



Public Document Pack

DEVELOPMENT CONTROL AGENDA

**THURSDAY 26 NOVEMBER 2015 AT 7.00 PM
COUNCIL CHAMBER**

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

Membership

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

Councillor Riddick
Councillor Ritchie
Councillor Sutton
Councillor Whitman
Councillor Wyatt-Lowe
Councillor Fisher
Councillor Tindall

For further information, please contact Katie Mogan or Member Support, Extension x2221

AGENDA

1. MINUTES

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

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence

3. DECLARATIONS OF INTEREST

To receive any declarations of interest

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

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

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

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

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

It is requested that Members complete the pink interest sheet which will be made available at the meeting and then hand this to the Committee Clerk at the meeting

4. PUBLIC PARTICIPATION

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

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

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

There are limits on how much of each meeting can be taken up with people having their say and how long each person can speak for. The permitted times are specified in the table above and are allocated for each of the following on a 'first come, first served basis':

- Town/Parish Council and Neighbourhood Associations;
- Objectors to an application;
- Supporters of the application.

Every person must, when invited to do so, address their statement or question to the Chairman of the Committee.

Every person must after making a statement or asking a question take their seat to listen to the reply or if they wish join the public for the rest of the meeting or leave the meeting.

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

- (a) deferred planning applications which have foregone a significant or material change since originally being considered
- (b) resubmitted planning applications which have foregone a significant or material change
- (c) any issues which are resubmitted to Committee in view of further facts or information to be considered.

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

5. INDEX TO PLANNING APPLICATIONS (Pages 5 - 6)

6. ITEM 5.01 - 4/03042/15/MOA LAND AT APSLEY MILLS ADJ. THE COTTAGE, LONDON ROAD, APSLEY, HEMEL HEMPSTEAD (Pages 7 - 40)

7. ITEM 5.02 - 4/02699/15/FUL MOSSHALL FARM, NETTLEDEN ROAD NORTH, LITTLE GADDESSEN, BERKHAMSTED, HP4 1PE (Pages 41 - 50)

8. **ITEM 5.03 - 4/03034/15/FHA HOLLOW HEDGE, HOLLY HEDGES LANE, BOVINGDON, HEMEL HEMPSTEAD, HP3 0PE (Pages 51 - 59)**
9. **ITEM 5.04 - 4/03768/15/FUL LAND ADJ TO THE OLD FORGE, 54 HIGH STREET, TRING, HP23 (Pages 60 - 64)**
10. **ITEM 5.05 - 4/03276/15/FUL FORMER PUMPING STATION ADJ GARAGES AT CLAYMORE, HEMEL HEMPSTEAD, HERTS, HP2 6LT (Pages 65 - 70)**
11. **ITEM 5.06, 5.07 AND 5.08 - 4/02616/15/FUL, 4/02596/15/ADV AND 4/02575/15/LBC 99 HIGH STREET, MARKYATE, ST ALBANS, AL3 8JG (Pages 71 - 82)**
12. **APPEALS (Pages 83 - 86)**
13. **PART 2 - E/15/00426 BREACH OF PLANNING CONTROL, STERLING HOMES, 76 HIGH STREET, TRING, HERTS, HP23 4AF (Pages 87 - 90)**

INDEX TO PLANNING APPLICATIONS

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5.06	4/02616/15/FUL	PROPOSED INSTALLATION OF AN ATM AS A THROUGH GLASS INSTALLATION. GREEN ACRYLIC SIGN NON ILLUMINATED TO TOP OF ATM FASCIA WITH WHITE LETTERING 'CASHZONE FREE CASH WITHDRAWALS' 99 HIGH STREET, MARKYATE, ST ALBANS, AL3 8JG	
5.07	4/02596/15/ADV	PROPOSED INSTALLATION OF AN ATM	

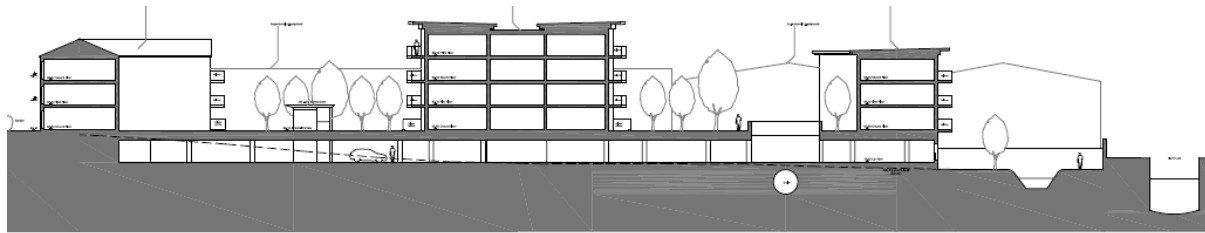
AS A THROUGH GLASS INSTALLATION.
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ALBANS, AL3 8JG

5.08 4/02575/15/LBC PROPOSED INSTALLATION OF AN ATM
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ITEM 5.01

4/03042/15/MOA- OUTLINE APPLICATION OF A RESIDENTIAL SCHEME OF UP TO 50 ONE BEDROOM FLATS WITH PARKING (REVISED SCHEME)

LAND AT APSLEY MILLS ADJ. THE COTTAGE, LONDON ROAD, APSLEY, HEMEL HEMPSTEAD



Section



ITEM 5.01

4/03042/15/MOA- OUTLINE APPLICATION OF A RESIDENTIAL SCHEME OF UP TO 50 ONE BEDROOM FLATS WITH PARKING (REVISED SCHEME)

LAND AT APSLEY MILLS ADJ. THE COTTAGE, LONDON ROAD, APSLEY, HEMEL HEMPSTEAD



**4/03042/15/MOA - OUTLINE APPLICATION OF A RESIDENTIAL SCHEME OF UP TO 50 ONE BEDROOM FLATS WITH PARKING (REVISED SCHEME).
LAND AT APSLEY MILLS ADJ. THE COTTAGE, LONDON ROAD, APSLEY,
HEMEL HEMPSTEAD.
APPLICANT: MR NEVILLE SPIERS.**

[Case Officer - Joan Reid]

Summary

The application is recommended for approval. The site is located within Flood zones 1, 2 and 3 and the proposal is identified as being more vulnerable in the NPPF. As such the Environment Agency have removed their objection to the scheme following additional information and changes to the revised scheme subject to the imposition of conditions. Furthermore, the scheme has been revised to satisfactorily address distances between buildings to maintain sufficient privacy and spacing. The design of the scheme has also been revised to address the relationship of the built form adjacent to the listed buildings along London Road. As such, it is considered that the revised scheme overcomes the previous reasons for refusal and can now be supported.

Site Description

The application site comprises a long strip of land extending from the London Road to the canal, adjacent to Home Base and the Apsley Paper Mill Pub. The site lies adjacent to a Grade II listed building and is located within Flood Risk Zones 1, 2 and 3 and contains culverts which have been filled in. The site formerly contained large warehouse buildings forming part of the John Dickinson Site and has remained undeveloped for some time.

Proposal

The application seeks planning permission for outline planning permission for 50 one bedroom residential units together with 54 parking spaces and landscaping. The development comprises three separate blocks extending to a height of 4 storeys and 3 storeys fronting onto the London Road. The proposal is to be served with access off an existing vehicular access running alongside the Paper Mill Public House. The proposal is for outline permission with all matters reserved except access.

Referral to Committee

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

Planning History

4/03584/14/M OA	OUTLINE APPLICATION FOR THE CONSTRUCTION OF 50 ONE BEDROOM FLATS WITH CAR PARKING AND VEHICULAR ACCESS. Refused 10/06/2015
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Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
NPPG

Adopted Core Strategy

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

Saved Policies of the Dacorum Borough Local Plan

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

Supplementary Planning Guidance / Documents

Affordable Housing (Jan 2013)

Summary of Representations

Conservation officers comments following revision to the scheme

No objection – subject to conditions/reserved matters

With the amended drawings the gable element to the building proposed to front onto London Road has been narrowed, changing the ratio of this element with the compared to. That said it is noted that the gable element has increased in its overall height, compared to the previous incarnation of this scheme although this slight increase in height is however not believed to unduly impact on the setting of the Cottage give the distance between the two. As for the change in the proportions of the two parts to the London Road building this is a welcomed alteration that visually strengthens the distinction between the two elements, which previously had been less clear due to the two parts being of equal width/size, which had resulted in the gable feature appearing quite squat and heavy. The revision present a more slender gable that overall has a more vertical form to it. However, the introduction of

the projecting eave line to the gable element are less welcomed and are considered not to fit in the architectural form of the proposed building.

It is believed that whilst the narrowing of the gable element to be an improvement to the appearance of this building this is completely undone by the revisions that have been made to the form and arrangement of the windows, notably :

- The top hung casement form of the windows with the lower quarter of fixed glazing. This is a very untraditional form of window in this context
- The pairs of single casements placed very close together with a thin sliver of walling between for no apparent reason.

It is however believed that the a more appropriate window form and arrangement of openings can be achieved relatively easily especially if the pairs of window were replaced with a single window of the same width as those to the Juliet balconies (need to ensure they are of sufficient height so not to appear square as the elongated windows adds a welcome verticality to the building) with the windows/Juliet balconies being equally spaced. Therefore given that aside from this issue (front elevation windows of London Road block) the rest of the scheme is considered to be acceptable it is believed that this last issue can be dealt by means of a reserved matters condition to iron out the finer details of the form of the London Road elevation.

Suggested Conditions

- Full details of all external materials and surface treatments to buildings,
- Hard & soft landscaping details
- Boundary treatment details

Conservation and Design

Significance

The cleared site is an inclined rectilinear parcel of land, fronting onto London Road that slopes north-eastwards down to the Grand Union Canal was formerly part of the Dickenson' paper mills complex that once occupied much of the land in Apsley on either side of the canal. The London Road frontage of the site is bonded on its northern side by Homebase, a larger modern retail warehouse building, whilst to the south lies Stephenson's Cottage, the former boardroom building for Dickenson that is now a grade II listed building. Whilst adjacent the southern side of the site where it abuts the canal is unlisted 19th century warehouse building (John Dickenson Enterprise Centre) presently used as a business centre.

Key Issues

Considered to be two-fold:

1. The design and relationship of the proposed development on the setting of heritage assets both designated, namely the Cottage, being a listed building and non-designated ones such as and the Grand Union Canal
2. How well the development integrates in to the streetscape.

Relevant Policies

Policy CS27 of the Core Strategy requires that development will favour the conservation of heritage assets with the integrity, setting and distinctiveness of designated heritage assets protected, conserved and if appropriate enhanced.

Policy CS12 (Quality of Site Design) of the Core Strategy requires new development avoids visual intrusion and is integrated into the streetscape character.

Recommendation

Objection on the grounds that the proposed scheme fails to adequately address the setting of the adjacent listed building and is not believed to positively contribute to the streetscape character, in accordance with policies CS12 and CS27 of the adopted Core Strategy.

That said it is believed that would some moderate redesign to the design of the building fronting London Road that these issues can be adequately addressed.

Comments

It is noted that an earlier incarnation of this scheme under 4/03584/14/MOA was refused earlier this year at Committee on the grounds that the scheme failed to adequately address the flood risk and impact on the site, demonstrate an acceptable degree of privacy could be achieved for the development's residents and on the grounds that the scheme failed to demonstrate an acceptable relationship with the adjacent listed building.

This resulting amended scheme is understood to address those original reasons for refusal and has had the benefit of some limited input from myself with respect to the design of the residential block fronting London Road.

Firstly and clearly contrary to the comments of the previous Conservation Officer it is believed that whilst a new and taller building built directly adjacent to the Grade II listed Stephenson's Cottage would clearly have an impact on the setting of this listed building however that said this is not in cases necessarily considered to be harmful to the setting of the listed building if the new development is of an appropriate design, massing and finish as it can act as a positive foil against the form, massing of the listed building. Here it is believed is a case given until relatively recently a now listed building had always been surrounded by other buildings, some of which had been substantially taller. In this case historic photographs and records show that a gable building, near twice the overall height of the Cottage had fronted onto the London Road. As such it is believed were an appropriated sized gable ended building to be built adjacent to the Cottage that whilst being taller it could create a positive back-drop to highlight this building but also at the same time make a positive contribution to the streetscene of this part of London Road. To this end whilst it was clear from the original application that the applicant sought to achieve something along those lines although in that case for a number of reasons that particular design was not thought to work be successful, partly because of the number and design of the openings the lack of prominence of the gable feature.

As such the applicant was given advice on what was considered to be wrong the London Road frontage building and the changes that could be made to the design.

Although it is clear the revised design for the building fronting London Road has incorporated a number of the suggested changes it is believed the resulting design does not address adequately the original reason for refusal in terms of impacting on the setting of the listed building and the streetscene. It is believed this is in part due to the proportions of this building in terms of the two components being of an equal width. As for the gabled element of the building, this relatively broad compared to its height and as such leads to a shallow pitched roof to it and as a result of the positioning and form of the windows, makes this gabled feature appear somewhat squat in appearance.

The design of the residential block would it is believed benefit from this gable element of the building being made a stronger and more pronounced feature. To this end, were the gable element narrowed the roof would become steeper with a higher overall ridge line. However it is believed that as with the former industrial building on this site the eaves of the new building should roughly correspond with the ridge height of the Cottage.

With respect to the form and position of the windows especially to the gabled portion of the building having large windows set on the outer edge of this feature with smaller windows positioned towards the centre is considered to be major factor contributing to the unsettling visual appearance of the building, with a relatively large expanse of unbroken walling down the centre portion of the gable. As such consideration should be given to the re-ordering the windows, with the suggestion being perhaps for the windows to be of a uniform size and spacing or alternatively placing the large window either side of the centre line to the gable, with the smaller windows flanking.

Presently the given the other half of the frontage to London Road, which has a pitched roof to it, is of an equal width to the gable element and is considered to compete with the gable even though it is set back slightly. The suggestion here is to:

- Change the roof form to (two) gables
- Either through the application of a step back mid-way along the pitched roof portion of the building or by means of architectural treatment. The mid-point expected to coincide with the valley between the gable roofs
- Alter the windows to similarly correlate with the window arrangement to the gable section or alternatively instead of the present mirrored arrangement to have the same arrangement for each half i.e. a large window flanked a smaller one.

As such in summary it is believed that whilst the revised scheme is a positive move towards adequately addressing the setting of the adjacent listed building and or particularly sits well in the streetscene. That said it is believed that the suggested changes to the design of the building fronting London Road would result in a scheme that addresses those concerns.

Hertfordshire Highways - Comments on previous scheme

A colleague has reviewed this outline application and they have come back to me with

the following requests for further information and clarification. As you will see there are four points that require justification but I do not see any of them being show stoppers but none the less they do need to be answered.

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

Further comments

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

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

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

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

Environment Agency

The outputs from the hydrodynamic flood modelling that support the development have now been accepted as providing an adequate assessment of flood risk across the development site. However, please be aware that we have only reviewed the outputs and have not re-run the model in its entirety and are therefore reliant on the accuracy and completeness of the reports in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.

Please ensure the following conditions are included on any planning permission granted. Without these conditions the proposed development presents an unacceptable risk to the environment.

