



DEVELOPMENT CONTROL AGENDA

**THURSDAY 25 FEBRUARY 2016 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 D Collins (Chairman)	Councillor Riddick
Councillor Guest (Vice-Chairman)	Councillor Ritchie
Councillor Birnie	Councillor R Sutton
Councillor Clark	Councillor Whitman
Councillor Conway	Councillor C Wyatt-Lowe
Councillor Maddern	Councillor Fisher
Councillor Matthews	Councillor Tindall

For further information, please contact Katie Mogan or Member Support

AGENDA

1. MINUTES

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

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence

3. DECLARATIONS OF INTEREST

To receive any declarations of interest

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

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

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

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

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

It is requested that Members 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 OF PLANNING APPLICATIONS (Pages 5 - 7)

- (a) 4/03072/15/MFA - BOURNE END MILLS, UPPER BOURNE END LANE, HEMEL HEMPSTEAD, HP1 2UJ (Pages 8 - 52)
- (b) 4/03344/15/MFA - LAND ADJ APSLEY MILL COTTAGE, STATIONERS PLACE, APSLEY, HEMEL HEMPSTEAD, HP3 9RH (Pages 53 - 91)

- (c) 4/02275/15/ROC - HEMEL HEMPSTEAD TOWN FOOTBALL CLUB, VAUXHALL ROAD, HEMEL HEMPSTEAD, HP2 4HW (Pages 92 - 109)
- (d) 4/03481/15/MFA - FLAUNDEN HOUSE STABLES, FLAUNDEN, HEMEL HEMPSTEAD, HP3 0PW (Pages 110 - 155)
- (e) 4/03985/15/ROC - 27 HALL PARK GATE, BERKHAMSTED, HP4 2NL (Pages 156 - 170)
- (f) 4/04042/15/FUL - KINTAIL HOUSE, BOX LANE, HEMEL HEMPSTEAD, HP3 0DJ (Pages 171 - 177)
- (g) 4/03464/15/FUL - LAND REAR OF 126-132 GEORGE STREET, BERKHAMSTED, HP4 2EJ (Pages 178 - 194)
- (h) 4/03729/15/FHA - 6 THE BEECHES, TRING, HP23 5NP (Pages 195 - 203)
- (i) 4/00082/16/FUL - WIXIES WOOD, MARLIN HILL, HASTOE, HP23 6LW (Pages 204 - 208)

6. APPEALS (Pages 209 - 211)

7. EXCLUSION OF THE PUBLIC

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

INDEX TO PLANNING APPLICATIONS

Item No	Application No.	Description and Address	Pg No.
5.01	4/03072/15/MFA	HYBRID PLANNING APPLICATION FOR THE DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT OF BOURNE END MILLS INDUSTRIAL ESTATE TO PROVIDE B1 AND/OR B8 FLOORSPACE AND EXTERNAL ALTERATIONS TO THE REAR OF UNIT 28 UPPER BOURNE END LANE WITH ASSOCIATED PARKING AND SERVICE AREAS, ACCESS FROM UPPER BOURNE END LANE, LANDSCAPING AND PUBLIC OPEN SPACE AND THE REALIGNMENT AND OPENING UP OF THE BOURNE GUTTER (DETAILS SUBMITTED IN FULL); AND RESIDENTIAL DEVELOPMENT OF UP TO 45 DWELLINGS, ASSOCIATED POINT OF ACCESS FROM UPPER BOURNE END LANE AND WORKS TO THE PUBLIC HIGHWAY BETWEEN BOURNE END LANE AND UPPER BOURNE END LANE (DETAILS SUBMITTED IN OUTLINE). BOURNE END MILLS, UPPER BOURNE END LANE, HEMEL HEMPSTEAD, HP1 2UJ	8
5.02	4/03344/15/MFA	DEMOLITION OF DISUSED OFFICE BUILDING AND CONSTRUCTION OF FOUR BUILDINGS WITH 31 FLATS IN TOTAL, PUBLIC OPEN SPACE, RESIDENTIAL AND VISITOR CAR PARKING AND ASSOCIATED AMENITY SPACE LAND ADJ APSLEY MILL COTTAGE, STATIONERS PLACE, APSLEY, HEMEL HEMPSTEAD, HP3 9RH	53
5.03	4/02275/15/ROC	VARIATION OF CONDITION 3 (PERMANENT EXTENDED HOURS OF USE FOR MONDAY TO THURSDAY 09.00 TO 22.000 HOURS AND FRIDAY 09.00 TO 21.30 HOURS AND TEMPORARY EXTENDED HOURS OF USE FOR A 12 MONTH PERIOD FOR SATURDAY 09.00 TO 20.00 HOURS) AND CONDITION 5 (PERMANENT RETENTION OF RETRACTABLE NET AT ITS FULL HEIGHT) OF PLANNING PERMISSION 4/01156/10 /FUL (ASTRO PITCH ON FORMER 5-A-SIDE AREA/TENNIS COURTS, CONSTRUCTION OF CHANGING/ANCILLARY TWO STOREY ACCOMMODATION BLOCK, FLOODLIGHTING OF ASTRO PITCH AND ASSOCIATED FENCING) HEMEL HEMPSTEAD TOWN FOOTBALL CLUB,	92

