back some distance within the site and accessed via a relatively long driveway situated between a new property 'Heron House' and the sizeable outbuilding of the main property 'Old Fishery House'. The site access is fairly limited in width and as such views of the new dwellings, especially that of Plot B would be fairly restricted. The 2 new dwellings are

set at rights angles to each other with an adequate separation distance. In terms of layout the site is considered to be of sufficient size to accommodate the units proposed.

#### Effects on Old Fishery House.

Objections have been received from the Conservation Officer however at this time it is considered a refusal could not be sustained.

Whilst considered worthy of Local listing, Old Fishery House is currently an undesignated 'Heritage asset'. Policies of the NPPF and Policy CS27 of the Core Strategy seek to protect the integrity, setting and distinctiveness of designated and undesignated heritage assets.

Notwithstanding the comments of the Conservation Officer, the proposed dwellings are set some distance from the main property and its outbuildings and as such would not have a significant impact on their overall setting. A large garden, would remain to the north of the main house which would help preserve the overall setting. The height of the proposed units has been lowered to respect the hierarchy of the buildings across the site and to allow Old Fishery House to remain the dominant building on the site. Old Fishery House and its outbuildings front the lane and are visible for a distance both ways down the lane, they do therefore appear as prominent buildings in the area. This would not change as a result of the proposal. The new properties would only be visible from directly in front of the access drive, adjacent to the existing outbuilding. On balance it is concluded that a refusal could not be sustained.

#### Impact on Trees and Landscaping

The site is very well treed with numerous mature trees across its entirety. The site is not currently the subject of any Tree Preservation Orders. The Woodlands Officer is satisfied that the new dwellings can be accommodated on the site without harm to any significant mature trees (most notably the Beech). The new properties would be 17m from the Beech tree which is considered acceptable. It is recommended that conditional approval be granted. Full details of the trees to the north of the river will be required. In addition the new driveway is located in close proximity to a line of trees along the northern boundary. A scheme to show measures for their protection will be imposed.

#### Impact on Highway Safety

Old Fishery Lane is an unclassified Lane with a 30mph speed limit. The proposed access to the 2 new dwellings is considered acceptable and would not adversely affect the safety or operation of the highway. The Highways Authority have not raised any objections. Each of the new dwellings would be served by an attached single garage and an additional area for the communal parking of 4 vehicles would be provided to the east of Plot B. The provision of 3 parking spaces per 5-bedroom dwelling is considered acceptable in this location and despite exceeding the maximum demand based standard set out in Appendix 5 of the Local Plan it is considered that a refusal on an over provision of parking in this secluded unsustainable site could not be sustained.

#### Impact on Neighbours

The proposed dwellings would not have a significant adverse impact on the residential amenities of surrounding dwellings in terms of light, privacy or visual intrusion. The scheme thus complies with Policy CS12 of the Core Strategy.

With regard to the existing properties of Moorland Road, notwithstanding residents concerns, the new dwellings would be sited over 26m away, which more than complies with the required 23m back to back distance set out in the Local Plan. In addition, the side elevation of the dwelling of Plot A, which is the nearest dwelling would only have a single window at first floor level and this is proposed to be of obscure glaze. The separation distance and lack of windows would ensure an acceptable level of privacy is maintained to No.s 34, 36 and 38 Moorland Road. Similarly given the spacing between the buildings, despite the new properties appearing two storeys in height (with accommodation in the roof-space) it is concluded that they would not appear significantly visually intrusive or overbearing.

The relationship of the new properties to the main dwelling Old Fishery House is also considered acceptable. There are two windows to the eastern flank elevation but these are to be obscure glazed and as such would not give rise to any concerns.

With regard to the residential amenities of future residents, the dwellings have been designed in such a way as to not overlook each other and do provide an acceptable level of privacy.

#### Flood Risk

The application site is located in very close proximity to the River Bulbourne and the Grand Union Canal. Objections were originally received from the Environment Agency but following additional Flood Risk Assessments and amendments to the proposal these objections have been removed. The Env Agency are now satisfied that enough information has been provided to demonstrate people will be kept safe from flood hazards and that all fencing will be kept open. As the dwellings are now located in Flood Zone 1 the sequential test is no longer required. It is now recommended that conditional approval be granted. Despite continued neighbour concerns and objections relating to flood risk, the position of the new dwellings has been amended as a direct response to the Env Agency's requests and they are now sited over 8m from the water course. A refusal based on Flood Risk and the proximity of the proposed dwellings to the River Bulbourne could not be sustained.

#### Sustainability

A sustainability checklist has been submitted as part of the application and whilst it addresses some issues it lacks any detailed information. A condition requiring additional information will be imposed.

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

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

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

- 2 **No development shall take place until samples of the materials proposed to be used on the external [walls/roofs] of the development shall have been submitted to and approved in writing by the local planning authority. The approved materials shall be used in the implementation of the development.**

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;**
- **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;**

**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.

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

**A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a**

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

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

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

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

- 5 All remediation or protection measures identified in the Remediation Statement referred to in Condition 4 shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.**

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

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

Informative:

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

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

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:**

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

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.

- 7 **No development shall commence until a scheme to confirm the following has been submitted to and approved by the LPA.**

- **finished floor levels are set no lower than 84.35 m above Ordnance Datum (AOD)**
- **The occupants register for the Flood Warning Service provided by the Environment Agency**
- **That fencing on land below 84.35m above Ordnance Datum AOD shall be open in style to allow the passage of floodwater without an increased flood risk.**

**The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority**

Reason: To reduce the risk of flooding to the proposed development and future users and to properties in the vicinity of the development site. This condition is supported by your Local Plan policy CS31: Water Management.

- 8 **The development hereby approved shall be constructed fully in accordance with the details and recommendations set out in the submitted Ecological Assessment (dated March 2015).**

Reason: To conserve and enhance protected and priority species populations in accordance with CS26 and NPPF para 118.

- 9 **Notwithstanding any details submitted as part of the planning application, prior to the commencement of the development hereby permitted, plans and details showing how the development will provide for renewable energy and conservation measures, and sustainable drainage and water conservation shall be submitted to and approved in writing by the local planning authority. The approved measures 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 sustainable development of the site in accordance with the aims of Policy 1 of the Dacorum Borough Local Plan 1991 - 2011 and adopted Supplementary Planning Guidance.

- 10 **No development shall commence until further tree surveys and details have been submitted to and approved in writing by the Local Planning**

## **Authority.**

**These details shall include; a full tree survey in accordance with BS 5837 for all the trees north of the River, details of how the Beech trees will be protected during construction and how the trees to the northern boundary will be protected both during construction and as a consequence of the new access road being provided.**

Reason: To safeguard the visual amenity of the area and the health and amenity of the trees.

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

**990/1C**

**990/2E**

**990/3C**

**990/4D**

**990/5B**

**Flood Risk Assessment (dated March 2015)**

**Ecological Assessment (dated March 2015)**

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

## 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.

## INFORMATIVES

- The applicants is advised that under the terms of the Water Resources Act 1991, and the Thames Land Drainage Byelaws 1981, the prior consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the River Bulbourne, designated a 'main river'. All landscaping including gardens or structures, such as an outfall, within will require our consent. This is irrespective of planning permission granted.

*"The applicant/developer is advised to contact Osi Ivowi on 01908 302 591 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".*

# Agenda Item 16

## ITEM 5.11

**4/01813/15/FUL - DEMOLITION OF EXISTING DWELLING AND ERECTION OF TWO NEW DWELLINGS.**

**7 PICKFORD ROAD, MARKYATE, ST. ALBANS, AL3 8RS.**

**APPLICANT: Mr Bray.**

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[Case Officer - Tineke Rennie]

### Summary

The application is recommended for approval.

### Site Description

The site is a single storey dilapidated bungalow situated in proximity to the village core and within the Markyate conservation area. The bungalow sits centrally on a spacious plot that slopes up from Pickford Road with a driveway providing vehicle access to parking spaces in front of the dwelling.

A terraced row of Grade II listed dwellings are located directly opposite the site. A terrace of more modern dwellings with a staggered building line adjoins the Grade II listed buildings. The dwellings on the south-east side of Pickford Road are predominantly modern, two storey detached and semi-detached properties set back from the road with generous frontages and driveways with the provision of off-street parking.

The existing single storey bungalow does not relate to the scale, character and design of adjacent properties. Planning permission for demolition of the bungalow and a staggered terrace of three replacement dwellings on the site was refused on 16th February 2015 (ref. 4/03142/14/FUL) on the grounds that:

*The proposal would constitute a cramped form of development and the stepped design of the dwellings together with the architectural detailing and massing will fail to make a positive contribution to local character and distinctiveness of the area nor respect adjoining properties in terms of layout, scale and bulk.*

The applicant has taken into account the reasons for refusal and submitted an amended scheme which reduces the proposals from three to two new dwellings.

### Proposal

The proposals are for the demolition of the existing bungalow and construction of two semi-detached dwellings with attached garages. The dwellings would include living space on the ground floor, three bedrooms to the first floor and an additional bedroom located in the roofspace. A semi-circular driveway accessed from a centrally positioned dropped kerb is proposed within the frontage with off-street parking spaces for each dwelling. Private outdoor amenity space of 260m<sup>2</sup> and 259m<sup>2</sup> respectively is proposed for each dwelling.

The dwellings would be based on a traditional 'cottage-style' design with a pitched roof and traditional windows and fenestration detail. Chimneys are proposed to each dwelling with single roof lights to the front elevation and flat roofed dormers to the rear.



Following comments from the Conservation and Design officer the application has been amended to include a plat band in contrasting brick to the front elevation which winds around the side elevation to the recessed garage. A "blind" window feature has also been introduced to the flank walls.

Windows are to be timber throughout with a contrasting brick arched head above at ground floor level. Walls are to be in facing brick.

### **Referral to Committee**

The application is referred to the Development Control Committee due to the contrary views of Markyate Parish Council.

### **Planning History**

4/03142/14/FUL    DEMOLITION OF EXISTING DWELLING AND ERECTION OF THREE NEW  
                         DWELLINGS  
                         Refused  
                         17/02/2015

### **Policies**

#### National Policy Guidance

National Planning Policy Framework (NPPF)  
National Planning Policy Guidance 2014

#### Adopted Core Strategy

CS1 - Distribution of Development  
CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS13 - Quality of Public Realm  
CS18 - Mix of Housing  
CS29 - Sustainable Design and Construction  
CS35 - Infrastructure and Developer Contributions  
Markyate Place Strategy

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

Policies 13, 18, 58, 99 and 120  
Appendices 3, 5 and 7

#### Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)  
Planning Obligations (April 2011)

## Summary of Representations

### Markyate Parish Council

Object.

The objections are to the height of the fencing which will cause restricted sight. Will create a more dangerous junction. More traffic in and out causing safety issues. Has only fixed parking for 2 houses, will cause problems with additional vehicles. The change of planning officer feel with not enough overall knowledge of area. Concerned not going to full committee. Why is there no conservation report or highways report included.

### Conservation and Design

I've looked at this proposal and the reduction from three to two dwellings appears to reduce the sense of an overcrowded site.

From a design perspective, the elevation might be improved by introducing a plat band between the ground and first floor levels and building a blind window at first floor level into each of the side elevations to the forward side above the front pitch of the garages. Materials need to be conditioned – timber windows, brick & plain tiles with samples to be provided of the bricks and tiles

### Hertfordshire Highways

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

1) Best practical means shall be taken at all times to ensure that all vehicles leaving the site during demolition and construction of the development 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 whilst the development takes place

2) All areas for 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.

3 Before development commences, additional layout plans, drawn to an appropriate scale, must be submitted and approved in writing by the Local Planning 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.

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

Reason: In the interest of highway safety.

5) Prior to occupation of the development hereby approved the new parking areas shall be surfaced in a durable, bound material and arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

A review of the documentation available fails to provide details of the materials / construction of the car parking area. Plans identify ACO Drains provided at the back edge of the footway intercepting surface water run off from parking areas, however no details on the location / construction of soakaways are provided. Adequate soakaways should be provided in order to ensure that surface water run off is dispersed within the site.

HIGHWAY INFORMATIVE: The highway authority require any works to be undertaken on the public highway to be 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.

#### Highway Comment

The above scheme is to demolish the existing dwelling and construct two dwellings as replacements. The application indicates that access for both pedestrian and vehicular movements will be altered. However the proposal is to take access as existing from Pickford Road which is a residential road with parking restriction on either side. Off street parking is recorded on the application form as being 8 spaces an increase of 3 spaces on the existing 5 spaces. The LPA will determine the appropriate level of off street parking as per their parking policy but again it was noted that there was on street parking opposite the site.