Condition 1

Prior to the commencement of the development a scheme for the management of a minimum eight metre buffer zone alongside the deculverted River Gade shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The scheme shall include:

- details of the deculverted river banks;
- details of the native species planting scheme;
- details demonstrating how the watercourse and associated buffer zone will be managed and maintained over the longer term to enhance the ecological value.

Reason To enhance the habitat value of the River Gade in line with the National Planning Policy Framework and the Thames River Basin Management Plan.

Condition 2 The development permitted by this planning permission shall be carried out in accordance with the submitted Flood Risk Assessment (Waterco, Ref: w1448-22-140219-FRA, February 2014) and the following mitigation measures outlined within:

- Confirmation finished floor levels are set no lower than 76.4 metres above Ordnance Datum (AOD) as indicated in Section 11.1.

Information should also be provided to:

- Show an open channel watercourse that meets the flood risk requirements and maximises the environmental characteristics.
- Demonstrate that protection and maintenance of the existing flood defence canal boundary wall will be provided.

The mitigation measures shall be fully implemented prior to occupation and subsequently 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 ensure the structural integrity of existing flood defences and reduce the risk of flooding to the proposed development and future occupants in line with the National Planning Policy Framework and Planning Practice Guidance.

Informative 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 culverted River Gade, designated a 'main river'.

Strategic Planning

Please refer to our previous comments to the recently refused application under 4/3584/14/MOA as these remain relevant in terms of providing a policy background. This revised application seeks to address issues arising from the earlier application. We understand this scheme is subject to an appeal.

We note that the principle of the development has not fundamentally changed in terms of capacity, design and layout. We welcome the reduction in units from 60 to 50 flats, but this remains a very high density scheme at c.150 dwellings/ph on a tight and elongate site (of 0.326 ha), in close proximity to retail warehouse buildings.

It is important that a high quality scheme is delivered with sufficient spacing, amenities, levels of privacy between blocks and parking (Policy CS12). We remain concerned over the quantum of development which exceeds the indicative capacity of 35 units identified for the site in the associated allocation in the Site Allocations DPD. However, we do recognise that separation distances have marginally improved (DBLP Appendix

3), courtyard space has slightly increased (DBLP Appendix 3), and parking would be delivered to standard at 1.25 spaces per unit (DBLP Appendix 5). These points are generally welcomed. You will need to assess whether such changes address previous concerns over the form of the development.

Our preference would still be for more of a mix of size of units rather than these all being solely 1 bed properties (Policy CS 18). We do acknowledge that this was not identified as a reason for refusal. The views of the Strategic Housing team should be sought over this mix of units. However, we note that these would all be for affordable homes which is welcomed over the previous position although, given the Council now owns the site, it would be in accordance with the general aims of bringing forward the site under our New Homes programme.

The views of the Design and Conservation team should be sought over the impact of the proposal on the nearby listed building (Policy CS27/DBLP Policy 119) given previous concerns over the scale, bulk and height of the buildings

Original comments from Strategic Planning

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

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

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

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

We have previously raised concerns over the higher density of development proposed and these issues are well documented in the earlier comments we have made to you. We continue to raise this issue given the indicative bulk and height of buildings (4/5 storeys with basement parking), the extent of development across the site, the limited availability of amenity space/landscaping, and the proximity of buildings to the nearby retail warehouses. You will need to assess whether these factors provide for a satisfactory residential environment for the new residents and quality of site design

(Policy CS12).

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

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

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.

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.

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

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

contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

'We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality."

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

Surface Water proposed connection to the sewer which is not operated or maintained by Thames Water. It is the responsibility of a developer to make proper provision for drainage to this sewer.

Network Rail

The proposal is not directly adjacent to the operational railway but is in the area of Apsley Railway Station. So very briefly, the development works on site and as a permanent arrangement should not block access to or egress from the station. Also if the developer is proposing any percussive piling as part of the scheme then a risk assessment and method statement (RAMS) should be submitted to the Network Rail Asset Protection team for review. Piling impacts are not just based upon distance but also on the soil type in the area.

Canal & River Trust

The Canal & River Trust is a company limited by guarantee and registered as a charity. It is separate from government but still the recipient of a significant amount of government funding.

The Trust has a range of charitable objects including:

- To hold in trust or own and to operate and manage inland waterways for public benefit, use and enjoyment;

- To protect and conserve objects and buildings of heritage interest;
- To further the conservation, protection and improvement of the natural environment of inland waterways; and
- To promote sustainable development in the vicinity of any inland waterways for the benefit of the public.

After due consideration of the application details, the Canal & River Trust has **no objections** to the proposed development, **subject to** the imposition of a suitably worded **condition** relating to further details on landscaping and boundary treatment.

Design and layout

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

We would therefore request that at reserved matters stage a lower wall, or combination of wall and railings is provided to replace the existing boundary wall, allowing views into and out of the site.

However, the lock landing adjacent to the site should remain inaccessible to occupiers to prevent the lock gates being used as a shortcut from the site onto the towpath. The Trust do not encourage lock gates crossings to be used by the general public for safety reasons and these are only provided to allow operation of the lock gates by boaters.

We would expect materials and design to reflect both the waterside location and historic buildings adjacent. We note that the proposal appears to take the form of traditional canalside warehouses but with modern balconies. We would welcome the opportunity to comment again once more detailed drawings are available.

Structural stability

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

Drainage

No information is provided at outline stage. If Surface water discharge is to be directed into the Grand Union Canal further discussions should take place with the Canal & River Trust and will be subject to a commercial agreement.

Accessibility

The site is located adjacent to the Grand Union Canal, with the nearest towpath access point approximately 100 metres away. The canal towpath provides a sustainable transport link between the site and other facilities within the town as well as proving a

quiet and safe off road walking and cycling route for recreational purposes. The towpath is a recognised Sustrans cycle route and the submitted travel plan recognises the benefits of using the towpath to access local facilities such as schools.

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

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

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

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

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

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

We may request that the council contact us to discuss the possibility of the proposal makes a contribution towards the upgrading of the Grand Union Canal Towpath as it runs through Hemel Hempstead.

Condition

No development shall take place until a landscaping and boundary treatments scheme has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall indicate the size, species and spacing of planting, the areas to be grassed, and the treatment of hard surfaced areas. Any such planting which within a period of 5 years of implementation of the landscaping die, removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size or species, unless the Local Planning Authority gives written consent to the variation. Details of any boundary walling or fencing shall also be provided. The approved scheme shall be fully implemented prior to the first occupation

of the dwelling. No trees shall be planted within 5 metres of the waterway.

Reason: To comply with paragraph 58 of the National Planning Policy Framework to improve the appearance of the site when viewed from the waterside and to enhance the biodiversity of an area. Landscaping also has the potential to impact on the integrity of the waterway and it is necessary to assess this and determine future maintenance responsibilities for the planting. Landscaping affects how the waterway is perceived and any trees within 5 metres of the waterway may have the potential to impact on the structural integrity of the waterway structure.

Informative

The Canal & River Trust offer no right of support to the adjacent property. The land owner should take appropriate steps to ensure that their works do not adversely affect the canal infrastructure at this location.

“The applicant/developer is advised to contact Osi Ivowi, Waterway Engineer on 01908 302 591 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trusts “Code of Practice for Works affecting the Canal & River” Trust.

Environmental Health

The high density of residential units gives rise for the potential of high internal noise levels. Environmental Health team advises that any permission which the Planning Authority may give shall include the conditions below:

Recommended condition

The internal noise insulation between units shall be 55dB and a residential internal noise level of 35dB for restful sleeping and resting in accordance with BS 8233.

Reason:

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

Ecology Officer

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

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

The following Informatives should be added to any permission granted:

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

"Site clearance should be undertaken outside the bird nesting season, typically March to September inclusive), to protect breeding birds, their nests, eggs and young. If this

is not possible then a search of the area should be made by a suitably experienced ecologist and if active nests are found, then clearance must be delayed until the nesting period has finished." "If any lighting of the development is required, this should be directed away from the adjacent watercourse to eliminate any potential disturbance to species using this feature (such as foraging and commuting bats)".

Contaminated Land Officer

Awaiting comments

Belswains Residents Association (BLRA)

On behalf of the Belswains Residents Association (BLRA) I write to strongly object to this planning application for the following reasons;

- a) Noise impact for the residents of the properties close to the canal
- b) The likelihood that the proposed properties will overlook the existing properties on the other side of the canal
- c) The likelihood that there will be a detrimental impact to the parking problems already prevalent on the BLRA development.

Refuse Department

Are the waste storage areas only accessible inside the lower ground car park because it looks as though our vehicles will be too large to get in there.

Crime Prevention Officer

a) Lower ground floor parking area: This is shown as open to casual intrusion, and if remains so will become a hot spot area for crime. Vehicles will be broken into, and the stairs and lifts used to gain access to the floor above where flats will also be broken into. Therefore at the present time I formally object to this application. If the area were to be secured with access control and access control to the flats above I would be happy to review my comments.

b) I note that there is an area where it is unclear what any boundary / enclosure treatment is on the Lower Ground Floor Plan 0634_PL_031, in the area which says 'No Build Culvert Zone'. This area is parking bays 46 to 51. This appears as an open area. If it is a no build area then it could still be secured with Weldmesh fencing panels, to help secure the parking area?

c) There is an open stairway between the ground floor amenity area (between the blocks of flats), and the lower ground floor parking area, which if left would provide open access to the lower ground floor parking area. If this is a fire exit it must be secured with a suitable fire exit door at ground level which cannot be opened from the outside.

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 201 issue 4:2012, or STS 202 BR2, or LPS 1175 SR 2, or LPS 2081 SR B.

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.

Access control standard for flats is: 4 to 10, audible – more than 10 flats audible and visual access control at the pedestrian entrances to the block. Such access control NOT having 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.

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

Minerals and Waste Comments

I am writing in response to the above planning application insofar as it raises issues in connection with waste matters. Should the district council be mindful of permitting this application, a number of detailed matters should be given careful consideration. Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council's adopted waste planning documents. In particular, the waste planning documents seek to promote the sustainable management of waste in the county and encourage Districts and Boroughs to have regard to the potential for minimising waste generated by development.

Most recently, the Department for Communities and Local Government published its *National Planning Policy for Waste (October 2014)* which sets out the following:

'When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:

the likely impact of proposed, non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;

new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape.

This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;

the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.'

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

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

Policy 2: Waste Prevention and Reduction: &

Policy 12: Sustainable Design, Construction and Demolition.

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

Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP).

This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to. Good practice templates for producing SWMPs can be found at:

<http://www.smartwaste.co.uk/> or

http://www.wrap.org.uk/construction/tools_and_guidance/site_waste_management_planning/index.html

It is encouraging to see in the Sustainability Statement that a Site Waste Management Plan will be provided to reduce waste arisings. SWMPs should be passed onto the Waste Planning Authority to collate the data. The county council as Waste Planning Authority would be happy to assess any SWMP that is submitted as part of this development either at this stage or as a requirement by condition, and provide comment to the borough council.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

12 Frances House, London Road

I live opposite the proposed site. Firstly the traffic is terrible at most times as it is, without another 70+ cars in the area. The doctors/hospitals in the area struggle to deal with the amount of people in the area without another 100+. This will not only have an impact on the traffic and medical services but also schools and the general look of the area, not to mention adding pollution and noise.

9 Fairway

Unfortunately, I feel Apsley does not have the infrastructure to be able to support this. The area is already over congested, the trains only stop at Apsley station every half hour so that will place extra burden on already crowded trains. The London road is always congested at the weekends, it's poorly laid out, so i think the extra flats will bring everything to a standstill.

19 Chipper field Road

Insufficient infrastructure - roads are already too congested.

Considerations

Reserved Matters

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

Policy and Principle

Land Use

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

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

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

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

Affordable Housing

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

A minimum of 75% of the affordable housing units provided should be for rent. Judgements about the level, mix and tenure of affordable homes will have regard to:

(a) the Council's Housing Strategy, identified housing need and other relevant evidence (see Policy CS18); (b) the potential to enlarge the site; (c) the overall viability of the scheme and any abnormal costs; and (d) arrangements to ensure that the benefit of all affordable housing units passes from the initial occupiers of the property to successive occupiers.

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

Density and Layout and mix

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

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

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

The scheme for only one bedroom units is not strictly contrary to planning policy as the Strategic Housing Market Assessments identifies a requirement for smaller properties. However, policy CS18 seeks a mix of bedroom sizes across developments. The proposal fails to provide a mix across the development. The agent has indicated that

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

Although it is disappointing that a mix of unit sizes/types is not provided with the development bearing in mind the clear identified need for small units of accommodation and the points raised by the agent above it is considered that grounds for refusal relating to the mix of units would be difficult to sustain.

Design and Impact to Historic Assets

The site lies adjacent to a Grade II listed building and as such specific consideration is given to how the development impacts on its setting. Whilst the plans are indicative, and alterations can be made at reserved matters stage, it is required to ensure that the scheme for 50 units can be delivered and as such particular consideration needs to be given to the bulk, scale and mass of the development. This amended scheme is now considered by the current conversation officer to be acceptable having regard to its setting and streetscape.

The first scheme was refused as concern was raised that the building along the London Road failed to achieve a good relationship to the adjacent listed building. Since then, the scheme has been amended, albeit the warehouse style building along the frontage has been retained but further changes allows greater spacing between the building and the listed building and the overall bulk of the gable nearest the listed building has been reduced. The new conservation officer considering this application has taken a different view from the previous officer and feels that a large building along the frontage, having regard to the historic past of the site, can sit comfortably with the streetscene and the adjacent listed building. In more detail, the conservation officer has indicated that whilst a new and taller building built directly adjacent to the Grade II listed Stephenson's Cottage would clearly have an impact on the setting of this listed building, however, that said this is not in this case necessarily considered to be harmful to the setting of the listed building if the new development is of an appropriate design, massing and finish as it can act as a positive foil against the form, massing of the listed building. Here it is believed is a case given until relatively recently a now listed building had always been surrounded by other buildings, some of which had been substantially taller. In this case historic photographs and records show that a gable building, near twice the overall height of the Cottage had fronted onto the London Road. As such it is believed were an appropriate sized gable ended building to be built adjacent to the Cottage that whilst being taller it could create a positive back-drop to highlight this building but also at the same time make a positive contribution to the streetscene of this part of London Road. To this end whilst it was clear from the original application that the applicant sought to achieve something along those lines although in that case for a number of reasons that particular design was not thought to work, partly because of the number and design of the openings the lack of prominence of the gable feature. As such the applicant was given advice on what was considered to be the failings of the London Road frontage building and the changes that could be made to the design.

Amended plans were submitted which reduced the overall bulk and massing of the gable nearest the listed building, and whilst some alterations are still proposed to the window details, the conservation officer is generally satisfied that the relationships of buildings are acceptable. Full details of the design have been requested as reserved matters. The proposed layout is considered acceptable in design terms and the scale and height of the two buildings within the site are considered acceptable.