VAUXHALL ROAD, HEMEL HEMPSTEAD, HP2
4HW

5.04	4/03481/15/MFA	CONVERSION OF EXISTING AGRICULTURAL BARN TO FORM A 4 BED DETACHED DWELLING; CONVERSION OF EXISTING AGRICULTURAL BARN TO FORM A 2 BED DETACHED DWELLING WITH MANAGER'S OFFICE; SINGLE STOREY REAR EXTENSION TO COACH HOUSE; AND REFURBISHMENT AND IMPROVEMENT OF EXISTING STABLES. FLAUNDEN HOUSE STABLES, FLAUNDEN, HEMEL HEMPSTEAD, HP3 0PW	110
5.05	4/03985/15/ROC	VARIATION OF CONDITION 2 (PRIVATE AMENITY SPACE) ATTACHED TO PLANNING PERMISSION 4/03613/14/FUL (DEMOLITION OF EXISTING HOUSE AND REPLACEMENT WITH 2 DETACHED DWELLINGS WITH ASSOCIATED ACCESS ARRANGEMENTS (REVISED SCHEME).) 27 HALL PARK GATE, BERKHAMSTED, HP4 2NL	156
5.06	4/04042/15/FUL	CHANGE OF USE FROM C3 (RESIDENTIAL) TO MIXED USE C3 (RESIDENTIAL) AND D1 (CHIROPRACTIC CLINIC). KINTAIL HOUSE, BOX LANE, HEMEL HEMPSTEAD, HP3 0DJ	171
5.07	4/03464/15/FUL	CONSTRUCTION OF ONE 3-BED DWELLING LAND REAR OF 126-132 GEORGE STREET, BERKHAMSTED, HP4 2EJ	178
5.08	4/03729/15/FHA	TWO STOREY FRONT AND REAR EXTENSIONS 6 THE BEECHES, TRING, HP23 5NP	195
5.09	4/00082/16/FUL	CONSTRUCTION OF TIMBER FENCE ALONG EASTERN BOUNDARY OF WIXIES WOOD. WIXIES WOOD, MARLIN HILL, HASTOE, HP23 6LW	204

Agenda Item 5a

Item 5.01

4/03072/15/MFA - HYBRID PLANNING APPLICATION FOR THE DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT OF BOURNE END MILLS INDUSTRIAL ESTATE TO PROVIDE B1 AND/OR B8 FLOORSPACE AND EXTERNAL ALTERATIONS TO THE REAR OF UNIT 28 UPPER BOURNE END LANE WITH ASSOCIATED PARKING AND SERVICE AREAS, ACCESS FROM UPPER BOURNE END LANE, LANDSCAPING AND PUBLIC OPEN SPACE AND THE REALIGNMENT AND OPENING UP OF THE BOURNE GUTTER (DETAILS SUBMITTED IN FULL); AND RESIDENTIAL DEVELOPMENT OF UP TO 45 DWELLINGS, ASSOCIATED POINT OF ACCESS FROM UPPER BOURNE END LANE AND WORKS TO THE PUBLIC HIGHWAY BETWEEN BOURNE END LANE AND UPPER BOURNE END LANE (DETAILS SUBMITTED IN OUTLINE).

BOURNE END MILLS, UPPER BOURNE END LANE, HEMEL HEMPSTEAD, HP1 2UJ



SITE LOCATION PLAN

OVERALL SITE AREA - 41,071m² - 4.1ha / 10.14 acres

Item 5.01

4/03072/15/MFA - HYBRID PLANNING APPLICATION FOR THE DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT OF BOURNE END MILLS INDUSTRIAL ESTATE TO PROVIDE B1 AND/OR B8 FLOORSPACE AND EXTERNAL ALTERATIONS TO THE REAR OF UNIT 28 UPPER BOURNE END LANE WITH ASSOCIATED PARKING AND SERVICE AREAS, ACCESS FROM UPPER BOURNE END LANE, LANDSCAPING AND PUBLIC OPEN SPACE AND THE REALIGNMENT AND OPENING UP OF THE BOURNE GUTTER (DETAILS SUBMITTED IN FULL); AND RESIDENTIAL DEVELOPMENT OF UP TO 45 DWELLINGS, ASSOCIATED POINT OF ACCESS FROM UPPER BOURNE END LANE AND WORKS TO THE PUBLIC HIGHWAY BETWEEN BOURNE END LANE AND UPPER BOURNE END LANE (DETAILS SUBMITTED IN OUTLINE).

BOURNE END MILLS, UPPER BOURNE END LANE, HEMEL HEMPSTEAD, HP1 2UJ



4/03072/15/MFA - HYBRID PLANNING APPLICATION FOR THE DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT OF BOURNE END MILLS INDUSTRIAL ESTATE TO PROVIDE B1 AND/OR B2 AND/OR B8 FLOORSPACE AND EXTERNAL ALTERATIONS TO THE REAR OF UNIT 28 UPPER BOURNE END LANE WITH ASSOCIATED PARKING AND SERVICE AREAS, ACCESS FROM UPPER BOURNE END LANE, LANDSCAPING AND PUBLIC OPEN SPACE AND THE REALIGNMENT AND OPENING UP OF THE BOURNE GUTTER (DETAILS SUBMITTED IN FULL); AND RESIDENTIAL DEVELOPMENT OF UP TO 45 DWELLINGS, ASSOCIATED POINT OF ACCESS FROM UPPER BOURNE END LANE AND WORKS TO THE PUBLIC HIGHWAY BETWEEN BOURNE END LANE AND UPPER BOURNE END LANE (DETAILS SUBMITTED IN OUTLINE)..
BOURNE END MILLS, UPPER BOURNE END LANE, HEMEL HEMPSTEAD, HP1 2UJ.
APPLICANT: Albion Land.