The applicant will have to demonstrate how the refuse will be collected from the dwellings which may lead to a storage area for refuse.

#### Conclusion

The highway authority in principle has no objection to the construction of these houses. On balance, this proposal is unlikely to have a significant impact on the safety and operation of the adjacent highway, consequently the Highway Authority does not consider it could substantiate a highway objection to this proposal. The Highway Authority has no objection subject to the above conditions to the grant of permission.

#### Hertfordshire County Council Archaeology

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

The proposed development site has potential for the presence of heritage assets of archaeological interest, dating from the Roman and medieval/post-medieval periods. The proposed development lies within historic Markyate, opposite a building of 17th century or earlier origins (HER16649). The development site was formally the gardens of a Sunday School and Church (HER30496), shown on the Ordnance Survey 1st ed. The site is within 50m of the projected line of Roman Watling Street.

I believe that the position and details of the proposed development are such, that it should be regarded as likely to have an impact on heritage assets with archaeological interest that may require mitigation through the planning process. I recommend, therefore, that the following provisions be made, should you be minded to grant consent:

1. the archaeological evaluation by means of trial trench methodology.
2. a contingency for the archaeological investigation of any remains encountered
3. the analysis of the results of the archaeological work and the production of a report and archive
4. such other provisions as may be necessary to protect the archaeological interest of the site. These may include:
  - a) the preservation of any remains in situ, if warranted,
  - b) appropriate archaeological excavation of any remains before any development commences on the site,
  - c) archaeological monitoring of the groundworks of the development,

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow the policies included within National Planning Policy Framework (policies: 135, 141 etc.), and the guidance contained in the Historic Environment Planning Practice Guide.

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

Condition A

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

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

Condition B

- i) Demolition/development shall take place in accordance with the Written

Scheme of Investigation approved under condition (A).

ii) Each phase of the development shall not be occupied until the site investigation has been completed and the provision made for analysis in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A). The final phase of development shall not be occupied until the site investigation has been completed and the provision made for analysis 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.

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

### Trees and Woodlands

There is a mature conifer at the end of the rear garden. This tree will not be affected by the proposed development because its Root Protection Area (RPE) is well outside the area disturbed or excavated for development. But because this tree is in a Conservation Area, it should be protected by protective fencing during construction in accordance with the recommendations of the British Standard 5837: 2012, Trees in relation to design, demolition and construction Recommendations.

### Thames Water

Provides an informative to the developer in respect of surface water drainage and the Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

### Response to Neighbour Notification / Site Notice

#### *8B Pickford Road* :

I live at 8B Pickford Road, Markyate and as such am a direct neighbour of this site. I make no comment on the plans as now submitted but ask that the eventual builder should be required to keep all his materials and machinery on the site and not access the site with vehicles during peak hours as the road is heavily used in particular by parents and children who go to and from schools in the area.

Secondly that he works to minimise both noise and physical pollution during the building period.

#### *5B Pickford Road* - Object:

We object to the proposed plans on the following grounds and here are our issues as discussed.

1. Road safety issue re the proposed boundary treatments
2. Loss of light into our kitchen
3. Over-bearing nature of the proposed property
4. Loss of privacy

1. Boundary treatments.

The stated boundary arrangements, as outlined on the planning application form, states that the property currently has "Hedging and 1.8m high close boarded fencing" and the proposed materials and finishes for the new development will not change. This is **factually incorrect**, as the existing boundary treatment is "pailing fencing" of an open slatted design, ranging from 2 metres high (including the existing retaining wall) at the front of the property facing our house (5B Pickford Road) increasing to 2.66m halfway down the side of the both property boundaries and 1.67m at the rear. The other boundary between numbers 7 and 9 Pickford Road, is formed of hedging and some dilapidated close board fencing.

If the proposed boundary treatments go ahead, the fencing height will increase to 2.3m at the front of the properties and further increase to 3m halfway down the side of the properties and 2.1m at the rear (including the existing retaining wall).

This type of fencing arrangement will have the following impact;

- Obscuring the sightlines up Pickford Road hill for the residents at 5 (The Old Chapel), 5A, 5B, 5C Pickford Road and the traffic emerging from Cleveland Road making it highly dangerous when cars attempt to enter Pickford Road. We rely on being able to see through the existing fence to safely judge the traffic coming down the hill on Pickford Road before entering the road. Remove the current sense of neighbourly community by fully enclosing the proposed dwellings and introducing a physical barrier that will exclude the new residents from their neighbours on each side of the proposed properties.
- Our property is positioned approx. 5 feet lower than the proposed property development and the proposed footprint of the new dwelling plus the addition of high close board fencing on top of the existing retaining wall will cause our property to be overly enclosed.

2. Adverse impact on light.

You acknowledged that there could potentially be an adverse impact on light entering our kitchen at the back of our property as a result of the construction of the proposed plans. We expect a light assessment to be carried out to determine the impact on our dwelling and in particular the kitchen and the first floor lounge.

3. Over-bearing nature of the property.

The utilisation of the space above the garage as a bathroom means the pitch and height of the roofline of the garage, whilst lower than the overall building height, will be imposing against our property. This is especially the case since our property is 5 feet lower at ground level than the new property and so will form an unduly over-bearing structure.

4. Loss of privacy.

The proposed development has a two storey garage which is attached to the residential dwelling. Access to the garage is via a side door that looks directly onto our

property and will enable occupants to look into our ground floor toilet.

You also confirmed the following;

- The previous case planning officer has been changed as the officer no longer works for Dacorum Council Planning Office.
- The planning application will be discussed at a full council meeting and not by delegated authority if your recommendations differ from Markyate Parish Council, which they do.
- You advised us that once any planning application has been authorised, that you will then be able to provide us with the name of the building inspector who we can contact to seek guidance in respect of the Building Regulations and any potential impact the authorised building work may have on our property. In addition this will also establish the process to be followed to deal with any issues that may arise as a result of the agreed construction.

9 Pickford Road - Object:

The proposal is contrary to the Markyate Parish Plan

The plan states no infilling and this development is a proposed infilling of what is currently one single storey dwelling into two 3-storey properties. With two large developments currently in progress in Markyate, there is no demand for houses, so no exception should be made to the Parish Plan.

The design and appearance of the proposal is unacceptable

The proposal is for 2 properties of the same height as the two neighbouring properties. Whereas currently Pickford Road opens out at this point, the proposal will materially change the look of the street by spanning the whole width of the site with houses creating unnecessary bulk and a significant change to appearance.

The proposal creates a loss of privacy for neighbouring properties

Currently, number 9 is overlooked by one property. The proposal gives direct line of sight into the back garden from 2 additional properties. The height of the properties means that there will be no privacy in the back garden of number 9. This is unacceptable when previously there was no overview into the garden from the bungalow. This proposal will prevent the owners of number 9 from enjoying their garden.

The proposal has a material impact on the residential amenity of neighbouring properties

The proposal document states that there will be no impact, Currently the outlook from the back door of Number 9 Pickford Road is open and airy. The proposal means that this outlook will become one garage with pitched roof spanning half of the property. In addition, the current aspect from the back garden offers an open outlook across to the Markyate conservation buildings opposite to this property. This outlook and therefore the residential amenity of the current property will be materially affected.

The proposal will add disturbance and congestion to an already busy street

The location of the property is a bottle-neck in a busy, sometimes congested street. There will be safety issues at peak times due to additional traffic.

There will be a loss of light into number 9 Pickford Road

The location of the houses will block light into the living room of number 9. This is a north facing room, so this will have a significant impact. The double height garage will also block light into the kitchen.

I would also like to ask that the developer/owner looks at the hedge that runs between the property and number 9. The border between the back gardens is not properly maintained and needs some attention. Would be grateful for a conversation about this before plans are finalised as it's causing a problem in our garden. Thanks

5A Pickford Road - Object:

Response submitted 26/05/2015 from 5a Pickford Road AL3 8RS

We have concerns over the plans submitted for the redevelopment of 7 Pickford Road and therefore object to the proposed application. The concerns are as follows:

1. Overbearing structure on overall area

The proposed plans for 2 x 3 storey x 4 bedroom town houses with adjacent 2 storey garages seem over ambitious for the size of the plot and will create an overbearing structure where there is currently an open outlook from many positions all around the existing property and even further afield (eg from higher up on Pickford Road the view over to the open fields will be blocked).

2. Traffic congestion and safety

The current road infrastructure on this section of Pickford Road will become even more dangerous and congested with the daily increase in traffic from the new houses

3. Overbearing structure and impact on light and view from the back of our house

The position, much further back from the road than our house, and the height of the new houses will mean a loss of sunlight that may impact our lounge, kitchen and top bedroom as well as to our garden. The height of the new houses, although only slightly higher than our house, will be in real terms much higher as the ground level the houses are to be built on is much higher than ours. The position and height of the new houses mean that from our living room, top bedroom and garden we will have a very high brick wall blocking our current open view over to the village park and will create an over-bearing and enclosed feeling.

4. Disturbance

Potential for additional noise and disturbance from a substantial increase in the number of residents

5. Loss of privacy

A loss of privacy in our garden which will become overlooked by some of the new dwellings



6. Traffic safety for existing dwellings and roads exiting onto Pickford Road  
The proposed closed and high fencing at the front of the properties will impact our safety when driving onto Pickford Road from our drive as we currently see what traffic is coming down Pickford Road through the openings of the current fence between 5b and 7 Pickford Road. If we are no longer able to view oncoming traffic we will have to pull out onto the road before we can see if any traffic is coming and as some drivers tend to drive very fast on this road, this will be particularly dangerous. This will also impact traffic from 5c, 5 and out of Cleveland Road in the same way.

#### 7. Additional comments

##### 7a Consultation on further application submissions

In addition we ask that should there be new applications submitted, a consultation between the developer, planning officer and neighbouring owners takes place as to ensure an application that everyone is comfortable with is submitted. This process is obviously taking up a lot of everyone's time and we would like to see the development underway ASAP as the abandoned look of the property at the moment is attracting people who are not authorised to be on the property and acting inappropriately on the property grounds.

##### 7b Securing property to avoid unwanted trespassing affecting local community

In the meantime could the property and land around it be secured to avoid unwanted and unauthorised persons entering and using it inappropriately which is affecting the security of the area and family friendly feel that exists in Pickford Road.

## **Considerations**

### Policy and Principle

The NPPF states that housing applications should be considered in the context of the presumption of sustainable development. Similarly, Policy CS4 of the Core Strategy directs residential development to established residential areas in towns and large villages, such as Markyate where the application site is located. Policy CS17 seeks to promote residential development to address a need for additional housing within the Borough. The provision of new dwellings is supported in principle in the choice of homes that it provides under Policy CS18 of the Core Strategy.

The proposed development would result in a density of 20 dwellings per hectare (based on one on a plot of 487m<sup>2</sup>). This would be below the expected range of 30 to 50 dwellings per hectare outlined under saved Policy 21 of the Local Plan. However, Policy 21 goes on to state that density should not adversely affect the amenity or existing character of the surrounding area.

The proposed development is consistent with the lower density development on the south-east side of Pickford Road moving further away from the village centre. Concerns raised about the cramped form of development of the previously submitted scheme have been addressed with a development that sits comfortably within the site and in relation to the adjoining dwellings. A lower density of development is considered to be acceptable in this instance.

### Site layout

The proposed site layout plan presents what is considered to be a sensible and well

considered layout.

The proposed development is positioned at the mid-point between the front and rear building lines of the dwellings located on either side, respecting the building lines of these properties. This effectively staggers the pattern of development as Pickford Road rises to the south-west. It also bridges the gap between the more densely positioned development located towards the High Street and the larger semi-detached dwellings to the south-west.

The area and depth of the rear private outdoor amenity areas are comparable to those of properties in the surrounding area and considered to relate well to the scale of the associated dwellings.

A combination of hard and soft landscaping is proposed within the site's frontage which enables the provision of off-street parking whilst also maintaining a garden appearance, consistent with the other semi-detached dwellings in the locality. It is noted that a hedge is located along the front boundary close to the boundary with No. 5B Pickford Road and that this hedge would be retained together with a new hedge on the other side of the driveway entrance near to the boundary with No. 9.

Approximately 1.5m separation is proposed between the dwellings and the neighbouring boundaries which is consistent with the pattern of development within the surrounding area. The distance separation from the boundaries together with the generous private amenity space to the rear and the proportionate frontage ensures that sufficient space is retained around the buildings. The proposed development sits comfortably within the site and in relation to the position of the adjoining properties.