Quality of Accommodation

Whilst the proposal is for outline permission with layout, design, scale to be considered at reserved matters stage, it is important to consider whether the density proposed is capable of complying with adopted policies to ensure sufficient privacy and good quality accommodation can be achieved. Indicative plans have been submitted and these have been assessed. Policy CS12 of the adopted Core Strategy states that "On each site development should: a) provide a safe and satisfactory means of access for all users; b) provide sufficient parking and sufficient space for servicing; c) avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties; d) retain important trees or replace them with suitable species if their loss is justified; e) plant trees and shrubs to help assimilate development and softly screen settlement edges; f) integrate with the streetscape character; and g) respect adjoining properties in terms of: i. layout; ii. security; iii. site coverage; iv. scale; v. height; vi. bulk; vii. materials; and viii. landscaping and amenity space".

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

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

It is noted that the original scheme was refused as it was considered that the outline plans fails to adequately demonstrate that the buildings would achieve adequate distances between windows to ensure privacy for future occupiers. The scheme has since been amended and has managed to achieve 23m between the buildings themselves, however the distances between the edges of balconies are still falling below this distance. However, it is considered at reserved matters stage, details can be provided to carefully design the balconies to achieve adequate privacy for the occupiers of the units.

As such, it is now considered that the outline scheme has demonstrated that adequate amenities for the future occupiers can be achieved and the scheme accords with policy CS12 of the adopted Core Strategy.

Parking and Highway Implications

Provision is made for 54 car parking spaces in an undercroft car park with access through from the vehicular access off London Road. The provision of 54 car parking spaces serving 50 one bedroom units equates to a ratio of just over 1:1 spaces. Appendix 5 of the local plan sets out a maximum car parking standard of 1.25 spaces for a one bedroom unit and as such the amount of car parking proposed is considered slightly under the maximums set out in appendix 5 of the local plan. Having regard to the location of the site, together with the proposal for all one bedroom affordable units, it is considered that 1 space per unit would be acceptable provision of parking. However it is acknowledged that there are wider concerns over parking provision within the immediate area, it is considered that the LPA would not substantiate an argument for refusal based on inadequate parking provision.

Access is proposed via the existing vehicular access running alongside the Apsley Paper Mill Pub and notice has been served to Fullers (owners of the pub). Hertfordshire Highways have been consulted on the proposal however their comments on the revised scheme are still outstanding. However, it is noted that the scheme does not materially change from the earlier application which Hertfordshire Highways raised no objection to. Further details of the layout and access are required at reserved matters stage.

Flood Risk and De-culverting

The Environment Agency identified the site as being located within Flood Risk Areas 2 and 3 and as such a Flood Risk Assessment has been submitted with the scheme. It is noted that the earlier development was refused due to an objection from the Environment Agency. Since this time, the developers have produced amendments to the scheme and updated technical information which has satisfied the concerns of the Environment Agency subject to the imposition of conditions.

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

Both elements of the test will have to be passed for development to be allocated or permitted. Paragraph 103 of the NPPF goes on to say that "When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment²⁰ following the Sequential Test, and if required the Exception Test, it can be demonstrated that: within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and development is appropriately flood resilient and resistant, including safe access and escape routes

where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems

A summary of the submitted FRA sets out:

- The proposed residential development is located in Flood Zones 1, 2 and 3 as identified on the Environment Agency Flood map.
- The proposed development is considered 'more vulnerable' in accordance with NPPF.
- The principal source of potential flooding at this site is fluvial flooding from the GUC, River Gade and River Bulbourne. Hydraulic modelling undertaken by Waterco shows that the site is flood free during all events up to and including the 1% AEP + CCA event.
- Approximately 25% of the site is shown to be at flood risk during the extreme 0.1% AEP event, with flood depths ranging between 0.1m and 0.45m. The maximum water level during this event is 76.4m AOD.
- A residual risk arises during a breach event of the GUC embankment and masonry wall.
- Approximately 35% of the site is shown to be at flood risk during a breach of these structures, with flood depths ranging between 0.1m and 0.85m.
- The effect of deculverting a canal overspill structure which crosses through the north-eastern extent of the site has been investigated. The results show that opening the culvert causes flooding to the site and to neighbouring properties. Deculverting is therefore not recommended.
- A safe access/egress route is available via the site access off London Road. London Road and the western extent of the site are shown to be flood free during all events up to and including the 0.1% AEP event and during a breach of the GUC embankment and masonry wall.

Following additional amendments, the EA no longer object to the development and the application can be recommended for approval subject to the imposition of conditions.

Impact on surrounding properties

The site abuts the boundary with Home Base and its service yard and consideration is therefore given to ensuring that the proposal for residential units in close proximity to an existing retail use would not give rise to an unsatisfactory relationship. The indicate plans show that no habitable windows would face onto the yard and a noise survey has been submitted. In principle the outline scheme has demonstrated that the orientation and layout of the development can achieve satisfactory relationship to the adjacent noisy. Environmental Health has raised no objection in principle however have requested a specific condition seeking measures to demonstrate how the development can achieve adequate noise insulation.

Concern has been raised by the local residents association that the new development would give rise to overlooking to properties across the canal and result in additional noise and nuisance for these properties. The windows/balconies of the proposed development would be located sufficient distance across the other side of the canal to ensure privacy is maintained to properties along Mulready Walk. The properties along Mulready Walk are in excess of 23m away and indeed the frontages are currently within open view to the canal and the pub, wherein it is not considered that the development would result in significant loss of privacy over and above the existing

situation. In terms of noise, again, it is not considered that issues would arise in terms of noise to other residential properties considering the existing relationship between dwellings and public space, together with the intervening distances between the proposal and existing residential units.

Impact on Trees and Landscaping

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

Sustainability

Full details of how the scheme will accord with policy CS29 of the Core Strategy have been requested by condition.

Secure by Design

A number of objectives have been set out by the secure by design officer and should outline planning permission be granted for this scheme, it would be recommended that these objectives are submitted at detailed planning stage. A condition has been imposed requiring how the development will integrate methods to reduce crime.

Refuse

Storage for bins are contained within the lower ground car parking area and concern has been raised from the refuse team over accessibility to these areas. Sufficient space is provided between the stores in the underground area to allow access and specific details at reserved matters stage will be required to ensure that adequate head height is provided to ensure that collection can be achieved.

S106

The application is for 50 affordable housing units and as such this will need to be secured through a S106 agreement. Hertfordshire Highways are yet to submit revised comments and as such if any additional contributions are required towards Highways, this will be updated in the addendum report in advance of the committee meeting.

RECOMMENDATIONS

1. 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 and completion of a planning obligation under s.106 of the Town and Country Planning Act 1990.
2. That the following Heads of Terms for the planning obligation, or such other terms as the Committee may determine, be agreed:

100% affordable housing provision and tenure

Suggested conditions

- 1 **Approval of the details of the appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.**

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

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

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

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

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

- 4 **The details of appearance and layout to be submitted for the approval of the local planning authority in accordance with Condition (1) above shall include:**

- **internal access roads, car parking, servicing and turning areas;**
- **details of bin storage provision including recycling facilities;**
- **details of secure cycle storage;**
- **provision of functional amenity space to serve the dwellings;**
- **physical infrastructure associated with any renewable energy measures;**
- **Physical infrastructure associated with any sustainable urban drainage scheme.**

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

Reason: To ensure a satisfactory appearance and functioning of the development in accordance with saved Appendices 3 and 5 of the Dacorum Borough Local Plan 1991-2011 and Policies CS11, CS12, CS26 and CS29 of the Dacorum Core Strategy September 2013 and saved Policy 18 of the Dacorum Borough Local Plan 1991-2011.

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

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

- 6 **The details of landscaping to be submitted for the approval of the local planning authority in accordance with Condition (1) above 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;**
- **external lighting;**
- **minor artefacts and structures (e.g. furniture, storage units, signs etc.);**
- **proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines), indicating lines, manholes, supports etc;**
- **arrangements for the long term management and maintenance of the on-site (private) open spaces, tree planting, play area(s), equipment, etc.**
- **programme of implementation**

The approved landscape works shall be carried out in accordance with the agreed programme of implementation. The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.

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.

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

Reason: To ensure a satisfactory appearance to the development in

accordance with Policy CS12 of the Dacorum Core Strategy September 2013.

- 8 **No development shall take place until an online Sustainability Statement and an Energy Statement shall have been submitted to and approved in writing by the local planning authority. The statements shall be submitted for approval concurrently with the first of the reserved matters to be submitted. The development shall be carried out in accordance with the details approved.**

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

- 9 **Notwithstanding any details submitted with the application, no development shall take place within an agreed Phase (under Condition 16) until an assessment of the nature and extent of contamination within that phase 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;

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

- 10 **Unless not required as a result of the contamination assessment referred to in Condition 9 to this permission, no development shall take**

place until a detailed remediation scheme for that phase 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 also include a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. 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 (including Principal Aquifer within Source Protection Zone 1), property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS32 of the Dacorum Core Strategy September 2013.

- 11 **Within 6 months of the completion of measures identified in the approved remediation scheme for an agreed Phase (under Condition 16), a validation report for that phase (that demonstrates the effectiveness of the remediation carried out) shall be submitted to the local planning authority for its written approval. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.**

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

- 12 **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 12, 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 13. 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 14.

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

- 13 **No development shall take place until details of the disposal of surface water from the new access and parking areas for that phase shall have been submitted to and approved in writing by the Local Planning Authority. The access shall not be brought into use until the works for the disposal of surface water have been constructed in accordance with the approved details.**

Reason: To minimise danger, obstruction and inconvenience to highway users in accordance with saved Policy 51 of the adopted Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the Dacorum Core Strategy September 2013.

- 14 **No part of the development shall be occupied until the site access points, car parking and turning areas approved under Condition (1) above relating to that phase shall have been constructed and completed to finished surface level. The car parking and turning areas so provided shall be maintained as a permanent ancillary to the development 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 highway, or the amenities and convenience of existing and proposed residences 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.

- 15 **No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works)**

has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure in accordance with Policy CS31 of the Dacorum Core Strategy. Piling has the potential to impact on local underground sewerage utility infrastructure.

Informative

The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement

- 16 **No development shall take place until details of measures to be incorporated into the design of the development to ensure a secure development and minimise opportunities for crime shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the measures approved and 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).

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

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

- 18 **Prior to the commencement of the development a scheme for the management of a minimum eight metre buffer zone alongside the deculverted River Gade shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The scheme shall include:
details of the deculverted river banks;
details of the native species planting scheme;
details demonstrating how the watercourse and associated buffer zone will be managed and maintained over the longer term to enhance the ecological value.**

Reason To enhance the habitat value of the River Gade in line with the National Planning Policy Framework and the Thames River Basin Management Plan.

- 19 **The development permitted by this planning permission shall be carried out in accordance with the submitted Flood Risk Assessment (Waterco, Ref: w1448-22-140219-FRA, February 2014) and the following mitigation measures outlined within:**

Confirmation finished floor levels are set no lower than 76.4 metres above Ordnance Datum (AOD) as indicated in Section 11.1.

Information should also be provided to:

Show an open channel watercourse that meets the flood risk requirements and maximises the environmental characteristics.

Demonstrate that protection and maintenance of the existing flood defence canal boundary wall will be provided.

The mitigation measures shall be fully implemented prior to occupation and subsequently 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 ensure the structural integrity of existing flood defences and reduce the risk of flooding to the proposed development and future occupants in line with the National Planning Policy Framework and Planning Practice Guidance.

Informative

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 culverted River Gade, designated a 'main river'.

- 20 **Prior to the commencement of development, details of measures to ensure that the internal noise insulation between units shall be 55dB and a residential internal noise level of 35dB for restful sleeping and resting in accordance with BS 8233 shall be submitted and approved in writing by the LPA. These approved measures shall be integrated into the scheme thereafter.**

Reason: To ensure that adequate precautions are implemented to avoid noise nuisance, in accordance with policy CS12 of the Dacorum Core Strategy.

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

0634_PL_031 Rev P8

0634_PL_032 Rev P7

0634_PL_033 Rev P4

0634_PL_040 Rev P5

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

Informative

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.

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.

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

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

discuss the details of the piling method statement.

'We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality."

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

Surface Water proposed connection to the sewer which is not operated or maintained by Thames Water. It is the responsibility of a developer to make proper provision for drainage to this sewer.

Informative 2

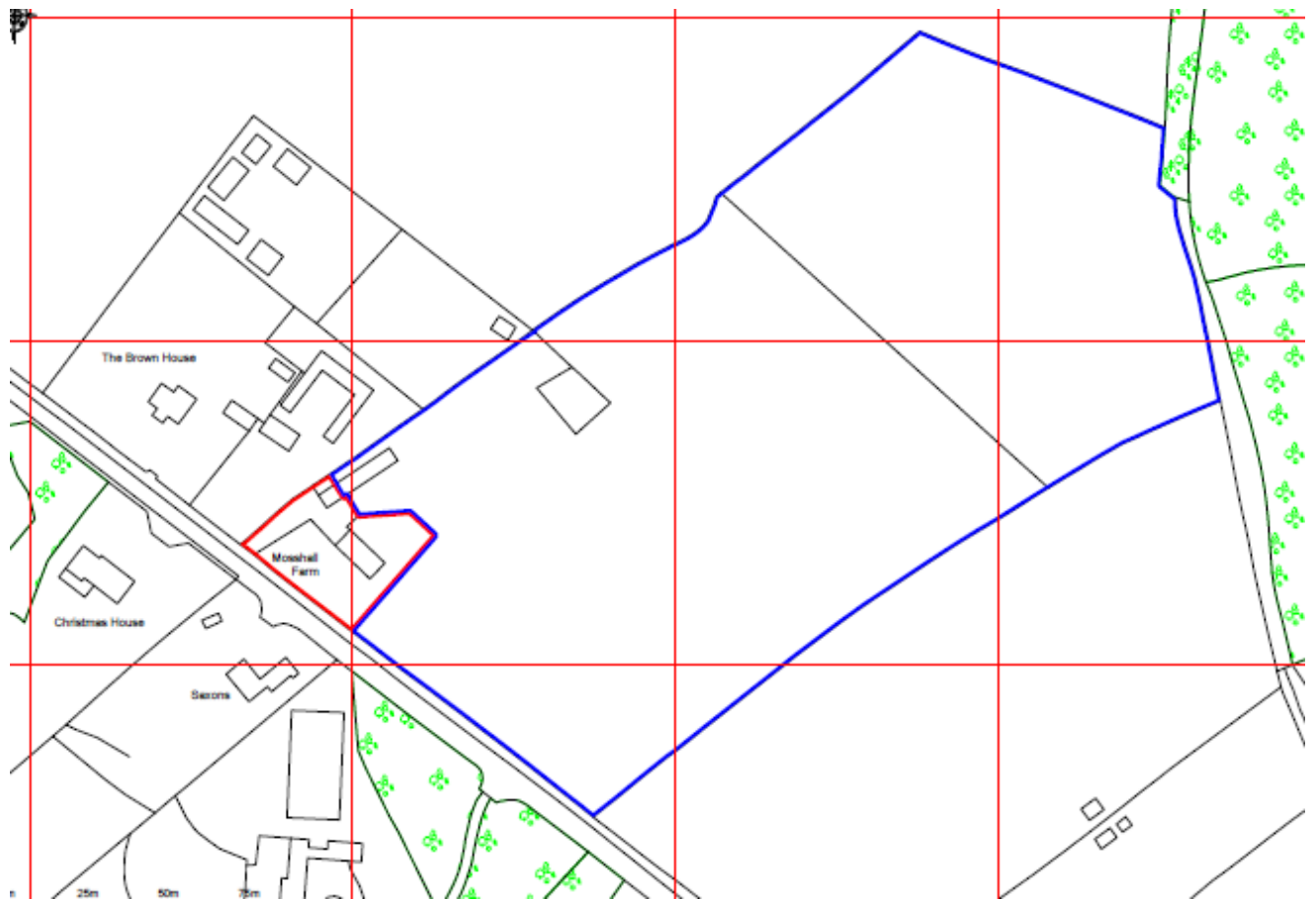
The Canal & River Trust offer no right of support to the adjacent property. The land owner should take appropriate steps to ensure that their works do not adversely affect the canal infrastructure at this location.