[Case Officer - Ross Herbert]

Summary

The application is recommended for approval.

The provision of modern employment units which will improve the vitality and viability of the area is in accordance with the longstanding policy objectives and development history of the site. The residential component is integral to the delivery of the employment scheme.

The proposals bring about substantial physical upgrade to the site and through the provision of new strategic landscaping areas and sustainable urban drainage, and will deliver significant environmental, biodiversity and ecological improvements.

The residential component, through appropriate design will integrate successfully with the existing residential community of Bourne End.

The Site is reasonably sustainably located and the residential component can be effectively accommodated within the capacity of local services. The mix of employment and residential uses provide for a sustainable and mixed community.

The scheme has evolved in response to market demand and has been shaped fundamentally by the aspirations of the local community.

The proposals are in accordance with the relevant aspects of the NPPF and the Development Plan and there are no impacts of this development that are unacceptable or cannot be appropriately mitigated. In addition the proposed development delivers significant benefits which are strong in their own right and as such there is no sound planning reason why the development cannot be approved.

The proposals will deliver significant improvements at the site, to the benefit of the local residents. These include:

- Removal of unsightly commercial buildings from the site and their replacement with a high quality commercial and residential scheme;
- The creation of a buffer of high quality housing between the proposed commercial part of the site and the existing dwellings on Bourne End Lane;

- Significant environmental improvements at the site, including the deculverting of the Bourne Gutter and the introduction of new public open space and significant new landscaping;
- The removal of the commercial access to the site from Bourne End Land, with the permanent removal of commercial traffic from Bourne End Lane; something which has had a significant effect historically on the residents of Bourne End Lane and the wider village. The proposals will see a significant reduction in traffic down Bourne End Lane, with the commercial element of the proposed scheme being permanently sealed off from the village, with access being from Upper Bourne End Lane and the A41 bypass only;
- The provision of much needed additional housing within the village on a sustainable brownfield site;
- Significant flood risk and drainage improvements at the site which will result in a significant reduction in flood risk at the site and it's surroundings when compared to the existing industrial estate;
- The upgrading of the bus stops and associated footway will improve the development access to the local public transport network in line with the NPPF, as well as Core Strategy Policies NP1 and CS8. These works will greatly improve access to the local bus network for the entire village, and are considered to represent a significant community benefit of the proposed development.

Background

Whilst the preferred policy approach for the site is for a full employment proposal, this has failed to be delivered on the site in the past due to: the remediation costs involved in redeveloping the site and delivering the required environmental improvements; conflict between commercial market demand and concerns of local residents (echoed by the DCC); and the associated failure to gain approval at reserved matters stage for all commercial developments, despite Outline consent having been granted. Given the historic context, officers have been in lengthy pre-app discussions with the applicant in an attempt to come up with a mutually acceptable solution which will allow the site to be redeveloped, retaining high quality commercial use at the site, whilst simultaneously creating a residential buffer between the commercial use and the existing village, and ensuring the delivery of significant environmental improvements required by policy.

The applicants have engaged proactively with the Council, key consultee's and local residents (through the Bourne End Residents Association) at pre-application stage, and have adapted the scheme to take into accounts comments received, in order to achieve the best possible development on site, which balances the aspirations of the land owner with the needs of local residents in the village.

Site Description

Bourne End Mills Industrial Estate is located, approximately 1 mile to the west of Hemel Hempstead, and forms an extension to the urban area of Bourne End Village to

the immediate north east.

The Site is located in a valley of the Chiltern Hills, within the Metropolitan Green Belt.

The A41 loops around the southern part of the site connecting it to the neighbouring towns of Tring and Watford and to the M25 and M1 motorway's. The site is bound to the north by Green Belt land, to the east by the residential properties of Bourne End Village, to the south by Upper Bourne End Lane and to the south west by Stoney Lane, both of which provide direct road access onto the A41.

The site is in a valley which is drained by a culverted winterbourne, the Bourne Gutter. It occupies a relatively low profile position in the valley bottom with limited views in from the A41.

Bourne End Mills Industrial Estate covers approximately 4 hectares and contains a number of buildings, of varying style and quality, arranged in both terraced and free standing form. The units are surrounded by substantial areas of hardstanding which provides parking, circulation and loading/unloading areas in an uncontrolled manner. Parking and open storage areas are not formalised which contributes to the sites poor state of appearance.

Bourne End Mills is a designated Employment Area in the Green Belt (Policy 32) and a Major Developed Site (MDS) in the Green Belt (Policy CS5). The site is currently occupied by a variety of uses although it was originally a timber yard with some agricultural industry uses. The site is in a very poor state of repair, previously suffering from flooding and criminal activity. Very little investment appears to have been made in the area in recent years allowing parts to fall into disrepair.