#### Impact on the Conservation Area and Street Scene

The proposed dwellings would replace an existing dilapidated bungalow which is out of context with its surroundings. The low height and angled positioned of the dwelling is incongruent with the surrounding development and as such fails to make a positive contribution to the character and appearance of the conservation area. The demolition of this building would subsequently be welcomed; however in accordance with Policy 120 any replacement development should seek to preserve or enhance the character or appearance of the conservation area.

The application site is on the fringe of the conservation area which includes the Grade II listed properties located opposite and other historic properties to the north-east. The surrounding area is therefore characterised by a range of dwellings in type and period both within and outside the conservation area. As outlined above the proposed dwellings are consistent with the scale and pattern of development of the more modern semi-detached dwellings located to the south-west of the site and the neighbouring properties 5A and 5B Pickford Road.

Traditional features have been proposed that reflect the features of the historic properties in the immediate area including those directly opposite. Features include reconstructed stone cills, brick arched heads above timber framed windows with horizontal and vertical glazing bars, chimneys and pitched gabled porches. Following comments from Conservation and Design a brick plat course has been proposed together with blind windows replicating features of the Grade II terraced properties located opposite.

The pitched roof and overall form and scale of the dwellings are considered to be in keeping with the other dwellings in the area. As outlined above the proposed development respects the building lines and layout of the surrounding development. In terms of bulk and mass the recess and lower height of the attached garages reduces the bulk of the proposals and increases the feeling of space between the development and the adjoining properties. Concerns about a cramped appearance from the previous submission are therefore considered to have been alleviated. The proposals are of a scale and proportion that is in keeping with the character of the area.

For the reasons outlined above the proposed development would result in an improvement in the appearance of the street scene. The application is therefore considered to preserve and enhance the character and appearance of the conservation area and the setting of the listed buildings opposite.

#### Impact on neighbouring properties

Concerns raised by neighbouring properties include loss of light and privacy, traffic congestion and safety.

In accordance with the BRE Site Planning for Daylight and Sunlight guidance an assessment has been undertaken to establish whether the proposals would harm the adjoining properties in terms of loss of light. A 45 degree line has been taken from the centre of the ground floor kitchen window of No. 5B and from the front elevation living room window of No.9. In both instances the proposed garage eaves and the second floor eaves do not encroach the 45 degree angle line. Given that No. 5B sits at a lower level than the proposed dwelling, a vertical assessment was undertaken with the 45 degree angle line and it has been demonstrated that the line falls below the centre of the window. This would suggest that loss of light to these windows would not be significant and would not amount to demonstrable harm to these properties. The two side facing windows of No. 5B do not serve habitable rooms and therefore limited weight is given to this impact.

Views from the site into the private amenity areas of the neighbouring dwellings would be increased as a result of the proposals in comparison to the existing single storey bungalow. The residents of No. 9 have been fortunate to live adjacent to a single storey dwelling with only very limited overlooking to their rear garden. However a degree of overlooking into rear gardens is unavoidable in residential areas. No windows are proposed in the flank elevations and all windows direct outlook to the rear of the site. Furthermore, No. 9 is set back further from the rear building lines of the proposed development which further protects the privacy of this neighbour's immediate rear garden. It is considered that the proposals would not result in unacceptable levels of overlooking and are consistent with expectations for development in residential areas.

Noise and pollution arising from the construction of the dwellings would be subject to Building Regulation and Environmental Health controls and an Informative should be added reminding the applicant of his responsibilities in this respect.

#### Impact on Trees and Landscaping

Trees and Woodlands have confirmed that the mature conifer at the rear of the garden

would not be affected by the proposed development because its Root Protection Area (RPA) is well outside the area disturbed or excavated for development. However as it is located within a conservation area protective fencing during construction in accordance with the recommendations of the British Standard 5837:2012 is sought to ensure its protection.

#### Highway Safety/Car parking

The provision of two off-street parking spaces per dwelling is considered to be acceptable in this location. Hertfordshire highways raised no objections to the proposals on the basis of highway safety and have recommended that visibility splay of 2.4m x 43m is to be provided within which there shall be no obstruction to visibility between a height of 0.6m and 2m above the carriageway. They have also requested further details about how refuse is to be collected from the site to ensure that collection does not have a detrimental impact on highways safety and operation. Conditions will be attached to a planning permission ensuring that these details are provided and Highways requirements are met. It is therefore not considered that any significant concerns can be raised on highway safety grounds.

#### Archaeology

The Hertfordshire Historic Environment team has identified the site as having the potential for the presence of heritage assets of archaeological interest which may be affected by the proposed development. The Historic Advisor has requested the development and implementation of a Written Scheme of Investigation in order to mitigate any potential impacts. This would be required by condition should planning permission be granted.

#### Sustainability

The application has been supported by a sustainability checklist as appropriate and is considered to satisfy the criteria of CS29.

#### Other Material Planning Considerations

The residents of 5B Pickford Road have raised a concern that the replacement of the existing open slatted fencing on the boundary separating their property from the application site with close boarded fencing would obstruct their visibility when entering and exiting their property. They have also asked for the open slatted boundary treatment to be retained on the basis that close-boarded fencing would act as a physical barricade between the properties and be overbearing due to the different levels of the properties.

The residents are prepared to discuss the treatment of this boundary with the applicant in order to overcome their concerns. A condition would require further details of the boundary treatment to be submitted and approved in order to address the issues raised.

#### **Conclusions**

The proposed replacement of the existing bungalow, which is of no architectural merit, is considered to improve the appearance of the street scene and enhance the

character and appearance of the conservation area. The layout and positioning of the dwellings in the plot respect the building lines of the adjoining residential development and is consistent with the development in this locality in terms of bulk, mass and scale. Sufficient space has been retained between the adjoining properties alleviating concerns raised in the previous scheme about a cramped layout within the plot. Furthermore, the layout mitigates any significant impact of the proposals on the amenity of neighbouring dwellings.

The proposals have taken account of the reasons of refusal of the previous scheme and further comments from Conservation and Design, resulting in improvements to the design detailing of the proposals which are traditional and sympathetic to the character of the conservation area. A condition relating to the submission of materials shall ensure high quality materials are used.

The proposals are considered to comply with relevant conservation and design policy as outlined above.

**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 to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: In the interests of the visual amenities of the Conservation Area and to accord with adopted Core Strategy Policies CS12 and CS27.

- 3 The trees shown for retention on the approved Drawing No. 15/614 101 shall be protected during the whole period of site excavation and construction in accordance with the recommendations of the British Standard 5837: 2012, Trees in relation to Design, Demolition and Construction Recommendations.**

Reason: In order to ensure that damage does not occur to the trees during building operations and to accord with saved Local Plan Policy 99.

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

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.

Reason: To ensure that reasonable facilities are made available to record archaeological evidenc and to accord with adopted Core Strategy Policy CS27.

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**Demolition shall take place in accordance with the Written Scheme of Investigation approved under condition 4.**

**Each phase of the development shall not be occupied until the site investigation has been completed and the provisions made for analysis in accordance with the programme set out in the Written Scheme of Investigation approved under condition 4. The final phase of development shall not be occiped until the site investigation has been completed and provision made for analysis in accordance with the programme set out in the Written Scheme of Investigation approved under condition 4 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.**

Reason: For the avoidance of doubt.

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**No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.**

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

7

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

Reason: In the interest of highway safety.

- 8 **Prior to occupation of the development hereby approved the new parking areas shall be surfaced in a durable, bound material and arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.**

Reason: To minimise danger, obstruction and inconvenience to highway users and to ensure the satisfactory disposal of surface water in accordance with Policies CS8 and CS31 of the adopted Core Strategy.

- 9 **The development hereby permitted shall be carried out in accordance with the approved sustainability statement.**

Reason: To ensure the sustainable development of the site in accordance with adopted Core Strategy Policy CS29.

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

**Site location Plan;  
15/614 101 Proposed Site Layout;  
15/614 102 Rev A Elevations and Floorplans received 04.06.2015.**

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.

#### HIGHWAY INFORMATIVE:

The highway authority require any works to be undertaken on the public highway to be 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.

#### THAMES WATER INFORMATIVE:

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.

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0800 009 3921 or for more information please visit our website at [www.thameswater.co.uk](http://www.thameswater.co.uk)

#### Environmental Impacts from Construction

During the construction phase of your development you should be mindful of the impact you have on the neighbours surrounding your site. Environmental Health has produced a guide: 'Minimising Environmental Impacts from Building and Demolitions'.



## ITEM 5.12

**4/00822/15/FHA - REAR GROUND AND LOWER GROUND FLOOR EXTENSION.  
60 CHARLES STREET, BERKHAMSTED, HP4 3DJ.  
APPLICANT: MR AND MRS J HEMLIN.**

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[Case Officer - Tineke Rennie]

### Summary

The application is recommended for approval. The proposals are for a single storey ground and lower ground floor extension that are to comprise of materials and detailing that is sympathetic to the existing dwelling. Overall it is considered that the proposed extensions would have a positive impact on the character and appearance of the conservation area. Furthermore the proposals seek to utilise an overshadowed garden and courtyard area that would otherwise be redundant. Access to outdoor amenity space would also be improved. As a single storey extension part of which would be positioned at a lower level, it has been demonstrated that the proposals would not have any adverse impacts on the amenities of adjoining properties.

### Site Description

The application site is a two storey, Victorian terraced dwelling located on the north side of Charles Street within the Berkhamsted Conservation Area. The property is the penultimate dwelling before the junction with Middle Road. It has a small frontage to Charles Street and a rear garden that slopes down towards Berkhamsted High Street. An alleyway runs along the bottom of the gardens of this terrace providing access from Middle Road to Cross Oak Road.

No. 60 Charles Street is constructed in Luton grey brickwork with a slate roof and a single rear dormer. Many of the windows to the rear elevation have been replaced with UPVC windows and the opening sizes enlarged. The external access to the rear garden is from the side elevation of the rear off-shoot and down a series of steps.

The built form of this terrace remains largely unaltered to the rear however a number of modifications have been made including the installation of UPVC windows, rooflights and rear dormers. Planning permission was granted for rear extensions for both Nos. 62 and 64 Charles Street in 2011 (ref. 4/01450/11/FUL) however the proposals have not been implemented.

The property falls within an area of Charles Street that has an Article 4 Direction which restricts permitted development rights to alterations to the front facade of a building facing onto a street or public footpath.

### Proposal

The proposals are for a ground and lower ground rear extension. The applicant seeks to extend the existing kitchen at ground floor level by infilling the side courtyard area with glazed rooflights supported by a side wall, constructed in facing brickwork to match the house.

Additional living space is to be provided at lower ground level accessed by a new internal stair from the kitchen. Bi-folding doors that open out to a paved garden area is

proposed in order to create a level link from the internal space into the existing garden.

A slate mono pitch roof with conservation style rooflights was originally proposed for the lower ground extension. Following comments by Conservation and Design the scheme has been amended to extend the roof glazing proposed over the existing courtyard area to the lower ground floor mono pitch roof. The roof glazing of the mono-pitch roof will follow the line of the off-shoot with the remaining area in slate.

### **Referral to Committee**

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

### **Planning History**

4/00848/08/FH REAR DORMER WINDOW AND FRONT ROOF ESCAPE  
A WINDOW  
Granted  
13/05/2008

### **Policies**

#### National Policy Guidance

National Planning Policy Framework (NPPF)

#### Adopted Core Strategy

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 120  
Appendices 7

#### Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)  
Conservation Area Character Appraisal for Berkhamsted

### **Summary of Representations**

#### Berkhamsted Town Council

#### **Object.**

By virtue of its scale, mass and bulk the proposal is out of character with the parent dwelling and neighbouring properties in this part of the Conservation Area.

The scale, mass and bulk will have a detrimental impact on the amenity of neighbouring properties.

As the development will be highly visible from Middle Road and the footpath to the rear of the property between Middle Road and Cross Oak Road, it will by virtue of its design, scale mass and bulk detract substantially from the Conservation Area in this part of Berkhamsted.

Contrary to Core Strategy Policies CS 12 and CS 27 and Saved Local Plan Policy 120.

The Berkhamsted Town Council considered the application on the 27th May 2015 following the submission of revised proposals and made the following comments:

**Object.**

By virtue of its scale, mass and bulk the proposal is out of character with the parent dwelling and neighbouring properties in this part of the Conservation Area.

The scale, mass and bulk will have a detrimental impact on the amenity of neighbouring properties.

As the development will be highly visible from Middle Road and the footpath to the rear of the property between Middle Road and Cross Oak Road, it will by virtue of its design, scale mass and bulk detract substantially from the Conservation Area in this part of Berkhamsted.