"The applicant/developer is advised to contact Osi Ivowi, Waterway Engineer on 01908 302 591 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trusts "Code of Practice for Works affecting the Canal & River" Trust.

ITEM 5.02

4/02699/15/FUL- PROPOSED REPLACEMENT DWELLING AND REPLACEMENT OF TWO BAYS OF EXISTING OUTBUILDING WITH A DOUBLE GARAGE

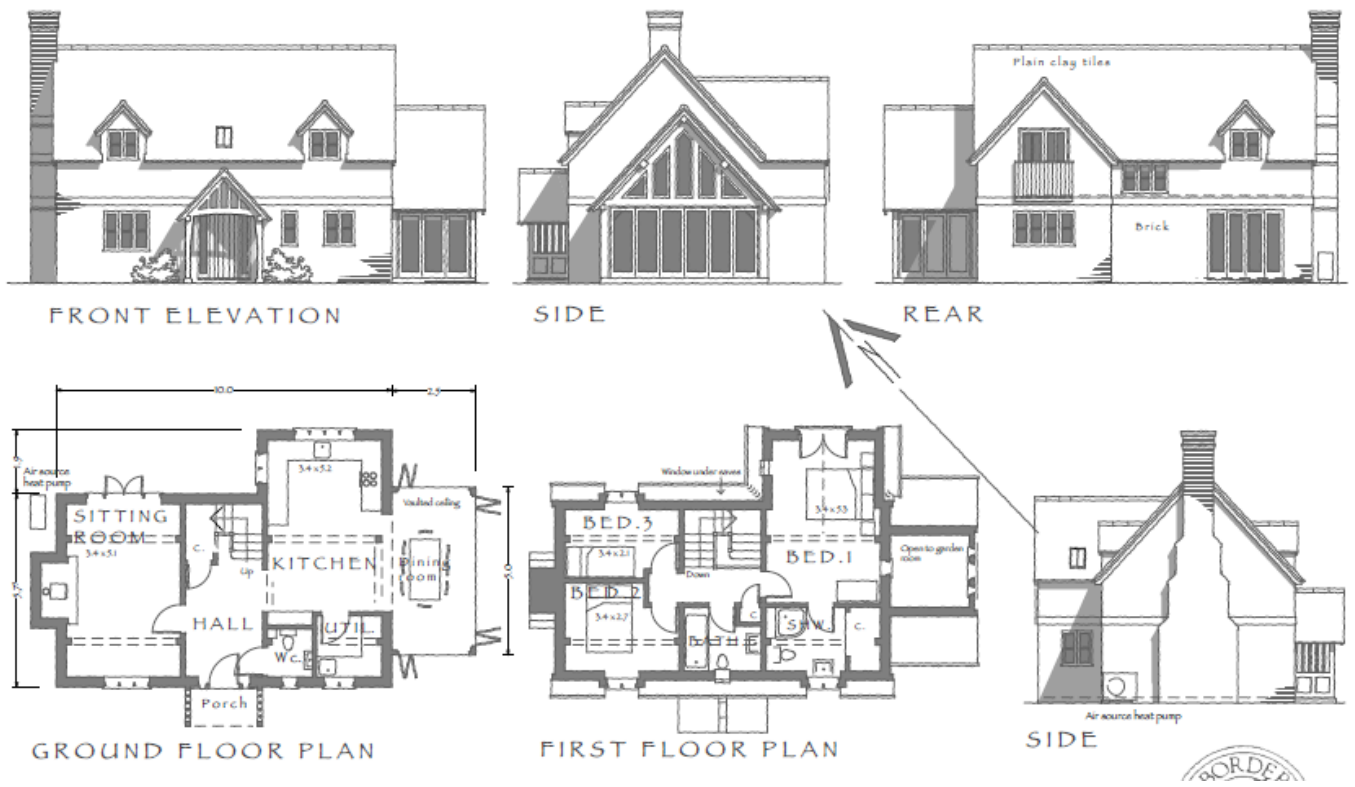
MOSSHALL FARM, NETTLEDEN ROAD NORTH, LITTLE GADDESSEN, BERKHAMSTED, HP4 1PE



ITEM 5.02

4/02699/15/FUL- PROPOSED REPLACEMENT DWELLING AND REPLACEMENT OF TWO BAYS OF EXISTING OUTBUILDING WITH A DOUBLE GARAGE

MOSSHALL FARM, NETTLEDEN ROAD NORTH, LITTLE GADDESSEN, BERKHAMSTED, HP4 1PE



**4/02699/15/FUL - PROPOSED REPLACEMENT DWELLING AND REPLACEMENT OF TWO BAYS OF EXISTING OUTBUILDING WITH A DOUBLE GARAGE. MOSSHALL FARM, NETTLEDEN ROAD NORTH, LITTLE GADDESSEN, BERKHAMSTED, HP4 1PE.
APPLICANT: Mr Rothwell.**

[Case Officer - Tass Amlak]

Summary

The application is recommended for approval. The existing mobile home has received planning permission for the replacement of the dwelling and conversion of the outbuilding to a stable and garage. Therefore the principle of the replacement of the mobile home with a chalet-style dwelling has already been established at this site, notwithstanding the requirements of Policy 23. The proposed dwelling with a slightly smaller footprint is therefore considered to be acceptable. In addition to this the design and materials and its position within the Rural Area and AONB, are considered satisfactory in the context of DBLP Saved Policy 97 and Core Strategy Policy CS24.

Site Description

The application relates to Mosshall Farm which is located to the north-east of the main road running through Little Gaddesden, towards its junction with Ringshall, on land between residential properties at The Brown House and The Oak House and opposite Saxons. The total farm land holding is 3.57ha but the application site only relates to a small corner of the field directly fronting the highway of 0.12ha which forms the domestic curtilage of a mobile home which has existed on site for many years. The site lies within the Rural Area and the Chilterns AONB.

The mobile home, a pre-fabricated building in white render and under a shallow pitched roof, is centred on the site and is accessed by a track along its north-western side boundary. This track also serves a long outbuilding which comprises a hay and cattle barn and garage. It is 9 bays long and is timbered over a mix of steel and timber framing and clad on three sides with shiplap boarding and timber double doors to the garage end.

Planning History

In 1977 (4/1250/77) this mobile home was allowed on appeal, being granted a temporary planning permission for 5 years with an agricultural tie.

In 1983 (4/1021/83) it was then granted a further 5 years temporary planning permission with an agricultural tie.

In 1986 (4/1491/86) it was then granted full planning permission but limited in its occupation to Mrs Creed (plus dependents) whilst she was solely or mainly employed in agriculture, after which the mobile home should be removed from the site.

In 1998 after Mr Creed died and Mrs Creed was no longer able to fully farm the land she rented it out for use by another farmer.

In 2012 an application for a Lawful Development Certificate was submitted (4/01051/12/LDE). This related to the occupation of this mobile home and the land

having been in breach of the above agricultural occupancy condition since 1998. It was concluded from the information provided that there was sufficient evidence to prove this beyond reasonable doubt. A Lawful Development Certificate was thus granted, effectively permitting the retention of the mobile home on the site.

In 2013 planning permission (4/00797/13/FUL) was granted for a replacement dwelling and conversion of outbuilding to stable & garage.

Proposal

This application is for the removal of this mobile home and its replacement with a permanent dwelling in its place on a similar footprint but with accommodation in its roof set within the existing domestic curtilage. The proposed dwelling is in the form of chalet-style house and will have a width 12.5 metres, a maximum depth of 7.6 metres and a ridge height of 7 metres. It has an open porch and a side chimney. It is shown to be built in red multi brickwork under plain clay roof tiles with white painted timber windows and the porch and doors in oak. It comprises a kitchen/dining area, living room, utility room and WC at ground floor with two bedrooms and a bathroom within the roofspace served by two small front dormers and a gabled rear roof projection and rooflight. There is a window in the side gable end. Its modest form is presented with a symmetrical front elevation, facing the highway behind the front hedge and is surrounded by mown grass.

The other part of this application is for the existing elongated outbuilding/barn to be converted to provide a double garage/garden store, tack room, three stables and an open-sided barn. This outbuilding is set just further back from the mobile home and is positioned along the side boundary of the site. It has an asymmetrical roof of black fibre cement corrugated sheeting with black stained timber weatherboarding over a concrete plinth. The timber cladding and wooden doors would remain whilst some of the open sides would be infilled with further cladding stables doors and window openings.

The garage and storeroom would be within the defined domestic curtilage, whilst the stables, tack and barn would be within the area referred to as land for the keeping of animals (outside the domestic curtilage).

The much larger area of land which is edged in blue represents land owned by the estate but which does not form part of this application. This land edged in blue appears still to be in agricultural use.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Little Gaddesden Parish Council.

Policies

National Planning Policy Framework

Dacorum Borough Local Plan 1991-2011

Saved Policies 22, 23, 81, 97 and 110.

Core Strategy (September 2013)

Policies NP1, CS7, CS12, CS24 and CS29

Supplementary Planning Guidance and Documents

Environmental Guidelines
Chilterns Design Guide

Representations

Little Gaddesden Parish Council

Objection:

Little Gaddesden Parish Council gave careful consideration to the proposal and have no objection to the resiting of the dwelling but do object to the eastern extension as it is out of keeping with the cottage style and characteristics of dwellings in the area.

Highways Authority

The Highway Authority does not wish to restrict the grant of permission subject to conditions relating to the set back of entrance gates and the storage and delivery of materials on the site.

Environmental Health

No objection

The Chiltern Society

No response

Fire and Rescue Service

No objection subject to a Section 106 to secure fire hydrants provision.

Response to Neighbour Notification

No comments received from local residents.

Considerations

Policy and Principle

The site lies within the Rural Area. Policy 23 of the DBLP allows for the replacement of existing dwellings in the Rural Area to be permitted provided that:

- (a) the original dwelling remains in place substantially as built, or it was occupied within the three years preceding the planning application; and
- (b) the proposed dwelling is not a replacement for temporary residential accommodation or a building constructed of short-life materials.

However, Policy 23 refers to consideration of a proposed replacement dwelling for an existing permanent building. The question therefore arises as to whether the mobile home can be legally described as a permanent building.

It is important to point out that neither the NPPF nor any planning policies provide a definition of a building.

There have been planning appeal examples where Planning Inspectors have stated that a mobile home is not a building.

Consequently, no justification has been found under Policy 23 to allow the proposed dwelling.

However, a number of appeals have been looked at regarding the Appeal Inspectors' Reports and to their justifications when they have allowed new dwellings to replace existing mobile homes. A number of these reports concluded that the replacement of mobile homes with permanent dwellinghouses in rural areas were allowed on the basis that 'they caused no harm to the countryside' and that the traditional form of 'the proposed dwelling would be a visually more pleasing feature within the surrounding area than the rather utilitarian design of the existing home', or that 'the proposed replacement bungalow would materially improve the visual appearance of the site'.

It is also important to note that within the AONB the NPPF requires "great weight" to be given to conserving landscape and scenic beauty of protected landscapes, including Areas of Outstanding Natural Beauty (paragraph 115). This stance substantiates the Inspectors' conclusions cited above.

Therefore in light of the above, consideration of this application should be based on whether or not there are any special circumstances to indicate that the proposed dwelling would be preferred on this site, rather than keeping the mobile home. The principle of a new dwelling has in fact already been established through the planning permission in 2013.

In comparing the size and appearance of the previously approved dwelling against that which is now proposed, the footprint of the proposed dwelling is slightly larger than the previous approval by 1.3 metres however this would still be smaller than the existing mobile home. In addition to this the ridge height would be 0.76m higher than the previously approved dwelling. However the proposed increase in height is not considered to have a more significant impact on the skyline than the previous approval. In addition to this there are other strong mitigating factors.

Firstly, the footprint would still be slightly smaller than the existing mobile home and therefore there would be no increase in its sprawl across the site. With a slightly smaller footprint the existing open space around the building and trees will be retained.

Secondly, the proposal would appear to be more attractive due to its materials, changing from a fairly flimsy rendered shell and metal windows under an unattractive concrete tiled roof, to elevations in red multi brickwork with some tile hanging with timber windows under a plain clay tiled roof.

Not only would these materials enhance the appearance of the dwelling as positioned centrally in its domestic plot, but this would also be more appropriate to the materials advocated for new dwellings in the AONB by the Chilterns Building Design Guide. It would therefore be more appropriate within its AONB setting supported by Policy 97.

A final consideration is the possible fallback position if the mobile home was retained on the site. The fallback position would mean that this mobile home could legitimately be replaced by another mobile home which could be significantly larger than the current one. Consideration then has to be given as to the visual harm this would have not only on encroaching on the Rural Area but also on the effect on the character of the AONB.

Therefore, it is concluded that despite this scheme not strictly complying with all of the criteria of Policy 23 that there is nevertheless material considerations to justify the proposed new dwelling on this site.

It should be noted that the footprint of the outbuildings would remain unchanged however there will be an increase in height of the garage structure by 1.5 metres.

However, in order to ensure that the proposed dwelling does not extend beyond that which may be approved here, it is important that Permitted Development (PD) rights are withdrawn by a planning condition. This will ensure there is control over future extensions. Therefore PD rights are removed for house extensions, alterations to the roof and also for outbuildings, given that there are ample outbuildings retained through this application.

Impact on Street Scene and the AONB

The site also lies in the AONB wherein Policy 97 only allows new development on the basis of its satisfactory assimilation into the landscape and ensuring that it would not adversely affect the beauty of the countryside.

The section above has demonstrated that the new dwelling would not be harmful on the appearance of the countryside.

In terms of design and materials, the Chilterns Design Guide has been adopted as Supplementary Planning Guidance.

The materials proposed for this dwelling, of brickwork, clay plain tiles and timber woodwork, complies with this guidance. In terms of the design the dwelling it has small gabled dormers, steeply-pitched timber porch and chimney breast which are all characteristic of dwellings in the AONB and in the Guidance.

Thus, the overall appearance of the proposed dwelling is one that would blend in well into the AONB countryside and would constitute an appropriate and visual improvement on the existing mobile home.

It is therefore concluded that the design complies with the aims and objectives of Saved Policy 97, and Core Strategy Policy CS24.

Finally, in terms of the street scene, whilst the ridge height will be slightly higher than the previous approval (4/00797/13/FUL) and 2.7m higher than the existing mobile home; the dwelling will be at least 15m from the front boundary, behind tall shrubbery and thus is not considered to have any significant impact on the street scene.