Proposal

The application comprises of a hybrid planning application which proposes:

- the demolition of existing buildings on the site and the redevelopment of the industrial estate to provide B1 and/or B2 and/or B8 floorspace, with external alterations to the rear of Unit 28 Upper Bourne End Lane, with associated parking and service areas, access from Upper Bourne End Lane, landscaping and public open space, and the realignment of the Bourne End Gutter (details submitted in full); and
- residential development of up to 45 dwellings, associated point of access from Upper Bourne End Lane and works to the public highway between Bourne End Lane and Upper Bourne End Lane (details submitted in outline).

The planning application is submitted in hybrid form, with full details provided for the employment element (covering the western end of the site), whilst the residential element (to the east) is submitted in outline only. Only the point of access into the site submitted for approval. A significant area of new landscaping (covering the area to the west and north of the site in addition to a new area of designated public open space to the east) is also provided as part of the full element. Full details are also provided on the proposed treatment of the rear elevation of Unit 28, Upper Bourne End Lane, which is located (in the main) outside of the site and whose rear elevation is to be 'exposed' following the demolition of buildings within the Industrial Estate.

Flexibility is sought within the outline planning component in order to allow for the residential development to be marketed and tailored to suite the requirements of a house builder. However, in order to allow for a robust assessment to be carried out of the potential impact of the scheme, a series of development parameters have been set including (i) a maximum number of residential dwellings (45); and (ii) buildings to be no more than 2.5 storeys in height. The outline element is also supported by a series of 'Design Codes' which set the design objectives within which any subsequent Reserved Matters application will be required to work.

Referral to Committee

The application is referred to the Development Control Committee as the committee has refused previous applications at the site, and it includes a S106 agreement (in the form of a Unilateral Undertaking).

Planning History

- 4/03072/15/MFA HYBRID PLANNING APPLICATION FOR THE DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT OF BOURNE END MILLS INDUSTRIAL ESTATE TO PROVIDE B1 AND/OR B8 FLOORSPACE AND EXTERNAL ALTERATIONS TO THE REAR OF UNIT 28 UPPER BOURNE END LANE WITH ASSOCIATED PARKING AND SERVICE AREAS, ACCESS FROM UPPER BOURNE END LANE, LANDSCAPING AND PUBLIC OPEN SPACE AND THE REALIGNMENT AND OPENING UP OF THE BOURNE GUTTER (DETAILS SUBMITTED IN FULL); AND RESIDENTIAL DEVELOPMENT OF UP TO 45 DWELLINGS, ASSOCIATED POINT OF ACCESS FROM UPPER BOURNE END LANE AND WORKS TO THE PUBLIC HIGHWAY BETWEEN BOURNE END LANE AND UPPER BOURNE END LANE (DETAILS SUBMITTED IN OUTLINE).
- 4/01944/15/SCE MIXED USE RESIDENTIAL/COMMERCIAL DEVELOPMENT`
05/06/2015
- 4/02620/14/DRC DETAILS OF ECOLOGY AS REQUIRED BY CONDITION 33 OF PLANNING PERMISSION 4/02245/12/VOT (THE DEMOLITION OF EXISTING BUILDINGS AND THE REDEVELOPMENT TO PROVIDE B1c, B2 AND B8 FLOORSPACE TOTALLING APPROXIMATELY 15,500 SQ M WITH ASSOCIATED PARKING, SERVICING AREAS AND LANDSCAPING WORKS AND THE REALIGNMENT AND OPENING UP OF THE BOURNE GUTTER AND CREATION OF A NEW PUBLIC SPACE AT THE WESTERN END OF BOURNE END LANE - VARIATION OF TIME LIMIT TO PLANNING PERMISSION 4/02524/08/MOA)
Withdrawn
22/06/2015
- 4/01988/14/RES SUBMISSION OF RESERVED MATTERS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) TO OUTLINE PLANNING PERMISSION 4/02245/12/VOT (THE DEMOLITION OF EXISTING BUILDINGS AND THE REDEVELOPMENT TO PROVIDE B1c, B2 AND B8 FLOORSPACE TOTALLING APPROXIMATELY 15,500 SQ M WITH ASSOCIATED PARKING, SERVICING AREAS AND LANDSCAPING WORKS AND THE REALIGNMENT AND OPENING UP OF THE BOURNE GUTTER AND CREATION OF A NEW PUBLIC SPACE AT THE WESTERN END OF BOURNE END LANE - VARIATION OF TIME LIMIT TO PLANNING PERMISSION 4/02524/08/MOA)