Contrary to Core Strategy Policies CS 12 and CS 27 and Saved Local Plan Policy 120.

Conservation and Design

Number 60 Charles Street is subject to an Article 4 Direction and is located within the Berkhamsted Conservation Area.

The scheme is for a rear ground and lower ground floor extension

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 point 63 states: In determining applications great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the 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

National Planning Policy F 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.

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.

17.6 High quality design and proper maintenance can prevent the loss of original character in buildings. Conversion of buildings to alternative uses can extend the life of buildings and is preferable to demolition. Infilling and replacement with new characterless buildings and public realm should be avoided. This applies to both designated and undesignated historic assets.

DBLP 120 Development in Conservation Areas; new development or alterations or extensions to existing buildings in the conservation area will be permitted provided they are carried out in a manner which preserves or enhances the established character or appearance of the area. Each scheme will be expected to respect established building lines, layouts and patterns, In particular infilling proposals will be carefully controlled; use materials and adopt design details which are traditional to the area and complement its character; be of a scale and proportion which is sympathetic to the scale, height and overall character of the building to be extended; and in the case of alterations and extensions be complementary and sympathetic to the established character of the building to be altered or extended.

The property forms part of a terrace of late Victorian buildings which have a regimented form to both the front and rear facades. The land falls away to the rear therefore steps are required to reach garden level.

The proposed extension is at the rear of the building appears discordant with the parent building and lacks any cohesion with it. There may be a viable scheme and I would welcome discussions with the agent but I consider that this scheme fails to preserve or enhance the conservation area, that the design details are not traditional to the area nor complement its character and fail to be sympathetic to the established character of the building that is being extended and fails the above policies and therefore I recommend it for refusal.

Hertfordshire Historic Environment Team

In this instance, there is unlikely to be an impact on significant heritage assets of archaeological or historic interest; therefore, I will be making no comment at this time.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

58 Charles Street - Object:

The following comments were received from the residents at 58 Charles Street on 16th March 2015:

We are neighbours of this property, living at 58 Charles Street, and believe that should the development proceed as detailed in the application it will result in considerable loss of amenity to ourselves.

In particular our dining room enjoys an elevated and light aspect encompassing the pleasant and extensive townscape of west Berkhamsted. This amenity will be substantially compromised should the proposed development proceed; particularly if the new kitchen wall is built on the boundary of the properties.

In addition the area between the existing rear extensions of 58 and 60 Charles Street is light and not unpleasant. A reduction in width of this space by half will result in a darker and less pleasant "alley" between our house and the proposed wall on the boundary.

We note that the Design and Access statement states that "the most similar" (precedent) is an extension at 58 Ellesmere Road, Berkhamsted. Ellesmere Road is situated towards the bottom of the Bulbourne valley between the canal and railway line. Given the difference in location and amenity it is difficult to see how development at 58 Ellesmere Road sets a precedent for the current application.

The following comments were received from the residents of 58 Charles Street on 20th May 2015 following the submission of revised drawings:

I note that the applicants have submitted revised plans as part of the above application.

We are concerned that the revised application does not address our concerns that should the development proceed as detailed, it will result in considerable loss of amenity to ourselves. We note that Berkhamsted Town Council have expressed similar concerns regarding the application.

In particular the revised application does not address concerns that our dining room enjoys an elevated and light aspect encompassing the pleasant and extensive townscape of west Berkhamsted. This amenity will be substantially compromised should the proposed development proceed; particularly as it is proposed that the new kitchen wall is built on the boundary of the properties.

In addition the area between the existing rear extensions of 58 and 60 Charles Street is reasonably light and not unpleasant. A reduction in width of this space by half will result in a darker and less pleasant "alley" between our house and the proposed wall on the boundary.

We note that the revised Design and Access statement includes an extension at 20 Cross Oak Road as a precedent. Perusal of the accompanying materials indicates that the positioning of this development vis a vis neighbouring properties is markedly different from the situation at 60 Charles Street and that loss of amenity is different and considerably less.

## **Considerations**

### Effects on appearance of building

Conservation and Design raised initial concerns that the extension at the rear of the building appeared discordant with the parent building and lacked cohesion with it. However, it was noted that a viable scheme was possible and discussions have taken place with Conservation and Design officers to achieve this through the revised proposal.

The character of the building is based on a traditional Victorian mid-terrace property with modern elements that include replacement enlarged UPVC windows; a rooflight and a single dormer to the rear. As such the rear elevation is characterised by a mix of both contemporary and traditional elements, similar to the other rear elevations in this terrace.

A contemporary design is proposed which incorporates traditional materials of slate and facing brickwork to relate to the parent dwelling. The glazed roof to the side and lower ground floor reinforces the historic building line of the off shoot with the unbroken slate area of the roof replicating the solid element. The proposals serve to differentiate the historic open courtyard area from the dwelling.

Concern was raised by the Berkhamsted Town Council that the scale, mass and bulk the proposal is out of character with the parent dwelling. Due to the downwards slope of the site the extension is at a much lower level than the dwelling. Together with the slope of the mono pitch roof and the drop in levels a reduction in the bulk and associated visual impact is achieved. The use of glazing over the courtyard area is considered to give the proposals a lightweight appearance that further reduces a feeling of bulk and mass.

The depth of the extension in relation to the dwelling is not excessive at 3375mm and is similar in scale to other extended terrace dwellings within the conservation area.

The proposals would result in the removal of the existing windows that do not relate to each other or the dwelling and replace them with an extension that responds to the materials and historic form of the dwelling. The result is a coherent response that is sympathetic to the existing parent dwelling.

### Impact on Street Scene / Conservation Area

The proposed extension is located to the rear of the property and would not be seen from Charles Street. It would however be visible from Middle Road and the alleyway that runs to the rear of the property.

As outlined above the rear elevations to this terrace is characterised by a range of modern replacement windows and various forms of roof interventions. The proposed extension is considered to improve the appearance to the rear of No. 60 Charles Street through the use of materials and reference to the traditional built form of the dwelling. It is proportionate to the existing dwelling. On this basis the proposals are considered to enhance the character and appearance of the conservation area.

### Impact on Neighbours

The applicant has submitted additional information in accordance with BRE guidance which demonstrates that the proposals are within the 45 degree line from the window on the rear elevation of 58 Charles Street. With regard to the window facing the development the information submitted indicates that the proposals would not worsen the visible sky angle achievable over and above the existing situation due to the two storey offshoot from No. 60 Charles Street. Furthermore the side elevation window to No.58 is a secondary window with the principle window located on the rear elevation of the off-shoot. The proposals comply with the BRE guidance and as such the adjoining occupiers would not experience a loss of light over and above the existing situation.

The adjoining neighbour has raised a concern about an impact on their outlook over the townscape of Berkhamsted. Whilst impacts on views are not normally a material planning consideration, it is noted that the proposals step down with the topography of the site thereby reducing the bulk and mitigating any potential impact on the neighbouring property's outlook.

The height of the wall that would support the extended kitchen would be 3.6m high. Given that the floor level of the off-shoot to No. 58 is also positioned at a higher level above ground it is not considered that a wall of this height would create a sense of enclosure to this property, particularly as the visible sky component from this property would remain as existing.

Given the relatively limited height and depth of the extension there is no significant concern regarding the impact of the proposals on the amenity of 62 Charles Street.

#### Other Material Planning Considerations

The applicant has submitted that the proposed extensions are sought to enable a connection between the indoor and outdoor space of the dwelling which cannot be achieved with the existing arrangement. The gardens to this terrace are north facing with the dwellings at a higher level to the south blocking a significant amount of light. In particular the side courtyard areas of the terraced dwellings very rarely achieve light and as such are underutilised.

The proposals seek to rectify this by improving access to the outdoor amenity space and utilising the side courtyard area for accommodation that would otherwise be redundant.

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 ensure a satisfactory appearance to the development and in the interests of the visual amenities of the Conservation Area in accordance with adopted Core Strategy Policies CS12 and CS27.

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

**Site Location Plan;**

**P- Prop 01 Rev C;**

**P- Elev 01 Rev B.**

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.



## ITEM 5.13

**4/00751/15/FHA - TWO STOREY REAR EXTENSION.  
BRIARS ORCHARD, SHOOTERSWAY LANE, BERKHAMSTED, HP4 3NW.  
APPLICANT: MR I KILICH.**

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[Case Officer - Elspeth Palmer]

### Summary

The application is recommended for approval.

The proposed rear extension will not have a detrimental impact on the character of the existing building the streetscene or the residential amenities of the neighbours. The proposal is in compliance with Core Strategy policy 12 and Appendix 3 and 7.

### Site Description

The application site is located on the eastern side of Shootersway Lane, Berkhamsted and comprises a two storey detached dwelling well set back from the lane and with a detached garage to the front of the dwelling. Shootersway Lane is characterised by large dwellings on spacious plots well set back from the lane. The application site used to be part of the garden for the neighbour on the southern side the "Briars" but the land was subdivided and planning permission for a new dwelling was granted on the subject site in 1989.

### Proposal

The original plans submitted were lacking detail, had inconsistencies and had rooms which you could not access. It was difficult to understand what was proposed. Improved plans were repeatedly requested and submitted until finally the current plans were submitted. These plans are still somewhat lacking but were considered adequate to assess the proposal.

The original scheme was out of character with the existing dwelling in terms of scale and design and would have overlooked both the immediate neighbours.

Through a number of sketches, a new scheme was devised entailing complete removal of rear flat roofed dormers, changing the design of the rear elevation, making eaves consistent with the existing dwelling and removing the side windows which overlooked the neighbours.

This application, as amended is for a part ground floor rear extension with a first floor extension to be built across the entire width of the dwelling. The extension is proposed to be 3.6 metres deep and have a ridge height lower than the existing house. The eaves will be in line with the existing dwelling. The proposal is to allow for an extended kitchen/family room at ground floor, one additional bedroom, and the enlargement of two existing bedrooms at first floor.

The proposal also includes 3 new windows on both side elevations at ground floor and first floor. The two new windows serving the shower and bathroom will be high level, top hung and obscure.

## **Referral to Committee**

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

## **Planning History**

4/1342/10/FHA Proposed: Raise roof height to allow loft conversion with rear facing balcony, two storey rear and single storey front extensions and porch. This proposal was withdrawn due to design and impact issues.

4/0545/89/FUL granted planning permission for a new dwelling.

## **Policies**

### National Policy Guidance

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

### Adopted Core Strategy

NP1 - Supporting 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  
CS29 - Sustainable Design and Construction

### Saved Policies of the Dacorum Borough Local Plan

Policies 10, 58 & 99  
Appendices 3, 5 & 7

### Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)  
Area Based Policies (May 2004) - Residential Character Area [ BCA12: Shootersway]  
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**

## **Original Plans**

### Berkhamsted Town Council

Object.

This proposal represents an overdevelopment of the site. It detracts from the character of the existing dwelling, is out of character with the area and invades the privacy of neighbouring dwellings.

Contrary to Core Strategy Policies CS 11 and CS12, Saved Local Plan Policy Appendix 3 and Appendix 7 and Saved Local Plan Supplementary Planning Guidance BCA12.

We request that should there be a further application for this site, the supporting drawings and plans be of a substantially improved quality.

Response to Neighbour Notification:

White Oaks (revised objections)

- windows on the side of the house and extension facing my rear garden will impact on my privacy and that of my next door neighbour's property, Puddledocks.
- overdevelopment of the site which is a small plot in comparison to others in the area.
- dormer windows do not appear to match the existing design, and they will result in the loss of privacy to my next door neighbour and the property known as The Firs.
- The side of the development adjacent to The Briars will only be some 3 metres from this property which does not conform to the distance of 5 -10 metres as stated in Policy 11 of the local Borough Plan.
- the bulk of the design will result in a loss of daylight for my property but more especially to my neighbour's property, Puddledocks.
- it is very difficult to assess the roof line or exactly what is planned from the drawings.
- poor quality of all the drawings so far submitted and the lack of any information on the materials to be used have made it difficult for me to carry out an objective assessment of the impact this development will have on my property and my quality of life as well as on the surrounding properties.
- if the poor quality of the planning application is indicative of the development as a whole, then the quality of the development could be equally as poor or substandard and will not be in keeping with the general area and Shootersway Lane in particular.
- the positioning of the current house on the site in relation to the neighbouring properties should preclude any two storey development both now and in the future as this will automatically result in the loss of privacy and daylight to both me and my neighbours. It will also result in a very small back garden which will not be in keeping with the surrounding properties

I urgently request that this application is rejected.