Impact upon Residential Amenity

There will be no impact on residential amenity. This house replaces the existing mobile home in the same location and there is a significant distance between the nearest house at The Brown House and a road and intervening hedgerows separate it from Saxons, opposite the site.

Other Material Planning Considerations

This application has clearly delineated the domestic curtilage thus removing any ambiguity as to its extent. It should be noted that the double garage as part of the existing elongated outbuilding, is contained within the domestic curtilage whilst the stabling and tack room is part of the small area of pasture land directly behind. This land forms part of the application whereas the large fields beyond are not included in the application site.

There would be no loss of vegetation on site through this proposal.

In terms of sustainability, an energy strategy report was submitted with this application which concluded that the building energy performance would be significantly improved over the normal Part L 2010 standards. This is welcomed.

Community Infrastructure Levy

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

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

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.**

Reason: To ensure a satisfactory appearance to the development and to accord with adopted Core Strategy Policy CS12.

- 3 **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 Classes A, B, C, D, E and F
Part 2 Classes A, B and C**

Reason: To enable the local planning authority to retain control over the development which replaces a mobile home with an appropriately-modest, permanent residential dwelling within the existing defined domestic curtilage. The limited size and bulk of this dwelling accord with the NPPF and local plan policies. Therefore any increase in its size would be contrary to policies to safeguard the visual amenity and openness of this site within the Rural Area and AONB.

- 4 **The gates provided shall be set back a minimum of 5.5m from the back of the carriageway and shall open inwards to the site.**

Reason: To allow a vehicle to wait clear of the carriageway while the gates are being opened and closed in accordance with adopted Core Strategy Policy CS.

- 5 **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 the free and safe flow of traffic to accord with adopted Core Strategy Policy CS9.

- 6 **The development hereby permitted shall be carried out in accordance with the sustainability statement within the Design & Access Statement.**

Reason: To ensure the sustainable development of the site in accordance with adopted Core Strategy Policy CS29.

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

Design & Access Statement

Site Plan

17978

1468.1D

1468.2C

1468.3C

1468.4A

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

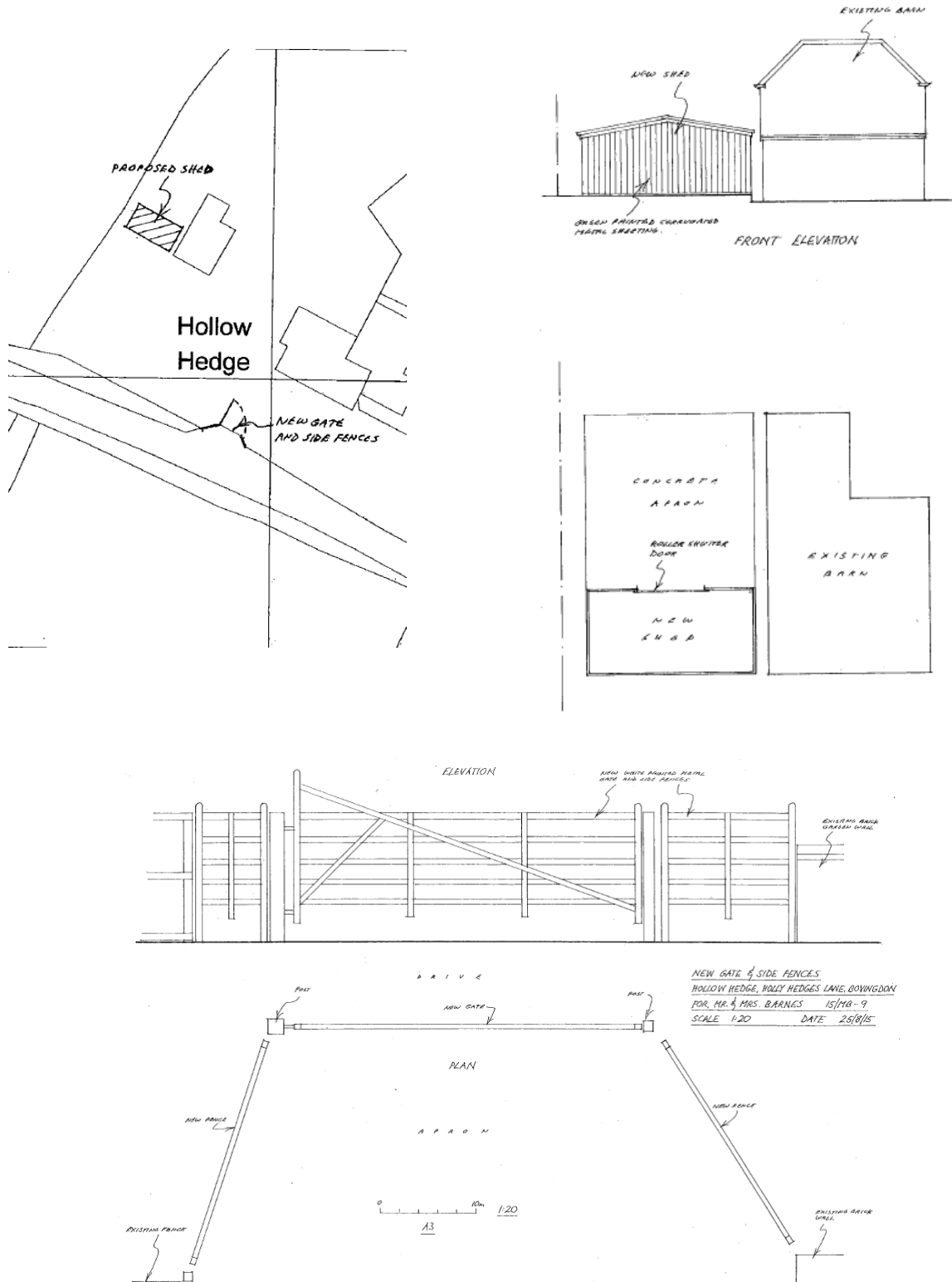
Article 35 Statement

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

ITEM 5.03

4/03034/15/FHA- RETENTION OF DETACHED SHED AND REPLACEMENT GATE AND SIDE FENCES

HOLLOW HEDGE, HOLLY HEDGES LANE, BOVINGDON, HEMEL HEMPSTEAD, HP3 0PE



ITEM 5.03

4/03034/15/FHA- RETENTION OF DETACHED SHED AND REPLACEMENT GATE AND SIDE FENCES

HOLLOW HEDGE, HOLLY HEDGES LANE, BOVINGDON, HEMEL HEMPSTEAD, HP3 0PE



**4/03034/15/FHA - RETENTION OF DETACHED SHED AND REPLACEMENT GATE AND SIDE FENCES.
HOLLOW HEDGE, HOLLY HEDGES LANE, BOVINGDON, HEMEL HEMPSTEAD, HP3 0PE.
APPLICANT: MR BARNES & MS TERRY.**

[Case Officer - Emily Whittredge]

Summary

The application is recommended for approval because it would not have a harmful impact on Green Belt objectives or the setting of the listed building.

Site Description

Holly Hedges is a Grade II Listed timber frame house, with an 18th century brick front and substantial rear extensions dating to the mid 20th century. The attached neighbouring dwelling (Woodmans House, formerly known as Cats Cradle) at one time formed a part of Hollow Hedges, but following extensive enlargements and alterations, the original house was split into two separate dwellings in the 1970s. Only Hollow Hedges is statutory listed.

The site lies within the Metropolitan Green Belt and forms part of a group of four dwellings on the north side of Holly Hedges Lane. The site is well screened on the boundary by mature trees and hedges apart from the boundary directly in front of the front which comprises a low brick and flint boundary wall. The access is formed of a five-bar gate and side fences.

Permission was granted in 1996 for a detached timber double garage with store room approximately 12.5 m to the north west of the house, which is partially screened from the highway.

Proposal

The application is for a metal storage building sited between the timber garage and the site boundary, and a steel entrance gate and fencing to either side. The development has already been carried out without benefit of planning permission.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Bovington Parish Council.

Planning History

4/01112/15/FH DEMOLITION OF PART OF EXISTING REAR EXTENSION AND
A CONSTRUCTION OF PART SINGLE/PART TWO STOREY/PART
FIRST FLOOR REAR EXTENSION. FORMATION OF NEW
CHIMNEY AND INTERNAL ALTERATIONS
Granted
23/10/2015

4/01114/15/LB C DEMOLITION OF PART OF EXISTING REAR EXTENSION AND CONSTRUCTION OF PART SINGLE/PART TWO STOREY/PART FIRST FLOOR REAR EXTENSION. FORMATION OF NEW CHIMNEY AND INTERNAL ALTERATIONS
Granted
23/10/2015

4/00683/10/LB C PAINT FRONT AND WEST SIDE OF HOUSE
Refused
17/06/2010

4/00972/09/RE T NEW FENCING
Granted
22/10/2009

4/00566/09/FU L BARN CONVERSION AND CHANGE OF USE TO RESIDENTIAL ANCILLARY TO LISTED COTTAGE
Refused
15/06/2010

4/02043/08/FU L BARN CONVERSION AND CHANGE OF USE TO RESIDENTIAL
Refused
12/03/2009

4/00018/96/4 ERECTION OF GARAGE AND STORE
Granted
05/03/1996

4/01060/95/4 DEMOLITION OF EXISTING GARAGE AND OUTBUILDINGS AND ERECTION OF GARAGE/WORKSHOP/STABLE
Withdrawn
13/10/1995

Constraints

Listed Building
Metropolitan Green Belt

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Planning Practice Guidance

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS5 - The Green Belt
CS12 - Quality of Site Design
CS27 - Quality of the Historic Environment

Saved Policies of the Dacorum Borough Local Plan

Policy 119
Appendix 3

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)

Summary of Representations

Bovingdon Parish Council

Object. Inappropriate development in the Green Belt.

Conservation and Design

Holly Hedges is an early C17th timber frame house (or possibly older), with an 18th century brick front and rear extensions which are mid 20th century.

The former white painted timber gate and side fences were recently replaced with white painted metal gate and side fences of a similar design and appearance; the replacements are acceptable in this rural area and preserve the setting of the listed building.

The application is also for the retention of a detached green corrugated metal shed located to the side of the timber clad garage, located a little way north-west of the house. The shed is in a discrete location and is not considered to harm the setting of the listed building, Hollow Hedge.

Recommend approval, the proposals are considered to preserve the setting of the grade II listed property Hollow Hedge.

A listed building application has been submitted in addition to the planning application however the LB application is not required.

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.

Decision: Hertfordshire County Council (HCC) has no objection to the proposed development.

Description of the Proposal: Hollow Hedge is a semi-detached property is located within the Green Belt.

The proposal is for the retention of a detached shed and replacement front gates and fences. These have already been carried out at the property.

The proposed gate and fences are located at the entrance from Holly Hedges Lane and replaced the existing dilapidated timber fences and gates which were there before and were of a similar style.

The site is located on Holly Hedges Lane which is a local access road with a 30mph speed limit.

Analysis: The applicant has provided a Design and Access Statement (DAS) to support the application.

Impact on Highway Network Road Safety: There are no reported incidence's within the near proximity of the site.

Highway Layout: The applicant has indicated that no changes shall be made to the existing access arrangement to the site.

Parking: The proposal will not impact on the existing parking arrangements.

Planning Obligations/ Community Infrastructure Levy (CIL): It is not considered that any planning obligations are considered applicable to the proposed development.

Woodmans House, Holly Hedges Lane - Object:

Adding a large green metal storage facility within curtilage of a grade 2 listed building and on Green Belt land is not acceptable. This is especially true when: there is already a very large detached double+ garage with an office to the side; there are further separate plans to extend an already significantly extended house; there is a industrial business run from this residential garden and it is most probable that the storage facility will be used for the oil business and not for domestic purposes. This is demonstrated by the present use for oil tank storage and diesel transfer. The concrete plinth also covers further green belt land and provides further hard standing for trucks and tanks. How can this possibly be considered as domestic use only.

This house is a private residence on a quiet country lane used by a young family. It is adjoined by our home which was bought to enjoy the countryside and not to be situated next to an industrial unit which causes noise and smell nuisance. The safety of the families in the area must also be considered in the running of a diesel storage and transfer unit and allowing a large metal 'shed' to be built is fundamentally wrong.

The fact that no respect was shown for the Listed environment by building this facility without consent shows that it is only the council that can be relied upon to protect our heritage and Green Belt land by ensuring it is removed. "Hiding" the building behind some shrubs does not make this storage unit acceptable and only shows what the owners are prepared to do to flout the law.

Regarding the gates. The owners have been aware for some years that the present gates were not in keeping with the setting instead, choosing to believe that a lick of

white paint makes them acceptable. They are obviously of steel construction and look nothing like a wooden 5 bar gate with matching fencing leading to it. We are pleased that the amber flashing light was removed a little while ago although this was probably a necessary safety feature for such automatic gates. The plans provided show what is there at the moment but nothing has been done to make this feature blend in with a grade 2 setting. The plans alone do not show how obviously out of place this gate is and it is time for it to either be replaced to suit the setting or to be professionally upgraded and a vintage effect created.

Considerations

Policy and Principle

Policy CS5 and the NPPF set out types of development that will be considered acceptable within the Green Belt. Ancillary residential development does not strictly fall within one of the acceptable categories of development; however, weight must be given to householder permitted development rights within the Green Belt. Householder permitted development rights under Class E (incidental buildings and enclosures) are no more restricted within the Green Belt than within towns, and this consideration that has been given great weight in this application.

Impact on Green Belt

The site in question, Hollow Hedges, by virtue of it being statutory listed does not benefit from Class E permitted development rights. The purpose for this restriction of development is to ensure that the setting of the listed building is protected. Having regard to householder permitted development rights within the Green Belt, the key consideration for the construction of the storage shed is whether or not the building would cause harm from a heritage perspective.

Impact on the Setting of the Listed Building

The proposed storage building measures 6 metres by 3 metres in size, with eaves 2 m high and a ridge height of 2.8 m. The building faces into the site, having a single up-and-over door. It is constructed of dark green corrugated metal with a shallow pitched roof, and is sited discretely between the large timber garage and the site boundary, so that it is not visible from the listed dwelling. There is mature planting within the site, behind the building, and on the boundary, fully screening it from public view and screening it from most perspectives within the site. The building is of a dark muted colour that is well camouflaged in its surroundings and is not considered to have a detrimental impact on the setting of the listed building.

The gate and fencing at the entrance of the house, while not constructed of timber, are a white five-bar design of a character and appearance that are not at odds with their setting. They are not considered to be harmful to either the rural character of the area or the setting of the listed building. The conservation officer has raised no objections on heritage grounds.

Impact on Highway Safety

There is no change proposed to the access and no objection is raised on highway safety grounds.

Impact on Neighbours

The development is located away from adjoining properties and would have no impact on the residential amenity of neighbours.

Other Matters

The adjoining occupier has raised objection to the building being used in connection with the applicant's business. The lawful use of the building would be an ancillary residential use, with any other use requiring formal planning permission. The business activities on site have been subject to an enforcement investigation, and are not a material consideration for the current application. The building is presently used for the secure storage of a lawn mower and other residential paraphernalia.