Withdrawn
14/06/2015

- 4/01989/14/ROC REMOVAL OF CONDITION 18 (OPENING HOURS) AND 22 (ROOF HEIGHT/PITCH) ATTACHED TO PLANNING PERMISSION 4/02245/12/VOT (THE DEMOLITION OF EXISTING BUILDINGS AND THE REDEVELOPMENT TO PROVIDE B1c, B2 AND B8 FLOORSFACE TOTALLING APPROXIMATELY 15,500 SQ M WITH ASSOCIATED PARKING, SERVICING AREAS AND LANDSCAPING WORKS AND THE REALIGNMENT AND OPENING UP OF THE BOURNE GUTTER AND CREATION OF A NEW PUBLIC SPACE AT THE WESTERN END OF BOURNE END LANE - VARIATION OF TIME LIMIT TO PLANNING PERMISSION 4/02524/08/MOA)
Refused
23/12/2014
- 4/01982/14/DRC DETAILS OF NOISE LEVELS AS REQUIRED BY CONDITION 31 OF PLANNING PERMISSION 4/02245/12/VOT (THE DEMOLITION OF EXISTING BUILDINGS AND THE REDEVELOPMENT TO PROVIDE B1c, B2 AND B8 FLOORSFACE TOTALLING APPROXIMATELY 15,500 SQ M WITH ASSOCIATED PARKING, SERVICING AREAS AND LANDSCAPING WORKS AND THE REALIGNMENT AND OPENING UP OF THE BOURNE GUTTER AND CREATION OF A NEW PUBLIC SPACE AT THE WESTERN END OF BOURNE END LANE - VARIATION OF TIME LIMIT TO PLANNING PERMISSION 4/02524/08/MOA)
Withdrawn
14/06/2015
- 4/01983/14/DRC DETAILS OF SCHEME FOR THE OPENING UP OF THE BOURNE GUTTER AS REQUIRED BY CONDITION 24 OF PLANNING PERMISSION 4/02245/12/VOT (THE DEMOLITION OF EXISTING BUILDINGS AND THE REDEVELOPMENT TO PROVIDE B1c, B2 AND B8 FLOORSFACE TOTALLING APPROXIMATELY 15,500 SQ M WITH ASSOCIATED PARKING, SERVICING AREAS AND LANDSCAPING WORKS AND THE REALIGNMENT AND OPENING UP OF THE BOURNE GUTTER AND CREATION OF A NEW PUBLIC SPACE AT THE WESTERN END OF BOURNE END LANE - VARIATION OF TIME LIMIT TO PLANNING PERMISSION 4/02524/08/MOA)
Withdrawn
14/06/2015
- 4/01984/14/DRC DETAILS OF CONTAMINATION AND REMEDIATION AS REQUIRED BY CONDITIONS 21 AND 26 OF PLANNING PERMISSION 4/02245/12/VOT (THE DEMOLITION OF EXISTING BUILDINGS AND THE REDEVELOPMENT TO PROVIDE B1c, B2 AND B8 FLOORSFACE TOTALLING APPROXIMATELY 15,500 SQ M WITH ASSOCIATED PARKING, SERVICING AREAS AND LANDSCAPING WORKS AND THE REALIGNMENT AND OPENING UP OF THE BOURNE GUTTER AND CREATION OF A NEW PUBLIC SPACE AT THE WESTERN END OF BOURNE END LANE - VARIATION OF TIME LIMIT TO PLANNING PERMISSION 4/02524/08/MOA)
Withdrawn
14/06/2015
- 4/01985/14/DRC DETAILS OF SUSTAINABILITY AS REQUIRED BY CONDITION 20 OF PLANNING PERMISSION 4/02245/12/VOT (THE DEMOLITION OF EXISTING BUILDINGS AND THE REDEVELOPMENT TO PROVIDE B1c, B2 AND B8 FLOORSFACE TOTALLING APPROXIMATELY 15,500 SQ M WITH ASSOCIATED PARKING, SERVICING AREAS AND LANDSCAPING WORKS AND THE REALIGNMENT AND OPENING UP OF THE BOURNE GUTTER AND

CREATION OF A NEW PUBLIC SPACE AT THE WESTERN END OF BOURNE
END LANE - VARIATION OF TIME LIMIT TO PLANNING PERMISSION
4/02524/08/MOA)
Withdrawn
14/06/2015

4/01986/14/DRC DETAILS OF HARD AND SOFT LANDSCAPING, SCHEME INDICATING
PROPOSED MEANS OF ENCLOSURE WITHIN AND AROUND THE SITE AND
EXTERNAL BOUNDARIES, AND A LANDSCAPE MANAGEMENT PLAN AS
REQUIRED BY CONDITIONS 5, 7 AND 25 OF PLANNING PERMISSION
4/02245/12/VOT (THE DEMOLITION OF EXISTING BUILDINGS AND THE
REDEVELOPMENT TO PROVIDE B1c, B2 AND B8 FLOORSPACE TOTALLING
APPROXIMATELY 15,500 SQ M WITH ASSOCIATED PARKING, SERVICING
AREAS AND LANDSCAPING WORKS AND THE REALIGNMENT AND
OPENING UP OF THE BOURNE GUTTER AND CREATION OF A NEW PUBLIC
SPACE AT THE WESTERN END OF BOURNE END LANE - VARIATION OF
TIME LIMIT TO PLANNING PERMISSION 4/02524/08/MOA)
Withdrawn
14/06/2015