Puddledocks - Strongly objects.

- It is unclear from the scrappy drawings exactly what is proposed.
- the 'plans' show five windows on the north elevation, two on the ground floor and three on the first floor which would overlook the whole of our rear garden and south side of our home. This would be a gross intrusion into our privacy.
- we understood from the original owners of Briars Orchard that no further development of any sort would ever receive planning consent.

- over-development of this site. It is a small plot and this bulky addition with an assortment of windows is quite out of keeping with the surrounding properties.
- my objections also extend to the impact this unsightly development will have upon my neighbours in Briars, The Firs and White Oaks.

Garden Cottage - object

- very sketchy plans
  - completely agree with all points Mr Ben Roberts he has put forward in his objections.
  - our garden would be overlooked by the bulk of the first floor and dormer windows, which would be much closer to our boundary.
- the encroachment of the extension would leave the rear garden completely out of proportion with most other gardens in Shootersway Lane properties.

The Briars, Shootersway Lane (immediate neighbour) - object

We wish to object to the above application which borders immediately to the north of our house. We live at Briars, immediately next door.

By way of background, a not dissimilar scheme was applied for in September 2010. Whilst there are changes to that scheme, from our perspective they are largely cosmetic. At the time, I met with the case officer Richard Butler, who came to the conclusion that for a variety of reasons the proposal was unacceptable. I visited Dacorum Civic Centre on 16<sup>th</sup> March this year to review the historic file only to be told that all notes on the previous case have been lost.

At their committee meeting in 2010, Berkhamsted Town Council also rejected the proposal and as a result, the application was withdrawn before any official rejection was made. I attach the minutes from the town council meeting for your ease of reference.

Turning now to the latest application, I would comment that generally speaking, this third set of drawings is still a long way short for any reasonable person to be able to pass proper comment on. This is the third time we have had to consider and rewrite our objection. Whilst slightly better than previous submissions, the current drawings leave far too much to interpretation. It would have been helpful to shown some more dimensions and to annotate as to what materials are being considered. I am deeply worried that if passed, as they are so lacking in detail, we don't know what would be built. As far as I can pass comment, my objections are as follows:

The proposed extension contravenes Policies 11 and 12 of the Core Strategy and Appendix 7 of the Local Plan in the following areas:

1. **A7.2 (i) (a) – scale – it should not dominate the existing house or project above the roof line.**

The proposed development would have a very dominant effect on the original house when viewed from the rear.

2. **A7.2 (i) (b) – roof form – it should match the existing house in terms of**

### **design, angle of pitch and materials.**

From the drawings submitted it is very difficult to know exactly what is planned. It looks like flat roof dormer windows are part of the design now. If dormers are part of the design it would be a significant deviation from the current roof form, there are currently no dormer windows on the property, nor indeed anywhere visible on any of the houses affected by the proposal. There is no mention of materials to be used.

### **3. A7.2 (i) (c) – window design - it should match the existing windows in terms of size, proportions, divisions and materials.**

The rear view windows have different spacings between them, they are not uniform—the drawings are so poor we are not sure if this is intended or simply inaccurately drawn.

### **4. A7.2 (v) – The projection of rear extensions from the parent building should not excessively enclose or seriously affect the daylighting to adjoining owner's habitable rooms.**

The rear extension will create a significant loss of daylight to our principle habitable room (living room). This room was once an artist's studio with high and low level windows facing north. We receive a very significant amount of daylight especially from the high windows, which is a major feature of our house. If this extension is built we will lose pretty well all the benefit of this and our living room would be considerably darkened throughout the day.

### **5. A7.2 (v) - Such extensions should be avoided on a boundary wherever possible and should be of limited length**

The proposed extension is only 1.5m from the boundary and is about 3.6m long (longer than the original 3.3m proposal). In the Supplementary Planning Guidance there is clear reference to there being gaps between houses of 5 – 10 m in this area of Berkhamsted. As our house is also only 1.5m from the boundary, there is in total only a 3 m gap. The proposed extension would create an even greater **cramped appearance** which would be completely out of keeping with the houses on Shootersway Lane. We firmly believe that when Briars Orchard was built, it was never intended to be extended.

### **6. 45° Rule**

Our living room (our principle habitable rooms) would be adversely affected by the proposal as it will reduce the amount of light therein and be visually intrusive.

### **7. A7.2 (v) – Some rear extensions are visually prominent and this will be taken into account in assessing their appearance.**

*This is our principle objection and the proposal also contravenes CS12c and g.* The extension is excessively bulky and would be a highly dominant feature leading to an overbearing visual intrusion and would seriously harm the amenity of our rear garden and that of our neighbours. Where now all the houses finish in a neat row with hipped roofs, we would be faced with having to look at an unpleasant brick wall and probably dormer roofs protruding some 3.6m long by 7.1m high; this would be a **complete eyesore** and we would lose the open, light and airy feel of our rear garden.

This proposal does not maintain the design characteristics of the row of houses and it would alter dramatically the **building pattern** at the rear.

### **8. Loss of Privacy**

The side elevation facing our house has a whole new triple sill window built into the existing wall, directly looking into our garden. It is far from discernible as to whether or not this has clear or opaque glass. Even if opaque, it would create a strong sense of perceived overlooking.

The proposed side elevations on the first floor of the extension will have new windows which will, despite vague/ambiguous reference to them being opaque, create a significant perceived loss of privacy in garden and the other adjacent garden to the north (Puddledocks), contrary to planning policy. Puddledocks now has three windows overlooking them.

The large dormer windows will look directly into the garden and house of The Firs, causing loss of privacy.

### **General**

Shootersway Lane is dominated by medium to large detached executive style houses with good sized mature plots. The houses sit well back from the road so providing for a semi rural feel with plenty of space around. The plot which Briars Orchard sits on is one of the smallest in the area and the size of the current house is as large as it should be which I imagine was agreed upon when the land was first sold off. To increase the size of the first floor by almost 30%, all at the rear would appear to me to be massive. In addition it would lead to a comparatively very small garden which would be completely out of keeping with the nature and character of the area.

The proposal is extremely visually intrusive and will harm the surrounding neighbourhood. It will alter dramatically the use and enjoyment of at least three neighbouring gardens, being a complete eyesore. It will give rise to a loss of amenity, daylight / sunlight and privacy and is disrespectful of the general character of the area and if approved three houses will suffer significantly. As a result we request that the application be refused.

### *The Firs - strongly object*

### *Effect of amenity on neighbours – Policy Core Strategy 11 & 12*

The proposed extension constitutes a significant increase to the overall scale, bulk and massing of the property. It contains a number of large windows set at an elevated position at first storey level that would approach our property by several metres and crucially would significantly overlook both our property and especially our garden. In addition, the development would add no less than eight new windows, all of which directly overlook its neighbouring properties.

As a result, the proposed development does not accord with the guidance set out in Dacorum Planning Policy CS11 in terms of design quality and Dacorum Planning Policy CS12 in terms the impact on the local area. 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 proposed extension fails on all three counts.

Furthermore it is not in keeping with the development principles contained within Dacorum planning guidance BCA12 for the Shootersway area.

The proposed development will create significant additional visual intrusion for us from all our main living spaces, all first floor bedrooms and from our garden. In addition to dominating our plot it will have an impact on the daylight we receive, being SSW of our property and garden.

Our south facing garden and home currently enjoy relative seclusion and a light and airy feel. This development would result in a major loss of sunlight and visible amenity. The substantial growth in the bulk, height and proximity of the property would dominate our current sunny, southern aspect. The cumulative effect of the development would be a property that would be completely overbearing thus it would seriously affect the enjoyment of our garden and home.

The additional overlooking that this development would represent is even more significant and is a gross intrusion of our privacy. The hedge that marks the boundary between our properties is generally maintained and we have plans to reduce the height of this significantly to increase the daylight and sunlight for our garden. This means that the extension would further overlook our house and garden.

The three large, elevated first/second floor, clear glass windows positioned at comfortable head height result in our home and garden being over-looked **all year-round**. The windows stand proud of any existing screening that exists between the properties (which being deciduous is effective for the summer months only) and by being elevated from our property represent significant intrusion as they provide a 'grandstand' view of all our living areas and bedrooms and our entire, south-facing garden. This is a significant loss of privacy compared to that which we currently enjoy. We have a growing family and this is particularly concerning. The overlooking and loss of privacy would have a significant, ever-present impact in terms of living in our home. We request that you act to ensure that this is not taken away.

#### *Domination of the existing house*

Shootersway Lane comprises of large, detached houses with sizeable, mature gardens. The plot which Briars Orchard sits on is one of the smallest in the area. We understand that the size of the current house is as large as was deemed acceptable when the land was first sold off. To increase the size of the house by 30% would result in over-development of the plot and would leave only a small garden which would be completely out of keeping with the character of the area. The extension would also dominate the existing house.

The additional bulk of the property will also significantly adversely impact the principle habitable rooms in neighbouring properties in particular Puddledocks and the Briars.

#### *Roof form to match existing roof-form*

The proposed roof design is extremely confusing and includes a lowered guttering level and dormer windows to both the rear and both sides of the property – creating at least 5 dormer windows – all of which are not in keeping with the property. There would also appear to be a flat-roofed element to the roof design, again failing to remain in keeping with the existing property.

### Window design to match existing

The plans show several large, unevenly spaced and unevenly sized rear windows and additional side windows of various sizes. These are not in keeping with the existing design.

### Extension along a boundary

The property already approaches its neighbours on the southerly boundary by less than the 5-10 metres suggested in planning guidance BCA12. This would contravene the policy and give a far greater impression that the two houses encroach on one another when viewed both from the front and the rear of the property.

### Visual appearance of prominent rear extension

The development is also visually prominent despite being a rear-extension due to the orientation of neighbouring gardens – this is particularly relevant both for our property and our neighbours at Puddledocks and The Briars.

Taking the overall effect of the proposed plans it results in completely altering the nature and appearance of the property through varying the design, roofline and style, window design. The proposed house would add a total of eight new windows of varying sizes, five of which are at first floor level and all of which are sited to be directly overlooking their neighbours (five for Puddledocks, three for The Briars).

Furthermore, as there are no details regarding materials it is conceivable that the extension would be constructed in a manner that completely contrasts with the existing house.

### General

We have strong reservations regarding the overall detail, accuracy and viability of what is proposed, in particular the roof treatment and the consequential impact of sloped and lowered ceilings to the first floor bedrooms. There are still many unanswered questions arising from the submission and the potential for these ambiguities to result in a far larger construction of poorer design and appearance.

In conclusion, we would therefore urge that this proposal is rejected due to falling foul of Dacorum guidelines in several areas: the impact on visual intrusion, loss of light and air, overlooking/loss of privacy, over-development of the plot and impact on the general amenity of both our own and our neighbours' properties.

### *Ploughmans Piece - strongly objects*

The whole concept is quite unsuited to the character of this neighbourhood. The small plot of Briars Orchard is infill and the proposed extensions would be bulky and not in keeping with the area. The addition of many new windows would greatly affect the adjoining properties by their ugliness and bring about gross intrusion into their privacy.

### *St. Wilfreds - objects*



## **Current Plans - now being considered**

### Berkhamsted Town Council

*The Berkhamsted Town Council will meet on 15 June to discuss the amended plans so their comments will have to be presented to the DCC on the night.*

## **Comments from residents (received by 4 June, 2015)**

### *Puddledocks- objects*

Yet again, for a fourth time no less, we are required to submit our objections to the above request. I do so as follows:

1. The proposals mean a gross overdevelopment of this small and narrowing in-fill plot. It detracts from the existing house, invades our privacy and the neighbours' and is out of character with the area.
2. Contravenes Core Strategy Policies and local planning guidelines.
3. Furthermore, the Drawings, as you know, are without any scale or sizes, nor is there mention of materials for use. If these were to be approved then he would have carte blanche to do just as his fancy takes him.

You will see that our objections have been hurriedly prepared; they are, nonetheless, very strong and we wholeheartedly echo those of Mr & Mrs Roberts and Mr & Mrs Scott our neighbours who also will be severely damaged if these ideas get the go-ahead from Dacorum.

### *Briars - objects*

Dear Ms. Palmer, further to the submission of yet further revised drawings concerning the above application, as the owner of Briars, immediately to the north of Briars Orchard I wish to maintain my objection.

As a reminder and as previously mentioned, a not dissimilar scheme was applied for in September 2010. At the time, I met with the case officer Richard Butler, who came to the conclusion that for a variety of reasons the proposal was unacceptable. I visited Dacorum Civic Centre on 16<sup>th</sup> March this year to review the historic file only to be told that all notes on the previous case have been lost.