Conclusions

The proposed building would not cause material harm to the openness or appearance of the Green Belt and neither the gates/fence or the building would harm the setting of the listed building. The development is acceptable in terms of policies protecting the Green Belt and Built Heritage.

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

- 1 The trees and shrubs immediately to the south of the storage shed shall be retained in perpetuity.**

Reason: To ensure that the setting of the listed building is protected in accordance with Policy CS27 of the Dacorum Core Strategy.

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

15/MB-8

15/MB-9

Site Location Plan

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

Informative: The building hereby permitted has a lawful use for purposes ancillary to the residential use of the dwelling known as Hollow Hedge. Any use not falling within the purposes described above will require formal planning permission.

Article 35 statement

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance.

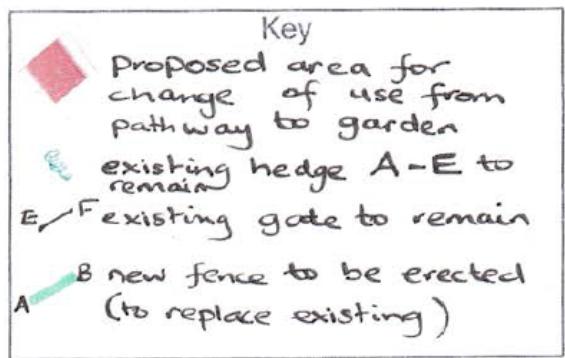
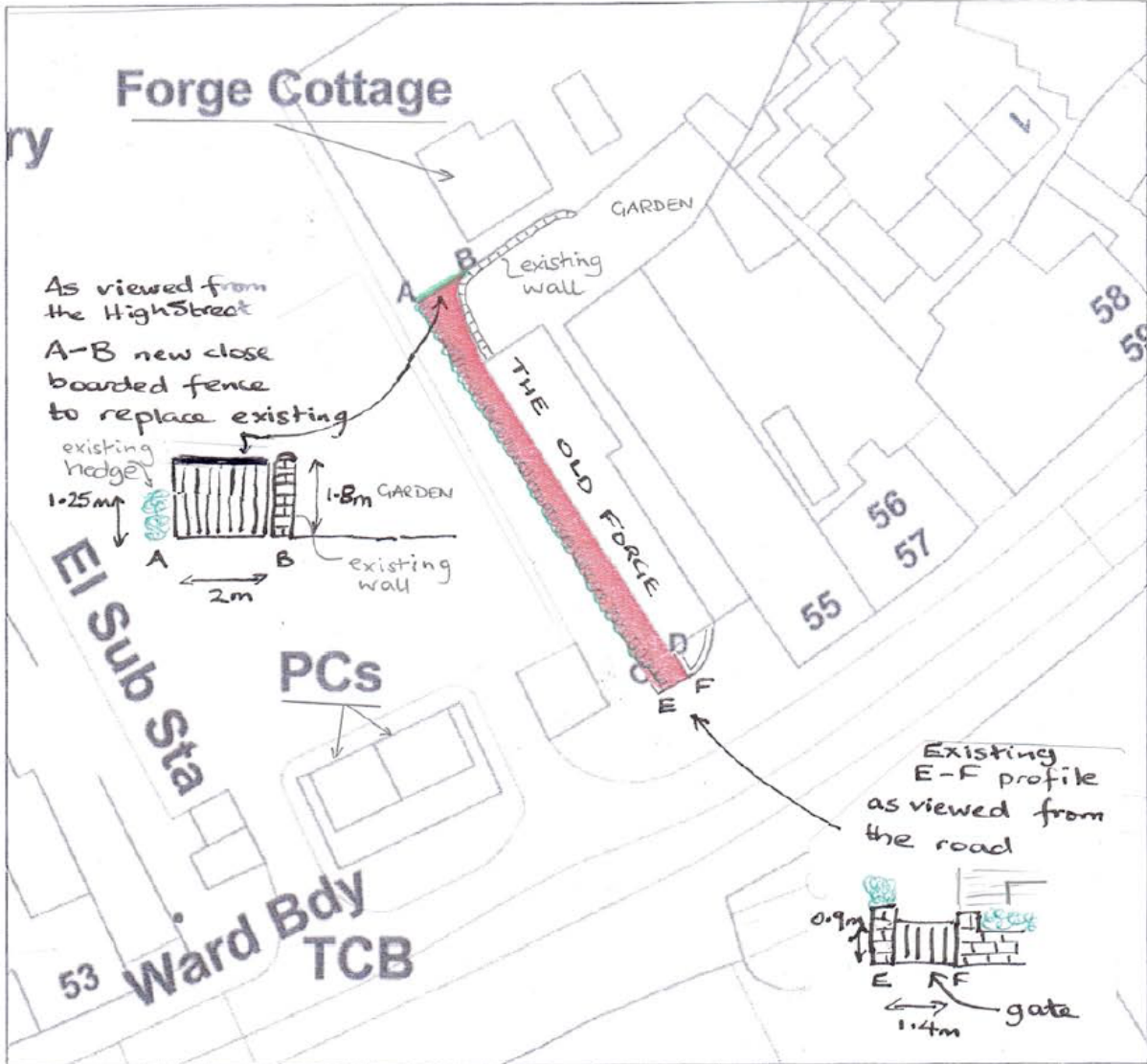
The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) Order 2015.

Agenda Item 9

ITEM 5.04

4/03768/15/FUL - CHANGE OF USE FROM AMENITY LAND TO RESIDENTIAL (C3) AND ERECTION OF CLOSE BOARDED FENCE

LAND ADJ THE OLD FORGE, 54 HIGH STREET, TRING, HP23



**4/03768/15/FUL - CHANGE OF USE FROM AMENITY LAND TO RESIDENTIAL (C3)
AND ERECTION OF CLOSE BOARDED FENCE.
LAND ADJ THE OLD FORGE, 54 HIGH STREET, TRING, HP23.
APPLICANT: MRS J BISHOP.**

[Case Officer - Martin Stickley]

Summary

The application is recommended for approval.

The principle of residential development is considered acceptable in the sites location within a residential area. The original scheme conflicted with the aims of the Long Marston Conservation Area (Policy CS27 of the Dacorum Core Strategy (September 2013) and saved Policy 120 of the Dacorum Borough Local Plan 1991-2011 (DBLP)). However, after several amendments, the scheme is now considered acceptable.

The proposed works would not have any adverse impact on the appearance of the dwelling and would not significantly detract from the street scene. The development would not have a detrimental impact on the amenity of neighbouring properties. The access and car parking is deemed satisfactory. Therefore, the proposal is acceptable in accordance with the aims of the National Planning Policy Framework; Policies CS4, CS11, CS12 and CS27 of the Core Strategy and saved Policies 58 and 120, and saved Appendices 5 and 7 of the DBLP.

Site and Surroundings

The application relates to a strip of council owned amenity land between a public car park and the property known as The Old Forge, 54 High Street, Tring. The property is partially screened by a mature hedgerow that runs along the strip of land. A gate to the south provides access to the strip of land and one may well assume that the land forms part of the residential curtilage of the property. To the north of the site lies Forge Cottage and to the south, Tring High Street.

Proposal

The applicant is seeking to incorporate a strip of amenity land into their private garden. As such, a change of use from amenity space to residential is required. A new close boarded fence will be located to the rear (north), matching the existing fence like-for-like.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Tring Rural Parish Council, and the fact that the land is owned by DBC.

Planning History

4/00423/11/TC WORKS TO TREES

A

Raise no objection
27/04/2011

Relevant Policy

National Planning Policy Guidance

National Planning Policy Framework (NPPF)

Dacorum Core Strategy 2006-2031

NP1 - Supporting Development
CS4 - The Towns and Large Villages
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS27 - Quality of the Historic Environment

Dacorum Borough Local Plan 1991-2011

Policy 120 - Development in Conservation Areas

Summary of Representations

Conservation & Design

No issues with this one except there doesn't appear to be any indication of the height of the close boarded fence – so worth asking for details on this.

Hertfordshire Right of Way

There is no definitive right of way adjacent to the above so no comments.

Considerations

Policy and Principle

Amenity spaces and greens are defined in the Development in Residential Areas Supplementary Planning Guidance as "small areas of open undeveloped land within residential areas which may be space for landscaping, grassed verges or areas, or play space." They do not qualify as areas of structural open land, the purpose of which is to maintain the generally open character in towns and villages as set out in Policy CS4 and further defined in Policy 116 of the Local Plan as open land forming part of the urban structure which can be public or private open land.

The Dacorum Green Space Strategy 2011-2016 (January 2011) includes all publicly accessible green space and defines amenity green space as "areas providing opportunity for recreation close to home and/or providing a visual break in the urban environment. These areas are unlikely to include significant facilities but may be used frequently for play or informal ball games." Amenity green space located in Wigginton is not specifically identified in the Green Space Strategy.

This area of land is currently enclosed and unused. It is not felt that this piece of land positively contributes to the openness or visual amenity of the area. It is mostly hidden behind the existing hedgerow and the surrounding urban development. Furthermore,

the area does not provide enough space for outdoor recreation.

Policy CS4 of the Core Strategy states that in residential areas appropriate residential development is encouraged. The application site is located within an established residential area within Tring. The proposed change of use would not raise any policy objections.

Impact on the Open Space Character and Appearance of the Immediate Area

The main consideration is the impact on the open space character through the loss of a strip of land. As outlined above, the piece of land does not contribute towards the open space character of the area. Although the hedge does positively contribute to the appearance of the immediate area, it does not merit protection and therefore the application would not warrant a refusal in this respect.

Although the realigned boundary may create some disruption to the pattern and appearance of the street scene, the strip is small and narrow and it is considered that this will be minimal. Furthermore, the open space character of the area is not considered to be adversely affected by the proposals due to the small size of the strip bounded by residential curtilages and a public car park.

In summary, the proposal would not detract from the open space character and appearance of the street scene. The proposal is therefore in accordance with Policy CS4 of the Core Strategy.

Impact on Neighbouring Properties

The proposed boundary fence is located within close proximity to 'Forge Cottage', a residential dwelling. The residents at this property were concerned with the replacement fence. In an email dated 1 October they stated *"at the moment the pathway runs into our garden through a 1.7m high close-boarded barrier we erected many years ago (labelled A-B in the amended plans). This is attached to our boundary fence panels of the same height fronting the car park shown at point A, and to the existing wall shown at point B; the wall is 1.8m high on our side, but labelled as only 1.5m on the plans"*

The plans were amended and the fence height was altered to match the dimensions of the existing fence. The neighbour was satisfied with the amendments.

RECOMMENDATION - 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 boundary treatment hereby permitted shall match in size, colour and materials as those**

used on the existing boundary treatment.

Reason: To ensure a satisfactory appearance to the development and to accord with Policy CS12 of the Dacorum Borough Core Strategy.

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

Site Location Plan - no reference (received 06-Oct-2015)

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

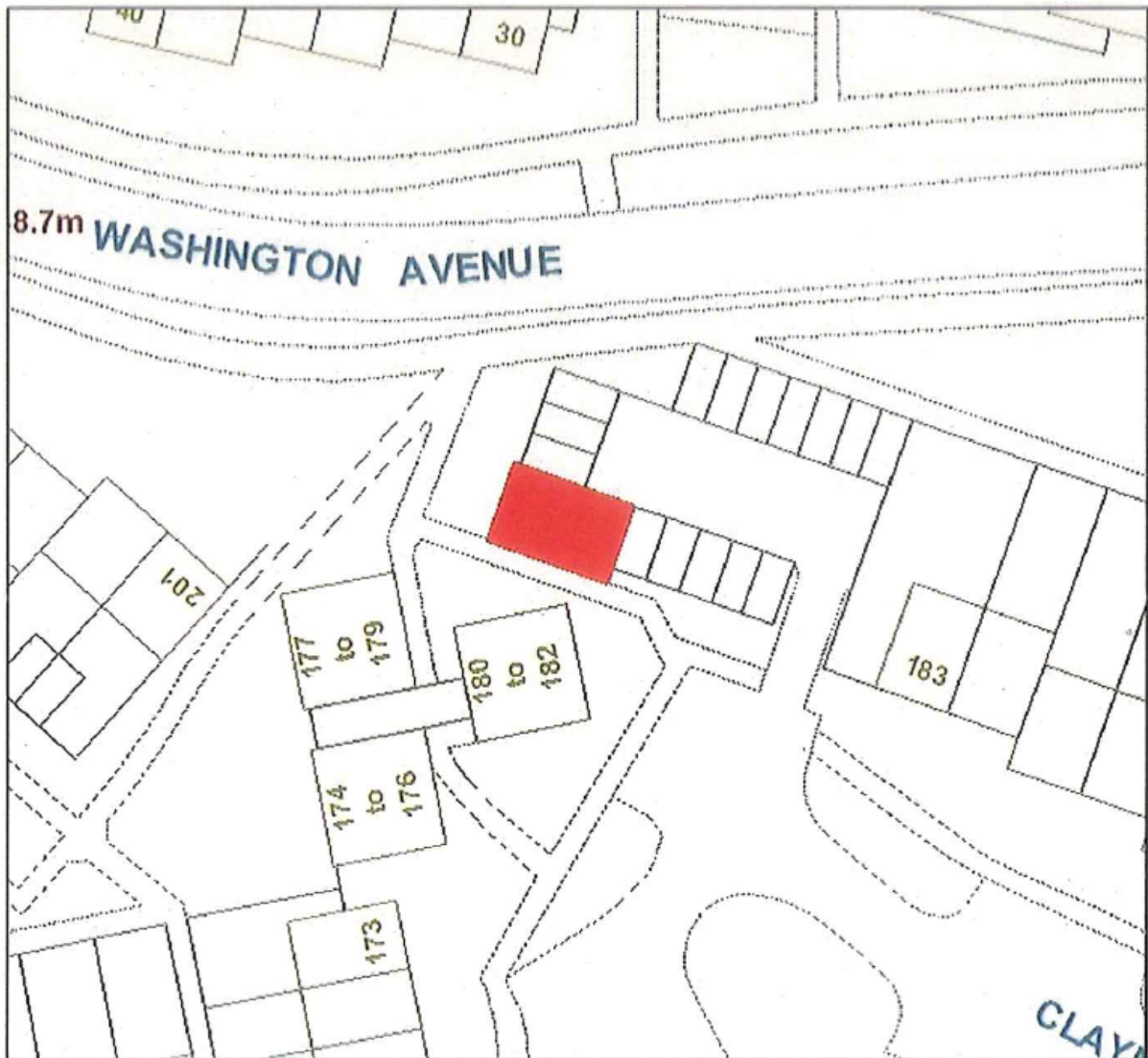
Article 35 Statement

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) Order 2015.

ITEM 5.05

4/03276/15/FUL - CHANGE OF USE OF FORMER PUMPING STATION TO USE CLASS B8 STORAGE.