4/01987/14/DRC DETAILS OF PARKING, ACCESSES AND JUNCTION ARRANGEMENTS,
VISIBILITY SPLAYS, STOPPING UP OF VEHICULAR ACCESS FROM
BOURNE END LANE AND PHASING PLAN AS REQUIRED BY CONDITIONS 9,
10, 11, 12, 13 AND 16 OF PLANNING PERMISSION 4/02245/12/VOT (THE
DEMOLITION OF EXISTING BUILDINGS AND THE REDEVELOPMENT TO
PROVIDE B1c, B2 AND B8 FLOORSPACE TOTALLING APPROXIMATELY
15,500 SQ M WITH ASSOCIATED PARKING, SERVICING AREAS AND
LANDSCAPING WORKS AND THE REALIGNMENT AND OPENING UP OF THE
BOURNE GUTTER AND CREATION OF A NEW PUBLIC SPACE AT THE
WESTERN END OF BOURNE END LANE - VARIATION OF TIME LIMIT TO
PLANNING PERMISSION 4/02524/08/MOA)
Withdrawn
14/06/2015

4/01990/14/DRC DETAILS OF MATERIALS, SLAB, FINISHED FLOOR AND RIDGE LEVELS OF
PLANNING PERMISSION 4/02245/12/VOT (THE DEMOLITION OF EXISTING
BUILDINGS AND THE REDEVELOPMENT TO PROVIDE B1c, B2 AND B8
FLOORSPACE TOTALLING APPROXIMATELY 15,500 SQ M WITH
ASSOCIATED PARKING, SERVICING AREAS AND LANDSCAPING WORKS
AND THE REALIGNMENT AND OPENING UP OF THE BOURNE GUTTER AND
CREATION OF A NEW PUBLIC SPACE AT THE WESTERN END OF BOURNE
END LANE - VARIATION OF TIME LIMIT TO PLANNING PERMISSION
4/02524/08/MOA)
Withdrawn
14/06/2015

4/02245/12/VOT THE DEMOLITION OF EXISTING BUILDINGS AND THE REDEVELOPMENT
TO PROVIDE B1c, B2 AND B8 FLOORSPACE TOTALLING APPROXIMATELY
15,500 SQ M WITH ASSOCIATED PARKING, SERVICING AREAS AND
LANDSCAPING WORKS AND THE REALIGNMENT AND OPENING UP OF THE
BOURNE GUTTER AND CREATION OF A NEW PUBLIC SPACE AT THE
WESTERN END OF BOURNE END LANE - VARIATION OF TIME LIMIT TO
PLANNING PERMISSION 4/02524/08/MOA
Granted
23/05/2013

4/02524/08/MOA THE DEMOLITION OF EXISTING BUILDINGS AND THE REDEVELOPMENT

TO PROVIDE B1c, B2 AND B8 FLOORSFACE TOTALLING APPROXIMATELY
15,500 SQ M WITH ASSOCIATED PARKING, SERVICING AREAS AND
LANDSCAPING WORKS AND THE REALIGNMENT AND OPENING UP OF THE
BOURNE GUTTER AND CREATION OF A NEW PUBLIC SPACE AT THE
WESTERN END OF BOURNE END LANE
Granted
01/04/2010

4/00970/02/OUT REDEVELOPMENT FOR OFFICE/INDUSTRIAL (CLASS B1) AND
WAREHOUSE/STORAGE (CLASS B8) USE (OUTLINE)
Withdrawn
03/10/2002

4/00046/07/PRE REDEVELOPMENT
Unknown
07/02/2007

4/00826/14/PRE RESERVED MATTERS PURSUANT TO PLANNING PERMISSION REF
4/02245/12/VOT/VOT.
Unknown
31/07/2014

Policies

National Policy Guidance

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

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS5 - The Green Belt
CS8 - Sustainable Transport
CS9 - Management of Roads
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS14 - Economic Development
CS15 - Office, Research, Industry, Storage and Distribution
CS23 - Social Infrastructure
CS25 - Landscape Character
CS26 - Green Infrastructure
CS27 - Quality of the Historic Environment
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Water and Soil Quality
CS35 - Infrastructure and Developer Contributions

Dacorum Borough Local Plan (Saved Policies)

Policies 10, 12, 13, 32, 37, 57, 58, 61, 62, 100, 104, 111 and 129

Appendices 1, 2, 4, 5, 6 and 8

Supplementary Planning Guidance

Environmental Guidelines May 2004 sections 2, 3, 4, 10, 12

Water Conservation & Sustainable Drainage July 2005

Energy Efficiency and Conservation July 2005

Advice Note on Achieving Sustainable Development through Sustainability Statements

Accessibility Zones for the Application of Parking Standards

Landscape Character Assessment

Planning Obligation SPD

Summary of Representations

Strategic Planning

You have asked Strategic Planning for policy comments on the above. The Economic Well Being team will comment separately on the implications of the commercial element of the proposal.

The proposal raises a number of fundamental policy issues given that the site falls within the Green Belt (Policy CS5), that it is a designated General Employment Area (GEA) (saved Policy 32 and SA6) where residential is being proposed (up to 45 units), and that significant floorspace changes is sought across the site. We have been involved in discussions with the applicants agents that have led up to the current proposal and accepted that some housing could be appropriate in order to retain employment on the site and deliver a package of other environmental improvements . Our main concern has been over the balance between the housing (as enabling development) and commercial. This hinges on the arguments for the residential and the robustness of their viability appraisal.

Both saved Policies 32 and SA6 seek substantial environmental improvements and rationalisation of the layout. Policy 32 also refers to access to the industrial estate being closed off from Bourne End Lane. Policy 37 repeats encouragement for the environmental improvements, for example, through opportunities arising out of development proposals (point (a) in the policy).