At their committee meeting in 2010, Berkhamsted Town Council also rejected the proposal and as a result, the application was withdrawn before any official rejection was made. I attach immediately below the minutes from that town council meeting for your ease of reference.

Object for the following reasons:

- Overdevelopment of the site, which is a small plot in comparison with others in the area.
- Size, scale, bulk of the development, particularly since the existing house is only approx. 3 m. from its neighbour, The Briars, whereas the appraisal for this Character Area (BCA12) specifies 5- 10 metres and contrary to Policy 11 of the Local Borough Plan.

- Increase from two to three storeys, contrary to BCA12 guidelines.
- The flat roof and the revised pitch to the other roof are out of keeping with the design of the existing house and the neighbourhood.
- The third floor and additional windows will result in a loss of privacy to neighbouring properties.
- The bulk of the design would result in loss of daylight to the house called Puddledocks to the north. Potential damage to tree/roots of a TPO'd Oak tree at the front of the house during construction.

Turning now to the 2015 proposals, the previous set of drawings under the current application were rejected unanimously by Berkhamsted Town Council with one councillor referring to the drawings as “contempt of court”. The Council rejected the last set for the following reasons:

This proposal represents an overdevelopment of the site. It detracts from the character of the existing dwelling, is out of character with the area and invades the privacy of neighbouring dwellings.

Contrary to Core Strategy Policies CS 11 and CS12, Saved Local Plan Policy Appendix 3 and Appendix 7 and Saved Local Plan Supplementary Planning Guidance BCA12.

We request that should there be a further application for this site, the supporting drawings and plans be of a substantially improved quality.

Referring now to the latest submission, I would comment that generally speaking, this fourth set of drawings is still a long way short for any reasonable person to be able to pass proper comment on. This is the fourth time we have had to consider and rewrite our objection, it has been casting a shadow over ours and our neighbours for too long. The applicant is still trying to put a quart into a pint pot. Whilst the quality of the drawings is slightly better than previous submissions, they still leave far too much to interpretation and are still not good enough for proper consideration. No dimensions whatsoever are provided and in fact the drawings actually state “All dimensions must be checked on site and not scaled from this drawing”. As a result we do not know how large the extension will be and it effectively gives the applicant carte blanche to do what he likes once on site. Again, there is no annotation whatsoever as to what materials are being considered. I am deeply worried that if passed, as they are so lacking in detail, we don't know what would be built.

As far as I can pass comment, my objections are as follows:

The proposed extension contravenes Policies 11 and 12 of the Core Strategy and Appendix 7 of the Local Plan in the following areas:

**1. A7.2 (i) (a) – scale – it should not dominate the existing house or project above the roof line.**

The proposed development would have a very dominant effect on the original house when viewed from the rear, indeed it almost looks like two semi detached houses when viewed from the ground.

**2. A7.2 (i) (b) – roof form – it should match the existing house in terms of design, angle of pitch and materials.**

From the drawings it looks like two pitched roofs meeting together in a semi detached style. It clearly fails this policy on all grounds, it is completely out of keeping with the existing house in terms of design and angle of pitch and there is no mention of materials to be used so we do not know what the applicant intends the finished product to look like.

**3. A7.2 (v) – The projection of rear extensions from the parent building should not excessively enclose or seriously affect the daylighting to adjoining owner's habitable rooms.**

From our perspective, the latest proposal is as bad as previous ones as it will still create a significant loss of daylight to our principle habitable room (living room). This room was once an artist's studio with high and low level windows facing north and is the major feature of our house. We receive our principle daylight from these high windows. If this extension is built we will lose pretty well all the benefit of this and our living room would be considerably darkened throughout the day.

**5. A7.2 (v) - Such extensions should be avoided on a boundary wherever possible and should be of limited length**

The proposed extension is only 1.5m from the boundary and looks to be about 3.6m long (longer than the original 3.3m proposal), though there is no way of verifying this from the drawings. In the Supplementary Planning Guidance there is clear reference to there being gaps between houses of 5 – 10 m in this area of Berkhamsted. As our house is also only 1.5m from the boundary, there is in total only a 3 m gap. The proposed extension would create an even greater **cramped appearance** which would be completely out of keeping with the houses on Shootersway Lane. We firmly believe that when Briars Orchard was built, it was never intended to be extended. The amended drawings have made no attempt to alleviate this issue.

**45° Rule**

Our living room (our principle habitable room) would be adversely affected by the proposal as it will reduce the amount of light therein and be visually intrusive.

**7. A7.2 (v) – Some rear extensions are visually prominent and this will be taken into account in assessing their appearance.**

*This is still our principle objection and the proposal also contravenes CS12c and g.*  
Viewed from our side, the amended drawings have not improved the situation for us at all. The extension is excessively bulky and would be a highly dominant feature leading to an overbearing visual intrusion and would seriously harm the amenity of our rear garden and that of our neighbours. Where now all the houses finish in a neat row with hipped roofs, we would be faced with having to look at an unpleasant solid brick wall and roof. We are not aware of how much the extension will protrude as the drawings clearly state that no dimensions can be taken from the drawings. We suspect that it will be at least some 3.6m long; this would be a **complete eyesore** and we would lose the open, light and airy feel of our rear garden.

This proposal does not maintain the design characteristics of the row of houses and it would alter dramatically the **building pattern** at the rear and inevitably lead other houses to want to do the same over time as a precedent would have been set if this is granted.

**8. Loss of Privacy**

The rear elevation now has four windows (previously three) which will look directly into the garden and house of The Firs, causing them an even greater loss of privacy. Whilst the new proposals have removed the windows overlooking our garden and Puddledocks, I believe that the applicant always intended to negotiate these away and is nothing more than a cynical gesture/concession. I seem to remember he used a similar tick in 2010.

**General**

Shootersway Lane is dominated by medium to large detached executive style houses with good sized mature plots. The houses sit well back from the road so providing for a semi rural feel with plenty of space around. The plot which Briars Orchard sits on is one of the smallest in the area and the size of the current house is as large as it should be which I imagine was agreed upon when the land was first sold off. To increase the size of the first floor by I suspect almost 30%, all at the rear would appear to me to be massive. In addition it would lead to a comparatively very small garden which would be completely out of keeping with the nature and character of the area.

The proposal is just as extremely visually intrusive as the previous proposal and will harm the surrounding neighbourhood. With the new roof form it is even more out of keeping with the existing house and totally unsuited to the area. It will alter dramatically the use and enjoyment of at least three neighbouring gardens, being a complete eyesore. It will give rise to a loss of amenity, daylight / sunlight and privacy and is disrespectful of the general character of the area and if approved three houses will suffer significantly. As a result we request that the application be refused.

Finally and apart from the overall unpleasant nature of what is proposed, the quality of the application still appears to be an attempt to fudge many issues and leaves far too many questions unanswered.

#### *The Fir- objects*

Please find attached our objection to the planning application referenced above.

We understand that the normal timescale for a decision is 8 weeks and that if the standard process had been followed in accordance with the submitted plans at that time this planning application would have been refused some weeks ago now on a number of grounds. We note that this would have concurred with your own decision, the judgement of Berkhamsted Town Council and the representations made by a number of neighbours affected by this proposed development. The recently submitted plans still fall short of any adequate response to the multiplicity of deficiencies in the design and this final re-iteration of plans is actually worse for us as there are now four second floor windows that would be overlooking us and invading our privacy. Worryingly, it includes the wording: "All dimensions must be checked on site and not scaled from this drawing". Anyone who secured planning approval with such a sweeping rider would have carte blanche to simply build anything they wanted to whatever dimensions they could stretch to. Mr Kilich has never actually resided at Briars Orchard and is attempting to build as big a box as possible for commercial gain, irrespective of the negative impact on the lives of a significant amount of neighbours who have lived in the area for many years.

#### *St Wilfreds – objects*

We have now had the opportunity to view the amended plans for this extension. In light of this we would like to reiterate our concerns as outlined in my email of 7th April.

#### *White Oaks – objects*

I refer to your letter dated 20 May and to the revised plans for the above planning application submitted by Mr I Kilich for the construction of a two storey extension at the

rear of Briars Orchard, and wish to lodge a formal objection to this development on the grounds shown below.

- The overdevelopment of the site which is a small plot in comparison to others in the area. Even in this further revision to the plans the increased mass is considerable and is about a quarter of the existing property.

- The new design for the roof is out of keeping with all the other properties in the Lane and does not align with the existing roof line.

- The number of windows to the rear of the property has increased to four, with two retained on our side of the property. This will result in the loss of privacy to my family and the new plans will have a greater impact on my neighbours, in the Firs.

- The side of the development, adjacent to The Briars, is extended along the boundary line rather than being stepped in and does not conform to the distance of 5 - 10 metres as stated in Policy 11 of the local Borough Plan.

- The bulk of the design will result in a loss of daylight for my property but more especially to my neighbour's property, Puddledocks.

- The statement in the upper right hand corner of the drawing reads, "all dimensions must be checked on the site and not scaled from the drawings" indicates that the exact dimensions will not be known before building works take place.

Although there has been some slight improvement in the quality of the drawings, the lack of any information on the materials to be used, makes it difficult for me to carry out an objective assessment of the impact this development will have, not only on my property and my quality of life but on the surrounding properties as well. I believe this is the fourth or fifth revision to the plans for this application. If the poor quality of the planning application is indicative of the development as a whole then the quality of the development could be equally as poor or substandard and will not be in keeping with the general area, and Shootersway Lane in particular.

I contend that the positioning of the current house on the site in relation to the neighbouring properties should preclude any two storey development both now and in the future as this will automatically result in the loss of privacy and daylight to my family and my neighbours.

I urgently request that this application is rejected.

## **Considerations**

### Policy and Principle

Core Strategy policy CS4 encourages appropriate residential development in Towns and Large Villages. The principle of an extension in this location is acceptable and should be considered primarily against Core Strategy policies CS11: Quality of Neighbourhood Design, CS12: Quality of Site Design and saved DBLP appendices 3 Layout and Design of Residential Areas and 7 - Small Scale House Extensions.

### Effect on appearance of building

The part ground floor rear extension with a first floor extension built across the entire width of the dwelling will be in character with the existing dwelling in terms of scale and design. The roof design will be hipped back and the ridge will be lower than the existing in an attempt to reduce the massing. The materials will match the existing dwelling.

The proposed fenestration in terms of shape and size are in character with a dwelling of this size. The dormer windows have been removed from the proposal.

The rear garden width and depth will be approximately 12.5 metres by approximately 19 metres and the front garden approximately 16 metres wide and approximately 30 metres deep. Based on this it is considered that there is sufficient spacing around the building to avoid a cramped appearance and retain a suitable amount of amenity space.

The property has good level of screening around the boundaries by means of a mixture of fencing and vegetation.

#### Effect on Street Scene

The proposal would not be visible from public vantage points along Shootersway Lane or Lane End.

#### Effect on Amenity of Neighbours

##### *Loss of Privacy*

Two new small windows are proposed on the first floor of the northern elevation facing Puddledocks. These windows will serve a bathroom and shower room and will be high level, obscure glazed glass and top hung.

A new window is also proposed on the southern elevation at ground floor level facing Briars. The boundary opposite the window is screened with a 2 metre fence and vegetation.

There will be 4 east facing windows in the rear extension proposed (ie. facing Garden Cottage). The distance between the new windows and the boundary fence will be approximately 19 metres. The distance between the two dwellings (which are not back to back but back to side facing) will be approximately 22 metres. The boundary between the two properties is fenced and screened with trees/hedging. The boundary next to the dwelling Garden Cottage is screened with tall trees. The current view from a bedroom window in this elevation (admittedly 3.6 metres further away) is only of the rooftop of Garden Cottage.

Appendix 3 DBLP states that private gardens should normally have an average minimum depth of 11.5 which would allow the minimum back to back distance between dwellings to be 23 metres. There are no guidelines for rear to side distances.

#### Loss of sunlight and daylight

The Briars are the closest neighbour to the extension on the southern side. The development respects the 45 degree line principle from neighbouring windows

comfortably and is not considered to impact upon outlook or light to neighbouring habitable room windows in this regard. The ground floor room belonging to the Briars which is nearest to the extension has high level side windows facing the site. These windows serve a living room which has windows at the front and large patio doors at the rear. There may be some light lost to the side windows but the other windows will not be affected.

The effect on amenity of neighbours is considered acceptable in accordance with saved DBLP appendix 3 and 7 and policy CS12.