FORMER PUMPING STATION ADJ GARAGES AT CLAYMORE, HEMEL HEMPSTEAD, HERTS, HP2 6LT

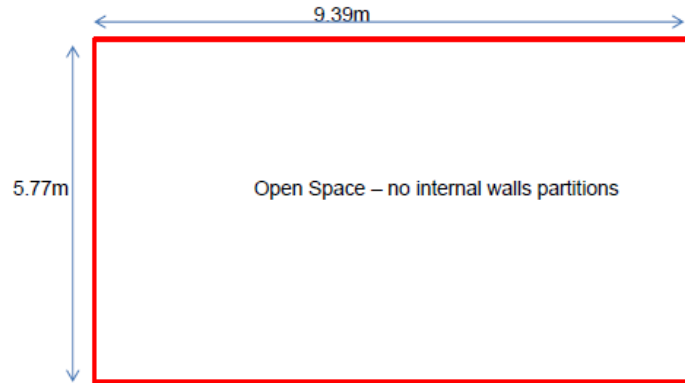


ITEM 5.05

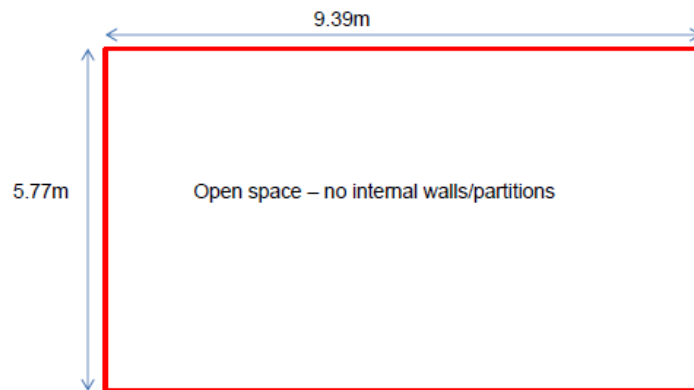
4/03276/15/FUL - CHANGE OF USE OF FORMER PUMPING STATION TO USE CLASS B8 STORAGE.

FORMER PUMPING STATION ADJ GARAGES AT CLAYMORE, HEMEL HEMPSTEAD, HERTS, HP2 6LT

Existing Floor Layout



Proposed Floor Layout after change of use (no change on existing)



**4/03276/15/FUL - CHANGE OF USE OF FORMER PUMPING STATION TO STORAGE (B8).
FORMER PUMPING STATION ADJ GARAGES AT CLAYMORE, HEMEL HEMPSTEAD, HERTS, HP2 6LT.
APPLICANT: DBC.**

[Case Officer - Martin Stickley]

Summary

The application is recommended for approval.

No external changes are proposed to the building and therefore the proposal would not have any adverse impact on the appearance of the street scene. The development would not have a detrimental impact on the amenity of neighbouring properties. The proposal would not require access and/or car parking improvements. Therefore, the proposal is acceptable in accordance with the aims of the National Planning Policy Framework; Policies CS4 and CS12 of the Core Strategy and saved Policy 58, and saved Appendix 5 of the DBLP.

Site and Surroundings

The application relates to a disused Council-owned water pumping station situated within a block of garages at Claymore, Hemel Hempstead. The building itself is brick built with a flat roof and has no fenestration apart from entrance doors on the southern elevation. The structure measures 9.39m x 5.77m (54.18m²). The building was bought back by the Council from Affinity Water Limited on 27th January 2015. The building was purchased as an empty unit, with the water pumping equipment removed. There is currently no electricity at the unit. The unit is comparable to the inside of a large triple garage with access limited to double doors (no roller shutters) and accessed via a pedestrian footpath.

Proposal

Full planning permission is sought for the change of use from the former pumping station to general storage (B8).

"The Councils Estates Department would look to rent this out on a commercial basis for storage purposes and given the constraints of access to and into the building and its location in a residential area this would not be for combustible items, large items as storage items would need to be carried manually, or a tenant requiring 24 hour access."

Referral to Committee

The application is referred to the Development Control Committee because the former pumping station is Council owned.

Planning History

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

Adopted Core Strategy

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

Saved Policies of the Dacorum Borough Local Plan

Policy 58
Appendix 5

Summary of Representations

Strategic Planning & Regeneration

The site is located in a residential area. Core Strategy Policy CS4 states that within residential areas:

“Non-residential development for small-scale social, community, leisure and business purposes is also encouraged, provided it is compatible with its surroundings.”

Very little information has been provided about the proposed development. For example, there is no information on floorspace or whether anyone will be employed on the site. We note that there is no car parking provision.

- Whilst the proposed use is not strictly speaking a business use, it is small-scale and it appears that it would be a low key use that would be compatible with its surroundings. As a result, we do not wish to raise any objections. Given the lack of parking and the proximity to housing, it may be appropriate to impose a condition stating that there should be no on-site employment within the building. If it is envisaged that the building would be used for on a more commercial basis, then it may well be prudent to condition its operation given the proximity of residential properties (Policy CS12).

Considerations

Policy and Principle

Policy CS4 of the Dacorum Borough Core Strategy states "non-residential development for small-scale social, community, leisure and business purposes is also encouraged, provided it is compatible with its surroundings." Therefore, an assessment should be made as to whether the development can be considered appropriate within the block of garages at Claymore, Hemel Hempstead and whether there would be any potential negative impacts on the surrounding residential area.

Impact on Building Appearance and Streetscene

Policy CS11 advises that within neighbourhoods, development should "*preserve attractive streetscapes.*" It is not proposed to alter the external appearance of the building and as such no objection is raised in design terms. It is not felt that the current building positively contributes to the visual amenity of the area. However, the proposal would not have a negative impact on the appearance of the existing building or streetscene in accordance with Policy CS11 of the Core Strategy.

Impact on Amenity of Neighbours, Access and Parking

The site is located within close proximity to 180-182 Claymore. However, it is not considered that there would be any significant harm in terms of noise or nuisance, visual impact or privacy in accordance with Policy CS12. The original water pumping station would have required infrequent maintenance visits from Affinity Water, it is not felt that these visits would have caused any major disturbance to the surrounding properties. It has not yet been confirmed who would rent the unit for storage, however, it should be considered that the intensification of the use of the site would increase as a result of this proposal. It is probable that the number of visits to the site would increase, potentially up to two or three a day. However, being a storage unit, one would assume the number of visits would be fairly minimal. The building is accessed through double doors via a public footpath and therefore, any vehicles visiting the site would need to park in the area of hard standing within the garage block, or the surrounding residential streets. The NPPF, Paragraph 32 states that the Local Planning Authority cannot refuse a development on highway grounds unless its impact is "*severe.*" It is not considered that a slight intensification of the site in terms of traffic and parking would result in any detrimental impact on the surrounding road network and would therefore not be deemed as "*severe.*" It follows that the application is acceptable in accordance with the NPPF, Policy CS12 of the Core Strategy and saved Policy 58, and saved Appendix 5 of the Dacorum Borough Local Plan.

RECOMMENDATION - 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:**

Existing and Proposed Floor Plan - no reference (received 17-Nov-15)

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

Article 35 Statement

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town

and Country Planning (Development Management Procedure) (England)
(Amendment No. 2) Order 2012.

ITEM 5.06, 5.07, 5.08

4/02616/15/FUL, 4/02596/15/ADV, 4/02575/15/LBC - PROPOSED INSTALLATION OF AN ATM AS A THROUGH GLASS INSTALLATION. GREEN ACRYLIC SIGN NON ILLUMINATED TO TOP OF ATM FASCIA WITH WHITE LETTERING 'CASHZONE FREE CASH WITHDRAWALS'

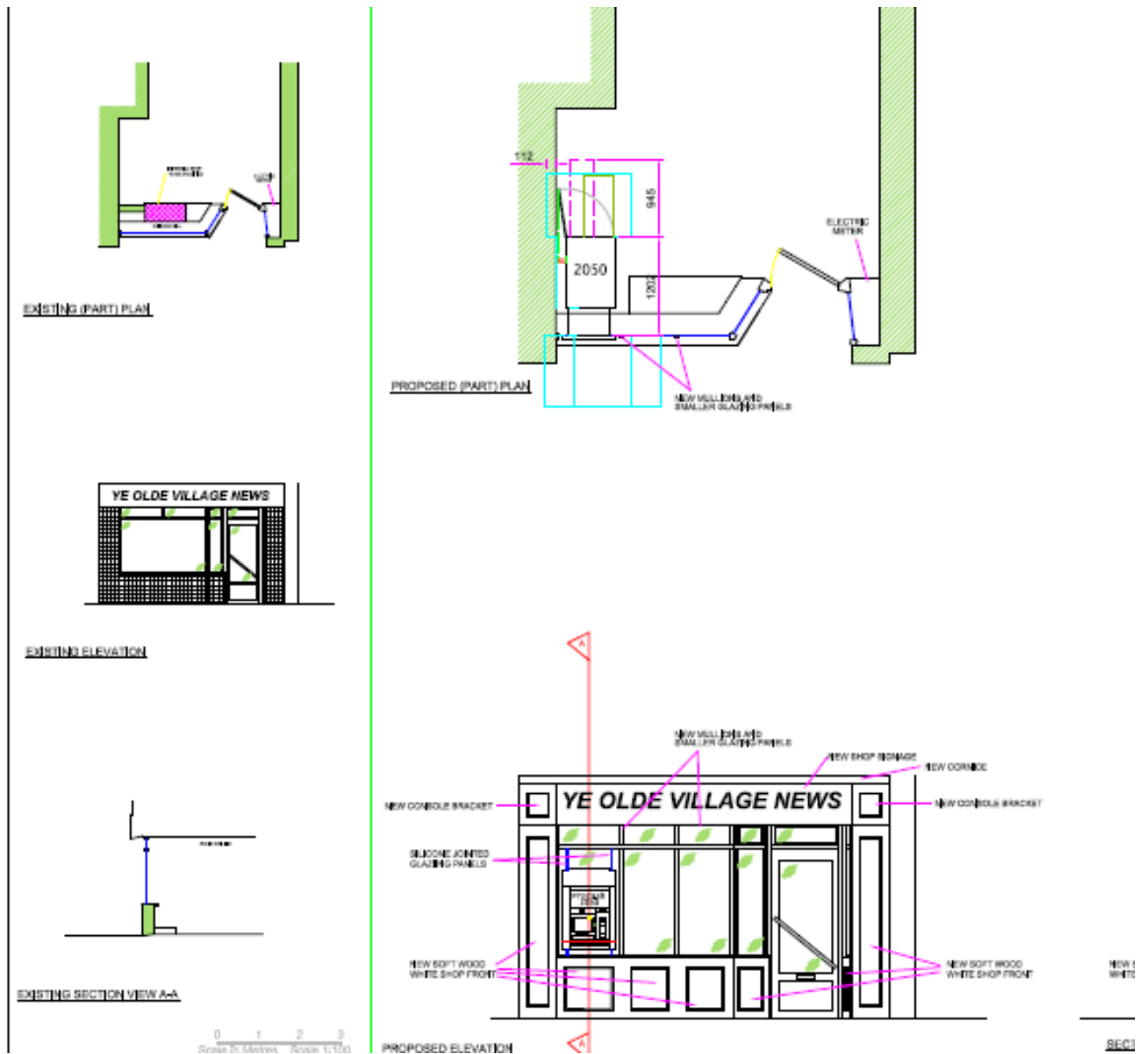
99 HIGH STREET, MARKYATE, ST ALBANS, AL3 8JG



ITEM 5.06, 5.07, 5.08

4/02616/15/FUL, 4/02596/15/ADV, 4/02575/15/LBC - PROPOSED INSTALLATION OF AN ATM AS A THROUGH GLASS INSTALLATION. GREEN ACRYLIC SIGN NON ILLUMINATED TO TOP OF ATM FASCIA WITH WHITE LETTERING 'CASHZONE FREE CASH WITHDRAWALS'

99 HIGH STREET, MARKYATE, ST ALBANS, AL3 8JG



5.06 4/02616/15/FUL - PROPOSED INSTALLATION OF AN ATM AS A THROUGH GLASS INSTALLATION. GREEN ACRYLIC SIGN NON ILLUMINATED TO TOP OF ATM FASCIA WITH WHITE LETTERING 'CASHZONE FREE CASH WITHDRAWALS'.

99 HIGH STREET, MARKYATE, ST ALBANS, AL3 8JG.

APPLICANT: CARDTRONICS UK LTD - MS L WOLSTENCROFT.

5.07 4/02596/15/ADV - PROPOSED INSTALLATION OF AN ATM AS A THROUGH GLASS INSTALLATION. GREEN ACRYLIC SIGN NON ILLUMINATED TO TOP OF ATM FASCIA WITH WHITE LETTERING 'CASHZONE FREE CASH WITHDRAWALS'.

99 HIGH STREET, MARKYATE, ST ALBANS, AL3 8JG.

5.08 4/02575/15/LBC - PROPOSED INSTALLATION OF AN ATM AS A THROUGH GLASS INSTALLATION. GREEN ACRYLIC SIGN NON ILLUMINATED TO TOP OF ATM FASCIA WITH WHITE LETTERING 'CASHZONE FREE CASH WITHDRAWALS'.

99 HIGH STREET, MARKYATE, ST ALBANS, AL3 8JG.

[Case Officer - Briony Curtain]

Summary

The applications are recommended for approval.

Site Description

No. 99A is a vacant former retail unit located on the north eastern side of the High Street within the large village of Markyate. It is Grade II listed and falls within the Conservation Area.

The surrounding area comprises a mix of shops, commercial premises and street houses.

Proposal

Full Planning Permission (4/02616/15/FUL) Listed Building Consent (4/2575/15/LBC) and Advertisement Consent (4/02598/15/ADV) are sought for the insertion of an ATM machine to the shopfront. During the course of the applications, (following advice from the Conservation team) the proposal has been significantly amended to include alterations to the entire shop front.

It is now proposed to subdivide the main front section of the existing shop frontage (abutting the footpath) into three sections separated by timber mullions, there would be a timber pilaster either side with a main fascia (part of former adv and lbc consent) across the top. The proposed ATM would be sited to the left of the shop front. There would be a small green sign immediately above the ATM machine.

Referral to Committee

The applications are referred to the Development Control Committee due to the contrary views of Markyate Parish Council.

Planning History

4/02084/15/LB REPLACEMENT OF EXISTING SHOP FASCIA WITH TWO OVER
C HEAD LIGHTS.
Granted
21/07/2015

4/01909/15/AD REPLACEMENT OF FASCIA WITH 2 NO. OVERHEAD LIGHTS
V
Granted
21/07/2015

4/02838/14/LB SEPARATION OF SHOP UNIT AND ACCOMMODATION BY
C FILLING EXISTING DOORWAY, NEW SINGLE DOORWAY TO
EXTERNAL WALL AND NEW WALL TO CREATE TOILET AND
STORAGE
Granted
24/11/2014

4/01591/92/4 DEMOLITION OF SINGLE STOREY REAR EXTENSION &
ERECTION OF TWO STOREY REAR EXTENSION
Granted
16/03/1993

4/01592/92/4 DEMOLITION OF SINGLE STOREY REAR EXTENSION &
ERECTION OF TWO STOREY REAR EXTENSION
Granted
16/03/1993

4/01982/89/4 ERECTION OF GARAGE AND STORE
Granted
01/02/1990

4/01936/89/4 DEMOLITION OF EXISTING GARAGE, EXTENSION TO STORE
Granted
13/02/1990

Constraints

Situated within the "large village" of Markyate excluded from GB. It is within a local centre and designated Conservation Area and is Grade II listed. No other material constraints other than as set out in the relevant policies.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS5 - The Green Belt
CS6 - Selected Small Villages in the Green Belt
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS27 - Quality of the Historic Environment

Saved Policies of the Dacorum Borough Local Plan

Policies 13, 112, 119 and 120

Supplementary Planning Guidance

Environmental Guidelines - Section 6 'Advertisements'
Section 7 'Development in Conservation Areas or Affecting Listed Buildings'

Summary of Representations

Markyate Parish Council

Original Plans

The Parish Council object for the following reasons:-

1. This section of pavement is the most narrow in the High Street, access, traffic, parking, road safety.
2. Security/privacy
3. Impact on listed building
4. Conservation area

Amended Plans

Object due to narrowness of pavement at this point.