The estate is also identified as a MDS in the GB under Policy CS5 (see Table 2). This is mapped through the Pre Submissions Site Allocations DPD under Policy SA2 (Appendix 3 and Map Book (see MDS/8)). The planning requirements (as updated by the recent Focused Changes) refer to:

“New development should be focussed within the infill area subject to its intensity being appropriate for the Green Belt location. Environmental improvements required throughout the site, including the former area of open storage to the south west (excluded from the infill area) which is to remain open....”

The MDS boundary covers the whole of the estate (blue line) whereas the infill area (red line) covers just the built footprint.

We note the previous withdrawal/refusal (resp. 1988/14 and 1989/14) of approval of the details relating to the earlier B1/B2/B8 proposal (2245/12). This has had a strong

influence over the form of and recent discussions over the current proposals in terms of the type of relationship of uses at the boundary with the existing residential properties and overall viability of the scheme. This is set out in the applicants planning statement.

We recognise that the current site is of historically poor environmental standards and that there has been issues over maintaining occupancy and the quality of units. We support the applicants general approach to securing overall environmental improvements in terms of better designed and laid out buildings and parking, additional landscaping and new POS, and the de-culverting / opening up and realigning of the Bourne End Gutter. This fits with the wider and continuing policy objectives for the site. To this end we have supported an element of residential on the site.

The NPPF does allow for redevelopment of previously developed land subject to its impact on the openness of the Green Belt, and this will be a key consideration. On this matter, the applicant states that there will be a reduction in the overall built (from 28,819 sqm to 23,119 sqm) and building (9,034 sqm to 8,986 sqm) footprint on the site. These points are both welcomed in terms of arguments over the positive change in the openness of the Green Belt, but any conclusions should also take into account the height and volume changes across the estate and what new commercial development that has previously been accepted as appropriate on the site. We also acknowledge that the development is all to take place within the infill area of the MDS.

The preferred policy approach is for a full employment proposal, especially given that the estate has excellent access to and from the A41. While the NPPF does allow for redevelopment of existing buildings (as guided by the MDS status of the site and subject to its impact on the openness of the GB), residential is clearly contrary to the GEA designation. We note that there will be an overall net loss of employment floorspace from 10,993 sqm to 6,407 sqm (i.e. a loss of 4,586 sqm) that provides a potential source of affordable / lower grade premises. However, we acknowledge that about half of the GEA will be retained for commercial purposes. This will provide for a flexible (and potentially a more attractive) mix of small to large sized accommodation (for existing and new occupiers) and consolidate the development into a smaller number of block. The applicant states that this could provide for up to 340 jobs. This general approach is on the whole welcomed in the circumstances.

Following earlier discussions about the future of the GEA with the applicants agents, there was broad Officer support for the principle of an element of housing within the General Employment Area under very special circumstances (VSC) in order to bring forward environmental improvements, to improve its relationship with existing housing, and to secure a viable scheme to bring forward a higher quality of buildings within the site. Such an arrangement would be subject to there being agreement over the scale of housing and that this is backed up by appropriate evidence in support of VSC.

We note that approximately half of the built area of the site will be for residential. The number of properties is not yet fixed but would be for up to 45 homes and reserved for later consideration (a scheme is shown for illustrative purposes only). The applicant argues that this quantum of housing is necessary in order to make delivery of all the elements of the proposal. They also state that the development would be unable to satisfy the normal requirements for affordable housing (Policy CS19) generated by this proposed scale of development. This level of housing and the absence of any affordable housing contributions needs to be fully justified through an open book

development appraisal (see point (c) in Policy CS19). This has been submitted and the views of Strategic Housing should be sought on the financial appraisal. We do not have the technical skills in the team to comment on this in any detail.

Should the scale of housing prove necessary to the scheme (dependent on the outcome of the appraisal), then we should stress the need to secure a mix of type and size of housing (Policy CS18) and that they be delivered to appropriate standards (e.g. in terms of spacing, garden depth and parking (see saved Appendix 3 and 5)). It is not clear to what extent the initial scheme can achieve this. The relationship of the homes to the employment uses will be important, especially bearing in mind that one of the unit sits tight to the shared boundary (running virtually its full length). The boundary planting may help screen and thus reduce/soften its impact. Could the building be broken up more to give some relief to this elevation (we accept that this present arrangement may help shield some of the commercial activities)?

The views of the local Highway Authority should be sought on the developments overall transport impact the and levels of parking in each case (saved Appendix 5). How will the commercial access and parking be managed so as not to impact on the new residents?

To what extent does the residential integrate with the rest of the village in terms of design, layout, materials, landscaping and (pedestrian) access? It is important to ensure the new housing is not seen as an isolated and standalone scheme from the rest of Bourne End. While welcomed, how exactly will the POS be managed?

We consider that there is scope to be flexible in policy terms over the scale and mix of commercial and residential uses proposed within this GEA given the wider overall benefits the scheme can deliver. However, this will be dependent on the outcome of the financial appraisal and wider impact on the Green Belt.

Economic Development

Fully support the regeneration of the business area.

Conservation and Design

No objections.

Hertfordshire Highways

No objections subject to conditions.