#### Other Considerations

The property has a double garage to the front of the dwelling and a long driveway with adequate parking provision for a dwelling of this size.

No significant trees or landscaping would be harmed by the proposal.

#### Sustainability

The development will be built to modern building regulations and considered to improve the overall sustainability of the home. The development will accord with CS29 with regard to sustainable design and construction.

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

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

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

- 2 The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match in size, colour and texture those used on the existing building.**

Reason: To ensure a satisfactory appearance to the development.

- 3 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 and B]**

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. The site is an tight infill development in an area of large

properties on large plots. To ensure compliance with Core Strategy Policies 11 and 12.

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

Site location plan  
Section  
Existing elevations  
Existing section  
1623/2/5288

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

Article 31 Statement:

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.



## ITEM 5.14

**4/01555/15/FHA - DIVIDING FENCE TO FRONT GARDEN..  
9 BARTHOLOMEW GREEN, MARKYATE, ST. ALBANS, AL3 8RX.  
APPLICANT: MRS A ANGUS.**

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[Case Officer - Rachel Marber]

### Summary

This application is recommended for approval.

The proposed front garden fence would see the introduction of a solid barrier in Bartholomew Green, which is presently characterised by open front gardens. However, due to the proposed fence's modest size, position and design it would not have a significantly adverse impact upon the visual amenity of the existing dwelling house, immediate street scene, or the residential amenity of neighbouring residents. Furthermore, the case of specific circumstances in relation to the drop in topography levels between the site and neighbouring property and the resultant requirement to provide safe access for the owner of the property provide the additional justification necessary to the support of the application.

The proposal is therefore in accordance with saved appendix 7 of the Dacorum Local Plan (1991), policies CS11, CS12 of the Core Strategy (2013) and the NPPF (2012).

### Site Description

an end of terrace dwelling house granted permission in 2002. The dwelling house is architecturally different from the immediately neighbouring properties, externally finished in cream render with a grey concrete tiled hipped roof. To the right of the dwelling there is an area of shared parking. Parking provision would sufficiently accommodate a minimum of one domestic car.

The property was built as part of a recently created cul-de-sac of similarly constructed properties (2002) featuring identical terraced houses. All properties are relatively regimented in regards to architectural detailing, separation gap, height and build line. The area has a verdant aspect emphasised by the planned communal green and rectangular garden plots serving the properties. Several properties have been extended, with rear extensions and loft conversions prevalent; however the overall character of the area remains very evident.

### Proposal

The application seeks permission to construct a 1.3 metre high dividing fence to the front garden of the dwelling house. The purpose of the proposed fence is for safety, in order to prevent people falling off the 16 inch drop onto the neighbouring property.

### Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Markyate Parish Council.

## **Planning History**

4/01252/10/FHA REAR CONSERVATORY  
Granted  
27/09/2010

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)

### Dacorum Core Strategy (2013)

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

### Saved Policies of the Dacorum Borough Local Plan (1991-2011)

Appendix 7 - Small-scale House Extensions

## **Summary of Representations**

### **Consultee Response:**

#### **Markyate Parish Council**

*"Objection*

*The Parish Council are aware of a covenant on this land that stops this being erected. Places with covenant should be available on a list for information."*

### **Comments received from local residents:**

#### **23 Bartholomew Green**

*Bartholomew Green is an open plan development with the following covenants still in force.*

*4.2 Not to do or permit anything which may prejudice the open plan layout of the estate or any visibility splay in the property.*

*4.9.2 Not at any time to ...erect any buildings fences, or walls... one and a half metres either side of any service insulations.*

*This fence would affect all of the residents, not just the ones you have consulted.*

*Should safety genuinely be the issue there there are other options that could be investigated that are a) unobtrusive and b) acceptable to all. There are no fences at all to the front of any houses in the entire development.*

*The proposed fence would be an eyesore, would affect 18 other families, contravene the open plan layout of the development and is against a development covenant that all of the other residents have abided since the properties were built.*

## **2 Bartholomew Green**

*Bartholomew Green is a private development of which 23 properties face each other in a circular, open plan position. The development is of Open Plan with covenants applied, to protect the same.*

*I object to the above planning application. Bartholomew Green is an open plan development. Covenants are applied to the development which include:*

*4.2 Not to do or permit anything which may prejudice the open plan layout of the estate or any visibility splay.*

*4.9.2. Not at any time to plant any trees or deep rooting plants or shrubs nor erect any buildings, fences, walls or other erections one and a half metres either side of any service insulations.....*

*For safety purposes a rail would be more appropriate and not objected to. There are 24 properties in the close ALL of which will be in vision of the proposed fencing.*

*On the planning application I notice that it states that the proposed fence should match other fences! There are no fences to the front elevations of the Close.*

*Due to the nature of the development and safety aspects, surely a hand rail would be more appropriate and certainly would not detract from the visual splay of the development. I would imagine that a fence, on the very edge of a raised foot path, is likely to collapse if a weight falls on it.*

*As a resident of the Close and a director of the management company I feel that a fence will be an eyesore and surely not appropriate to the reason given; safety. I suspect that the reason for a fence is to obscure the wheelie bins next to her footpath!*

*Homeowners bought their properties here knowing that it is a private, open plan development.*

## **8 Bartholomew Green**

*I write to you in regards to the above planning application and to strongly object to this proposition.*

*The erection of the dividing fence will inhibit the amount of natural light coming through our kitchen window at the front of our property, casting it in shadow as well as the rest of our garden.*

*In addition to this we feel such a dividing fence will add a visual intrusion to our property and will have a menacing appearance seen as we only have a small front garden.*

*We also feel that the applicants comments regarding erecting a fence of similar size to*

*'match existing fences around the green' to contain a degree of inaccuracy - there are currently no front garden dividing fences of this size currently erected (those that do exist of this nature are in fact rear garden fences for end/corner properties that are only visible from the side of the property).*

*We completely respect that the applicant is elderly, however we feel it unjustified to erect such a structure.*

#### **14 Bartholomew Green**

*Agree with points already made. There are currently no fences (4ft or otherwise) in any of the front gardens of Bartholomew Green. To erect one would be out of keeping with the open plan nature of the development and could set an unwanted precedent. A safety rail would be a lot more appropriate and functional.*

#### **22 Bartholomew Green**

*"We agree with points already raised. Bartholomew Green is an open residential area with no individual fences etc to separate the front aspect of properties."*

#### **10 Bartholomew Green**

*"This application is out of keeping with the development, and also there are covenants in place on the land that directly prohibit the proposed alteration."*

#### **7 Bartholomew Green**

*"This development should be open plan and we wish it to remain so"*

#### **25 Bartholomew Green**

*"This is a private open plan development and should remain the same. There are no fences to the front of any of the properties and this should remain so. A hand safety rail would be more appropriate."*

*"There are no fences to the properties in this development and we wish it to stay this way. It states in our deeds that out close should be open plan. All residents have supported this over the lifetime of the development. A fence down the front of a footpath is not acceptable."*

### **Considerations**

#### **Principle of Development**

The application site is located within a residential area, wherein the principle of a residential extension is acceptable subject to compliance with the relevant national and local policies outlined below. The main issues to the consideration of this application relate to the impact of the proposed addition on the character and appearance of the existing dwelling house, immediate street scene and the residential amenity of neighbouring properties.

## Effect on Appearance of Building and Street Scene

Saved appendix 7 of the Dacorum Local Plan (1991), policies CS11, CS12 of the Core Strategy (2013) and the NPPF (2012) all seek to ensure that any new development/alteration respects or improves the character of the surrounding area and adjacent properties in terms of scale, massing, materials, layout, bulk and height.

In accordance with the submitted application the proposed garden fence would be of simple, traditional close boarded wooden structure design. The proposed fence would be 1.3 metres in height and 3.4 metres in width. Thus, the proposed fence is consequently considered of modest size and would consist of natural materials.

The majority of objections raised were in regards to visual amenity. The main points of concerns are as follows:

- The fence would appear as an abnormality within the cul-de-sac
- The proposed fence would contravene the open plan layout of Bartholomew Green
- The fence would appear as a visual intrusion
- A covenant exists preventing the erection of fencing

The grant of planning permission would not override an existing covenant, and thus would not be a planning material consideration in the determination of the application.

The entrance of Bartholomew Green is emphasised by 1 metre high brick walls and 1.8 metre high close boarded wooden fences defining the boundary of properties 1 – 4 Bartholomew Green. This creates an enclosed entrance which arguably sets precedence for the form of development within the close. Thus, it is considered that the proposed 1.3 metre high fence would replicate this, forming a defined front entrance to 9 Bartholomew Green.

Moreover, the proposed fence would not be significantly detrimental to the open plan layout of the area, due to the 1.3 metre proposed height which would reside below the line of sight. This would result in no greater visual harm than the bins stacked against the boundary of several dwellings within the street scene. Furthermore, the first metre of the proposed fence would be hidden from view by the bins located at the boundary between number 8 and 9 Bartholomew Green. Accordingly, the proposed fence would not appear as a stark visual intrusion, nor overtly impair the visual outlook of the Green.

Although Permitted Development Rights have been removed for this property it is important to note that Permitted Development Rights, Part 2, Class A, Minor operations, would certify a 1 metre high fence as Permitted Development, without the need for planning consent. For this reason a fence of the proposed height is generally considered to be a subservient element, of nominal harm to the openness and outlook

of an area.

Furthermore, it is important to note that there are no other examples along Bartholomew Green which have the same drop in levels alongside a front access path. As such, the proposed fence would be considered a one-off within the Green.

Due to the variation in topography levels along the boundary between number 9 and 8 Bartholomew Green there is a site-specific requirement for additional safety of the occupier when accessing her property; this requirement provides additional justification for supporting the application. As a result consideration has been given to an alternative form of barrier, (such as a picket fence, or safety rail, which would have a more open appearance), but due to the siting of the boundary line coupled with the safety purpose of the proposed fence the close boarded wooden structure is considered to be the best option in order to established the stability and safety required by the occupant.

For these reasons, the proposed fence would not set precedence within the street scape. The special circumstances of the applicant and the drop in levels have been taken into account and as a result it is recommended that permission be granted. Thus a grant of permission in this case would not set precedence for future fencing applications to the front gardens of other dwellings within the Green.

As a result the proposal is not considered overly visually intrusive or harmful to the character and appearance of the dwelling or street scene and would not set a precedence; accordingly the proposed coheres with the NPPF (2012), appendix 7 of the Dacorum Local Plan (1991) and CS11, CS12 of the Core Strategy (2013).

#### Effect on Amenity of Neighbours

The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Appendix 3 of the Local Plan (1991) and policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact upon neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way visual intrusion and loss of light and privacy. Moreover, appendix 7 of the Local Plan advises that alterations should be set within a line drawn at 45 degrees from the nearest neighbouring habitable window.

The neighbouring property, 8 Bartholomew Green, has raised concerns in regards to residential amenity:

- Loss of light into kitchen window
- The fence would cast a shadow over the front garden

The proposed fence would breach the 45 degree line as drawn from neighbouring property, number 8 Bartholomew Green's front window. Nonetheless, the proposed

fence would not be of detrimental harm due to the 1 metre set back position of 9 Bartholomew Green, coupled with the fence's proposed low residing height which would sit below number 8's kitchen window. Therefore, on balance, it is not considered that there would be a significant loss of daylight or sunlight to the neighbouring ground floor window as a result of the proposed. Furthermore, the proposed fence would not detriment outlook further than the bins which are positioned in front of the kitchen window of number 8 Bartholomew Green.

Thus, the proposed alteration would not impact upon the residential amenity of neighbouring residents; as a result, in regards to residential amenity, the proposal is acceptable in terms of the NPPF (2012), appendix 7 of the Local Plan (1991) and policy CS12 of the Core Strategy (2013).

## **Conclusion**

It is recommended that planning permission be granted for the reasons stated in this report.

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 application form or such other materials as may be agreed in writing by the local planning authority.**

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

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

**Block Plan Showing Fence Location  
Existing Elevation  
Site Location Plan**

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.



**4/00186/15/FHA - FIRST FLOOR EXTENSION TO BUNGALOW AND RAISED PATIO.  
10 BRIAR WAY, BERKHAMSTED, HP4 2JJ.  
APPLICANT: Mr & Mrs Prince.**

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[Case Officer - Emily Whittredge]

## **Summary**

The application is recommended for approval.

## **Site Description**

The application site is occupied by a detached bungalow on the north east side of Briar Way. The area dates from the inter-war period, in particular the 1930s and 40s, with some redevelopment from successive periods. The area is two storey throughout, the exceptions being Sycamore Rise (part three storeys) and Briar Way, which is part bungalows. Briar Way features a row of bungalows flanked at each end with later two storey dwellings.