Conservation and Design

Original Plans

99a High Street is part of a grade II listed property (97 and 99) fronting the High

Street and within the Markyate Conservation Area, it is rendered with a clay tile roof and thought to date to the 17th century with an 18th or 19th century brick front (now rendered). The existing shopfront is mid to late 20th century and of no particular architectural merit. It has a painted timber fascia sign which is not illuminated, tiled stallriser and pilaster, the shopfront itself is set back from the building line. Consent was recently granted for alterations to the fascia.

The application proposes the insertion of an ATM into the existing shopfront. ATM machines are generally felt to be rather intrusive in terms of their appearance when sited externally on listed buildings and preference would be for siting the ATM inside the shop. However I note there is now no ATM in Markyate following closure of the bank in the village.

In this case, as the shopfront is of no particular architectural merit there may be scope for installing an ATM of the size proposed on the front elevation of 99a High Street.

However, I suggest the following amendments:

If feasible new timber mullions, effectively dividing the main shopfront window (currently one large glazed pane) into 3 even sized glazed panes, should be inserted; the horizontal transom should be retained and the clerestorey also divided into 3. Alternatively if there is not sufficient space to divide the shopfront into 3 separate panes it should be divided into two. The ATM could then be sited within the left hand part of the shopfront. This more discrete location will reduce its visual impact.

I presume new stronger glass will need to be inserted into the existing shopfront for security reasons – can details be provided of this? Can the existing timber frame be re-used.

Details of the colour of the ATM and any surround to be submitted – a photo would be useful.

Recommend the application is amended as suggested above.

Amended Plans

To achieve a balanced appearance can I suggest the 3 panels to the stallriser are the same size, the one below the cash machine is shown on the amended plan as slightly larger than the other two!

Otherwise I consider the proposed cashpoint will have a neutral impact upon the character and appearance of the listed building, particularly as the new shop front and signage – both of traditional design will be a considerable improvement in comparison to the existing shopfront which detracts from the appearance of the listed building. The proposals will enhance the character and appearance of the Markyate Conservation Area.

In terms of conditions for the LBC the following will be required:

A 1:20 plan of the shopfront including profiles at 1:1 scale of the mouldings for the following:
timber mullions / transom, panel mouldings to pilasters, console and stallriser;
cornice profile.

Details of paint colour for new shopfront

(Details of the fascia – should be timber with handpainted lettering, colours to be agreed)

Hertfordshire Highways

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.
Note: the footway is particularly narrow where the proposed ATM will be sited. Whilst the ATM itself would appear not to project into the High Street, the temporary stopping of users of the ATM may cause some obstruction to other users wishing to pass.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

Emails of Objection

- An ATM would give rise to negative security issues
- the proposed position is at a very narrow point in the pavement, which is already busy with pedestrians
- this is a congested and busy part of the High Street, an ATM would be dangerous in this location
- there is already limited parking at 99a, an ATM would make this worse
- this application should be viewed by Herts County Council as part of their review on traffic and congestion
- there is a bus stop directly opposite and as such this is the worse position for an ATM

4 Email of Support

- An ATM is essential to the High Street
- Since the loss of HSBC an ATM is needed.

Petition in support - 950 signatures.

Considerations

Policy and Principle

The site is situated within the large village of Markyate wherein the principle of development is acceptable in accordance with Policy CS4 of the Core Strategy.

99A is a listed building and therefore important to have special regard to the impact

of the alterations on the character and setting of the listed building.

Saved Policy 119 of the DBLP states that:

"Consent to alter or extend listed buildings will only be granted where it can be satisfactorily demonstrated that the proposal will be carried out in a manner appropriate to the scale, proportion and external and internal appearance or historic character of the building to which it relates."

Policy CS27 states that:

"The integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced."

With regard to the advertisement consent, under S. 4, Part I of the Advertisement Regulations 1992, local authorities can only exercise their powers in the interests of amenity and public safety, taking account of any material consideration.

The main considerations in the determination of these applications are thus the visual impact of the ATM and shop front and their impact on public and highway safety.

Effects on appearance of building / street scene / Conservation Area / Listed Building

The proposals to alter the shop front would have a significant improvement on the overall appearance of this important Listed Building. The entire design of the shop front has been significantly improved in response to the Conservation Officers comments and this is welcomed. The existing predominantly glazed frontage detracts from the appearance of the building, whilst the traditional design and materials of the proposed shop front represent a considerable improvement. Given the visual improvements compared to the existing shop front, the proposals would enhance the character and appearance of the listed building and this part of the Markyate Conservation Area.

Additional plans illustrating the exact detail of the shop front and the colour proposed will be required by condition on the Listed Building Consent. This information is required before any works commence as this is a grade II listed building set within the Markyate Conservation Area.

The proposed cashpoint itself will have a neutral impact upon the character and appearance of the listed building, particularly given the significant improvements to the overall shop front.

The proposals comply with Policies CS 12, CS 27 and saved policy 112 of the Local Plan.

Impact on Highway Safety

The proposals would not have a significant adverse impact on the safety or operation of the adjacent highway.

The ATM does not project beyond the shop front but is contained within the existing building envelope, in fact it is set slightly back behind the adjacent building in a small recessed area. This section of the High Street is narrow and users of the ATM would therefore partially obstruct the pavement, meaning other pedestrians would have to negotiate round them. Whilst they also note the narrowness of the footpath in this section of the High Street, Hertfordshire Highways do not wish to restrict the grant of planning permission and are satisfied that sufficient space is provided such that pedestrian safety would not be significantly compromised. The benefits of providing this service to the village are considered to outweigh the slight inconvenience the partial, intermittent obstruction of the pavement would cause.

A refusal based on highway or public safety could not therefore be sustained.

Impact on Neighbours

The insertion of an ATM into the front of the shop would not have a significant adverse impact on the residential amenities of adjacent properties in terms of noise, disturbance or visual intrusion. The site is situated within the local centre, in a high street location, wherein there would already be some degree of general noise and disturbance. The insertion of an ATM would not significantly intensify this.

Conclusions

The insertion of an ATM and the associated alterations to the shop front proposed would significantly improve the visual amenity of this building, and the wider conservation area. Whilst it is acknowledged that the footpath is narrow, the introduction of an ATM would not adversely affect safety. The benefits of this scheme clearly outweigh any negatives. It is thus recommended that conditional LBC, ADV and FUL planning permission all be granted.

RECOMMENDATION 5.8 - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

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

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

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

E016668 Rev 03

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

Article 35

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) Order 2015.

RECOMMENDATION 5.9 - That Advertisement consent be **GRANTED** for the reasons referred to above and subject to the following conditions:

1

1. This consent is granted for a period of five years commencing on the date of this notice.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to permission.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3. No advertisement shall be sited or displayed so as to: -

- (a) endanger persons using any highway, railway, waterway, harbour or aerodrome (civil or military);**
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or**
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.**

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4. Any advertisement displayed, and any site used for the display of advertisement, shall be maintained in a condition that

does not impair the visual amenity of the site.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) Regulations (England) 2007.

5. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) Regulations (England) 2007.

6. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) Regulations (England) 2007.

RECOMMENDATION 5.10 - That Listed Building consent be **GRANTED** for reasons referred to above and subject to the following conditions:

1. **The works for which this consent is granted shall be begun before the expiration of three years from the date of this consent.**

Reason: To comply with section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

2. **Notwithstanding any details submitted, no works shall take place until a 1:20 plan of the shopfront (including profiles at 1:1 scale of the mouldings for the following: timber mullions / transom, panel mouldings to pilasters, console and stallriser; cornice profile) and details of the paint colours shall have been submitted to and approved in writing by the local planning authority.**

Reason: To preserve the character and appearance of the listed building in compliance with Policy CS27 of the Dacorum Core Strategy September 2013 and saved Policy 119 of the Dacorum Borough Local Plan 1991-2011.

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

E016668 Rev 3

Reason: For the avoidance of doubt and in the interests of proper plan

6. APPEALS UPDATE

A. LODGED

4/02986/15/FUL MR M SMYTH
CONVERSION OF EXISTING AGRICULTURAL BARN TO
FORM A DETACHED TWO BEDROOM DWELLING
AGRICULTURAL BUILDING NEAR TO FRONT ACCESS TO
FLAUNDEN HOUSE STABLES, FLAUNDEN, HEMEL
HEMPSTEAD, HP3 0PW
[View online application](#)

4/02987/15/FHA MR SMYTH
SINGLE STOREY REAR EXTENSION
THE COACH HOUSE, FLAUNDEN HOUSE STABLES,
FLAUNDEN
[View online application](#)

B. WITHDRAWN

None

C. FORTHCOMING INQUIRIES

4/02263/15/ENA HAMBERLINS FARM - MR G EAMES
APPEAL AGAINST ENFORCEMENT NOTICE
LAND AT HAMBERLINS FARM, HAMBERLINS LANE,
NORTHCHURCH, BERKHAMSTED, HP4 3TD
[View online application](#)

D. FORTHCOMING HEARINGS

None

E. DISMISSED

None

F. ALLOWED

4/00723/15/FHA MR & MRS G NEWCOMBE
GARAGE CONVERSION WITH FIRST-FLOOR EXTENSION
ABOVE
5 THE OLD FORGE, TRING ROAD, LONG MARSTON,
TRING, HP23 4RL
[View online application](#)

Summary of Inspectors Response

The proposed extension would relate satisfactorily to the original design concept by the continuation of the half hipped roof element and with matching roofing and facing materials. The jettied front elevation would introduce additional visual interest to the street elevation and in the context of the overall building it would be subservient and a modest addition in terms of its scale and impact. Being set well away from the side boundary with No 1 Astrope Lane, and with a limited roof form, I am also satisfied that it would not be overbearing or dominate it from a design point of view.

With regard to parking, I noted the limited size of the existing garage, its unsuitability for the parking of most modern cars and the fact that it is used for storage purposes at the current time. Furthermore I agree with the Council that one additional bedroom is unlikely to create any significant parking demand over and above what is currently the case for the existing dwelling. I also agree with the Council that the proposed extension would have no adverse effect on the occupiers of No 1 Astrope Lane, given the fact that it would be set well away from the common boundary and that the rear of an existing garage is already set forward of No 1's front elevation. There would be no issues arising from the proposed rear dormer window given that it would primarily overlook a courtyard parking area.

Given the above, the proposal would comply with Policy CS27 of the Council's Core Strategy 2013 in that it would protect the setting of the heritage assets. Conditions requiring the development to be carried out in accordance with the approved plans and for matching materials, are necessary in the interests of good planning. Accordingly, subject to those conditions, the appeal should be allowed and planning permission granted.

4/01585/15/FHA Shouler
Two storey side extension. Extension of height to boundary
wall. New pedestrian access
26 THE FOXGLOVES, HEMEL HEMPSTEAD, HP1 2DB
[View online application](#)

Summary of Inspectors Response

In terms of impact within the street scene, I acknowledge the prominent location, but because of the relatively tight corner and road alignment, the property is not

prominent in longer distance views when approaching from the north, and the boundary is already clearly enclosed by the existing high side/rear brick wall which abuts with and follows the curve of the public footpath. From the other direction, there is not a consistent building line because of the variation in road configurations and different architectural designs and I therefore do not consider it critical that the space to the side, which is partly enclosed by the wall in any case, is retained for townscape reasons. The sense of openness would still be apparent at the front where the terrace has open plan front gardens, and also at the side where there would still be a wide grass verge between the footpath and the road. For these reasons I find that in this particular instance the street scene would not be harmed. That might not be the case elsewhere on the estate where in some areas there is a greater consistency of building line and openness.

For the above reasons the proposal would comply with Policy CS 12 of the Council's Core Strategy and advice in Appendix 7 of the Saved Local Plan 2004 in that it would integrate with the street scene character and harmonise with the original design and character of the house. Although it would not fully accord with all advice in Appendix 7 in that it would extend the full width of the side area, there would be no harm arising in this instance for the reasons set out above.

4/03142/14/FUL Bray
DEMOLITION OF EXISTING DWELLING AND ERECTION OF
THREE NEW DWELLINGS
7 PICKFORD ROAD, MARKYATE, ST. ALBANS, AL3 8RS
[View online application](#)

The appeal was allowed and planning permission granted for the demolition of the existing bungalow and construction of three attached dwellings at 7 Pickford Road, Markyate.

The key issues considered by the Inspector were the impact of the proposed development on the character and appearance of the area; and whether the proposals would preserve or enhance the character or appearance of the Markyate Conservation Area.

The Inspector in their decision considered that the existing bungalow detracted from the character and appearance of the conservation area, which is formed of high density 19th century traditional development located on the opposite side of Pickford Road. These Grade II listed buildings have a strong front building line with little or no setback from Pickford Road.

The proposed terrace of three dwellings would bridge the gap between 5b and 9 Pickford Road. This staggered layout would consolidate the building line and together with the resulting density would be more akin with the character of this part of the conservation area than the existing bungalow. The general form and detailing of the dwellings would more closely reflect the character of the listed terrace opposite than other more recent development in the vicinity.

In his concluding comments the Inspector considered that the proposed development would not appear cramped or represent overdevelopment of the site.

The new dwellings would relate well to their surroundings. Overall and given the existing situation, the proposals were considered to positively contribute to the character and appearance of the conservation area and to the setting of the listed buildings.

The application for an award of costs was refused. Whilst the Council could have been clearer in their reasons for refusal, the terms used were all found within the Core Strategy and saved Local Plan and are commonly used planning terms. Both the Conservation Officer and the appeal statement adequately explained the terms and the stance taken in the application of these terms and their role within the relevant development plan policies.

4/03613/14/FUL Jump
DEMOLITION OF EXISTING HOUSE AND REPLACEMENT
WITH 2 DETACHED DWELLINGS WITH ASSOCIATED
ACCESS ARRANGEMENTS (REVISED SCHEME).
27 HALL PARK GATE, BERKHAMSTED, HP4 2NL
[View online application](#)

This appeal was allowed and planning permission granted for demolition of an existing house and replacement with 2 detached dwellings with associated access arrangements. The Inspector considered that the main issue in the appeal was the effect of the development proposed on the character and appearance of the area also having regard to the street scene. However, the Inspector found that the proposed development would not result in harm by way of overdevelopment or detrimental effects to the character and appearance of the area and the street scene and that the proposal is in overall compliance with the provisions of the development plan and the NPPF.

In respect of the appellant's

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