The dwelling is one of a series of six 1930s bungalows with hipped roofs and double bay windows on the front elevations. Some have been subject to rear extensions or elongations, as has the subject dwelling, and all have had a variety of minor alterations to their frontages including replacement windows, pebbledashing, porches and the removal of chimney stacks. There are three further bungalows in the road of a different design. The application property is the last bungalow at the north western end of the row.

## **Proposal**

The application seeks to construct a first floor addition to the dwelling to create a two storey dwelling, and to form a raised patio area to the rear. The footprint of the dwelling would be unchanged, while the proposal would result in an increase in height of the front 8 metres of the dwelling to a maximum of 8 metres. The remaining 5.5 metres at the rear would form a single storey flat roofed element with eaves 0.5 higher than the bungalow, but with a flat, rather than hipped roof.

The resulting dwelling would be approximately 10mm higher at the ridge than the adjoining two storey dwelling. The eaves height of the front of the dwelling would be raised by approximately 2.5 metres.

## **Referral to Committee**

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

## **Planning History**

None in the last 10 years. The dwelling was extended at the rear in the 1970s.

## **Policies**

National Policy Guidance

National Planning Policy Framework (NPPF)  
Circular 11/95

Adopted Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development

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

Saved Policies of the Dacorum Borough Local Plan

Appendices 3 and 7.

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)  
Area Based Policies (May 2004) - Residential Character Area BCA2 - Swing Gate  
Accessibility Zones for the Application of Car Parking Standards (July 2002)

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

**Summary of Representations**

Berkhamsted Town Council

**Object.**

The height, mass and bulk of the proposed extension is excessive and would be out of character with the bungalows that are characteristic of the streetscene in Briar way. The extension would have a detrimental impact on the privacy of neighbouring properties.

Contrary to Core Strategy Policies CS 11 and CS 12 and Saved Local Plan Policies Appendix 3 and Appendix 7.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

At the time of writing, formal consultation on Revision C has not been carried out. No objections were received to Revision B, which was larger than the proposal currently under consideration. Objections were raised to the original scheme from both adjoining neighbours (9 and 11 Briar Way) on grounds of privacy and loss of light.

**Considerations**

Policy and Principle

The main policy relevant to the consideration of this application is Policy CS12 of the Core Strategy. Also relevant are Local Plan Appendix 7 and the Residential Character

Area SPG.

Policy CS12 states that development should respect adjoining properties in terms of layout, security, site coverage, scale, height, bulk, materials; and landscaping and amenity space. Appendix 7 states that extensions should harmonise with the original design and character of the house in terms of scale, roof form, window design, and external finishes. Any extension should maintain the common design characteristics of the row or street within which a house is located, with particular regard to roof line, building pattern, and design details.

There is no presumption in favour of the retention of bungalows as a housing type in planning policy, so the key considerations relate to the effect on the appearance of the dwelling, impact on the street scene and impact on the amenity of adjoining occupiers.

#### Effect on appearance of building

The development would result in a dwelling that is altered in appearance, but not unsympathetic to other dwellings in the Swing Gate Character Area. The footprint of the dwelling would remain unchanged, while the two storey element would be constructed at the front 8 metres of the dwelling. The 5.5 metres at the rear would be in the form of a single storey structure with a flat roof. The detailing of the external appearance replicates the bay windows and hipped roof of the original dwelling, resulting in a design that is proportionate and balanced.

#### Impact on Street Scene

The subject property is one of a series of six bungalows whose roofscapes form one element of the road's character. Also of significance is the rhythm of the front bays along this part of the road. These, with their regular spacing and front garden sizes, form a strong visual characteristic of Briar Way. The street scene contains a mixture of bungalows and two storey dwellings, and the conversion of a bungalow to a two storey dwelling is, in principle, not out of character.

The proposal retains the original front bay on the right and extends it upward, remaining faithful to the 1930s identity of the wider area, particularly the dwellings on Chestnut Drive. The extension would result in a building of the same height as the adjoining two storey dwelling. Although the development would result in a different dwelling type, the design would be sympathetic in terms of style and architectural detailing. It would be no higher than the adjoining two storey dwelling.

#### Impact on Trees and Landscaping

There would be no impact on trees.

#### Impact on Highway Safety

The forecourt of the dwelling is large enough to accommodate 3 cars, which is sufficient for a 3-bedroom dwelling. The proposals would not give rise to any issues of highway safety.

#### Impact on Neighbours

The impact on light to adjoining properties has been assessed using the BRE's 45 degree rule for daylight and sunlight. The proposed development would not cause a significant loss of light to either property and is acceptable in these terms. Side facing windows at first floor level would be obscure glazed and would therefore not cause a loss of privacy.

The adjoining bungalow, No 9 has, like the application property, been extended to the rear, but with a flat roof. The proposed first floor extension would be set 5.2 m further forward than the rear elevation of No 9 and would be limited to the front of the dwelling, thereby limiting impact on the amenity of occupiers at No. 9. The other adjoining dwelling, No. 11, is two storeys in height and has a conservatory extension at the rear. The proposed first floor extension would be nearly in line with the principle rear elevation of this property, being sited 0.4 m beyond the original rear wall. The single storey element would be approximately 2.5 m deeper than the adjoining conservatory, but is set 1 m away from the boundary and approximately 4 metres from the conservatory. There would therefore be no overbearing impact to the occupiers of either adjoining property.

## **Conclusions**

The proposed development is sympathetic to the existing architectural character of the Swing Gate Residential Character Area. The residential amenity of the adjoining occupiers would not be harmed. The development therefore would be in accordance with Policy CS12 and Appendices 3 and 7.

## **RECOMMENDATION**

That the application be DELEGATED to the Group Manager – Development Management and Planning with a view to approval subject to the expiry of the neighbour notification period on the amended plans.

- 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 shall be carried out in accordance with the Schedule of Materials in Section 11 of the application form dated 19/01/2015.**

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

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:**

**Schedule 2 Part 1 Class A.**

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 Core Strategy Policy CS12.

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

141 pa2.01  
141 pa2.02  
141 pa2.03  
141 pa2.04 C  
141 pa2.05 C  
141 pa2.06 C  
141 pa2.07 C  
141 su1.01

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

# Agenda Item 21

## 6. APPEALS

### A. LODGED

4/00274/15/FHA Mr Goldthorpe  
FRONT & REAR DORMER WINDOWS  
3 MONTAGUE ROAD, BERKHAMSTED, HP4 3DS  
[View online application](#)

4/03188/14/FHA Dr R Green  
LOFT CONVERSION WITH TWO FRONT DORMERS, ONE  
REAR VELUX ROOF LIGHT AND GABLE END WINDOWS  
65 SHELDON WAY, BERKHAMSTED, HP4 1FG  
[View online application](#)

### B. WITHDRAWN

None

### C. FORTHCOMING INQUIRIES

None

### D. FORTHCOMING HEARINGS

None

### E. DISMISSED

None

### F. ALLOWED

4/00900/14/ENA WEBB

APPEAL AGAINST ENFORCEMENT NOTICE: A MATERIAL CHANGE IN USE OF THE LAND FROM AGRICULTURAL LAND TO LAND FOR THE STORAGE OF PORTACABINS.

LAND AT BOVINGDON AIRFIELD, BERRY FARM, WHELPLEY HILL, CHESHAM, HP5 3RW

[View online application](#)

The Council served an Enforcement Notice to seek the removal of portacabins from the site. The Council considered that these portacabins had been brought onto the land for the purpose of renovating the listed farmhouse and that as no works had taken place for a long period that the land was now been used to store portacabins. The appellant argued that the portacabins were ancillary to the lawful agricultural / aviation use of the land. The Inspector allowed the appeal and quashed the enforcement notice.

Firstly, the Inspector felt that the Council had too tightly defined the land covered by the notice and had lost sight of the need to consider the use of the planning unit. Furthermore, as the arguments put forward by both parties related to the use of the portacabins the Notice needed to state a specific use rather than the storage use alleged in the Notice. The Inspector did not reach a decision as to which parties version of events he preferred - indeed he stated that this could not been done without hearing oral evidence at a local Inquiry. As such he felt unable to correct the Notice without causing injustice.

Secondly, the Inspector considered the larger of the two portcabins to constitute a building as it was attached to the ground by its own weight (its removal would require specialist lifting gear) and because, due to the use it is put, it is intended to be permanently placed in the position (The Inspector also applied this second point to the smaller portacabin). As such the Notice is incorrect in alleging only a material change of use as the breach of planning control.

The Inspector dismissed the appellant's application for Costs against the Council as the Council was not wrong to direct the notice at part only of the planning unit and the conclusion that one of the portacabins is a building is a matter of judgement and the Council was entitled to hold the view that the portacabins are not buildings.

4/03618/14/FHA MR AND MRS P RANDALL

FIRST FLOOR FRONT, SIDE AND REAR EXTENSIONS. TWO

STOREY REAR EXTENSION. FIRST FLOOR  
ACCESS/BALCONY TO REAR, CONVERSION OF GARAGE  
SPACE TO HABITABLE ROOM. SINGLE STOREY FRONT  
EXTENSION AND PORCH, REMOVAL OF CHIMNEY TO MAIN  
ROOF. ALTERATIONS TO OPENINGS (WINDOWS AND  
DOORS), ADDITION OF SKYLIGHT TO MAIN ROOF. CHANGE  
OF ROOF TILES  
122 PICKFORD ROAD, MARKYATE, ST. ALBANS, AL3 8RL  
[View online application](#)

## **Inspectors Main Issues**

The main issues are (i) the effect of the alterations and extensions on the character and appearance of the area, and (ii) the effect on the living conditions for the occupiers of No. 120 Pickford Road as regards daylight and sunlight.

## **Reasons**

### *Character and Appearance*

I saw on my visit that because 'Frindles' to the west has a separate access and is positioned well into its site with substantial boundary screening, No. 122 is effectively an end property in this part of Pickford Road. It is also set back slightly from No. 120 and well screened by trees in the front garden.

The combination of these factors results in the property not being read as having a particularly close visual integration with the street scene of this part of Pickford Road, where in any event the adjoining properties have been substantially extended at their front and sides. This is particularly so in the case of No. 120 which appears to have originally been a similar design to No. 122.

With these points in mind I see no objection to the additions and the different design proposed, especially as 'Timbers' on the opposite side of Pickford Road is of very similar appearance and therefore indicates the acceptability of the principle of this type of design. Paragraph 60 of the National Planning Policy Framework 2012 ('the Framework') states that '*Planning policies and decisions should not attempt to impose architectural styles or particular tastes ....*'. Having regard to my observations on the street scene and that in my view the altered building would be an improvement on the existing house and a better balanced architectural composition than the extended houses nearby, I consider that a refusal of permission would be contrary to that guidance.

On this issue, I therefore conclude that the appeal scheme would not have an adverse effect on the character and appearance of the area in harmful conflict with Policy CS12 of the Dacorum Core Strategy 2006-2031 adopted in 2013; the advice within Appendix 7 of the saved Dacorum Borough Local Plan 1991-2011 adopted in 2004, and Section 7: 'Requiring Good Design' of the Framework. I have used the term 'harmful conflict' in this case because although I acknowledge that there is some technical conflict with Appendix 7, the circumstances are such that the proposal would not have an adverse effect.



### *Living Conditions*

The Council's concern on this issue is that the two storey extension would result in a material loss of light to the patio and the rear patio doors serving the lounge of No. 120. The dispute here focuses on the encroachment of the two storey extension on the 45 degree line drawn from the rear elevation of No. 120. However from the evidence before me I am not sure whether that line has been drawn to start from the most appropriate point, which in my view would be a quarter or half way across the nearest significant opening, depending on the particular circumstances.

Be that as it may, the proposed block plan shows the first floor extension would be only in slight conflict with the 45 degree line and the design of the proposed roof is such that it would slope away from No. 120. The appellant also says that the occupier of that property prefers this scheme to the approved scheme negotiated with the Council. Although the neighbour does not confirm this in writing, it is reasonable to give weight in the appeal to the absence of any objection to the current proposal from that source.

On balance on this issue I do not find that any adverse effect on the living conditions for the occupiers of No. 120 in terms of daylight and sunlight as a result of the proposal would be so significant as to be in conflict with Policy CS12(c) of the Core Strategy and the core planning principles of the Framework.

### **Conclusion**

As I have found that the proposal would be acceptable on both main issues I shall allow the appeal Appeal Decision APP/A1910/D/15/3005610