HCC Property Services

Based on the information provided to date for the redevelopment of Bourne End Mills industrial estate to provide B1 and B8 floorspace and up to 45 residential dwellings we would seek the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit. We reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels. If S106 is not otherwise required then fire hydrants can be secured by condition.

Herts Police Crime Prevention Design Advisor

No objections, subject to Secured By Design conditions.

Lead Local Flood Authority

No objections. We are satisfied in principle that the proposed works to the Gutter Bourne to de-culvert the watercourse and create an open channel will provide a significant betterment to flood risk and provide other environmental benefits as detailed in the previous FRA carried out by Odyssey dated 2008. Details of the new inlet and works to the Bourne Gutter have been provided and the removal of the infill has also been confirmed. However please note that all works to the Bourne Gutter will require Land drainage Consent under Section 23 of the Land Drainage Act 1991. The applicant should note that regardless of any planning permission, prior consent is required for works affecting the flow within the channel of the Bourne Gutter. Recommend conditions.

Environment Agency

No objections subject to compliance with relevant policy and guidance.

Trees and Woodlands

Previously, I have responded positively to proposals to redevelop this site into various layouts of warehousing / residential. I have no objection to this proposal either.

I have made a few comments below, relating to amendments or new aspects of development that I haven't mentioned before.

Planting Strategy RF15-249-LO2 Rev C

There is a good mix of species proposed around the site. Each species will have a slightly different growth habit or range of growth characteristics, such as height, canopy shape, leaf colour, fruit colour, that create an attractive aesthetic planting scheme appropriate to this location..

The selection of a high number of native species is welcomed, linking with wider landscape views and ecology around Bourne End.

A possible desirable change to the planting specification is to omit *Viburnum opulus*. This species has mildly toxic berries and may not be an appropriate species close to a new residential area. It might be thought sensible to change 'Native Hedgerow' and 'Mass Whip Planting' lists accordingly.

A few plan annotations are missing or incorrect. Although these may seem minor when viewed on the plan, any planting omission on the ground will have a considerable negative aesthetic affect.

	Southern edge of site	2 No. Ms
listed	3 trees proposed	
	Western edge	3 No.
Qr	1 tree proposed	

	Northern boundary, north-west of warehouse	3 No.
Ac	2 trees proposed	
	Northern boundary, in line with warehouse roof apex	3 No.
Sa	2 trees proposed	
	Northern tip of site	no
species	2 trees proposed	
	Northern end of central planting strip along warehouse	1 No.
Ms	2 trees proposed	

I've attached the plan with highlighting to indicate these positions.

Several areas of the site, Quercus robur is proposed close to parking areas, boundary fences or dwellings. Although the species is welcomed within the landscaping of the scheme, it is perhaps better to use this tree that could attain 20+ metres in height and similar spread away from structures.

Public Rights of Way

No objections. Diversion of footpath confirmed.

Hertfordshire Ecology

No objections. Proposals will provide biodiversity enhancements. Satisfactory management required. Satisfied with reports.

Environmental Health

No objections, subject to the conditions set out below.

The proposal takes into account companies that are potentially going to occupy some of the units. As this is not guaranteed and the potential worst case scenario has been used for the proposed units the report cannot support that this is the worst case.

The acoustic assessment sets out design criteria which will need to be applied to the proposed development structures to deal with the potential noise issues. It should be a requirement of the planning condition that these requirements are met as the standard is above those required by Building Regulation. Rather than undertaking works to only certain aspects of the build it is recommended that the units comply fully with the proposed sandwich build programme. This is confirmed by the comments in relation to new users having to undertake further assessment should they utilise noisy equipment and insulate further.

Condition

It is anticipated that the proposed façades will consist of a cladding system. A metal sandwich panel construction with an enhanced performance of Rw 45 dB to all walls and roofs shall be provided.

Reason

To prevent potential noise nuisance from the units from companies operating within the units and causing noise nuisance to adjacent properties.

Further comments following re consultation:

Notice is hereby given that the Environmental Health Department having reviewed the acoustic report have the following observations to make.

The report indicates that further investigation will be required following the demolition and at the "detailed stage" for the Acoustic barrier (9.3.10) and mitigating designs (9.4.3).

The concept of having a mixed development site is possible. However, the actual design of the proposed development and the noise mitigating measures are not yet known due to these detailed stage requirements.

Contaminated Land Officer

I've had a look at the report and have the following comments

- Further consideration of human health risks to residential users regarding inhalation of fugitive dust from commercial site is required
- Further justification of risks to controlled waters and groundwater, additional sampling required.
- Watching brief to be validated by production of site diaries and photographs demonstrating site works have been undertaken as proposed.
- Where cover systems are proposed this should be undertaken in line with current DBC guidance.

HCC Minerals and Waste Policy

No objections. Recommend condition requiring submission of Site Waste Management Plan.

Herts and Middlesex Wildlife Trust

No objections.

Bourne End Residents Association

We write on behalf of the Bourne End Village Association concerning the above application.

We have been consulted by the applicant through the development of this application although had not seen the final industrial plan that has been submitted. A number of our concerns have been addressed by the applicants.

We support this scheme in principle - the industrial site, and the housing area with a few, but important, reservations.

Industrial area

Layout

We are concerned that, in effect, there is only one of the existing entrances being used

for the vast majority of the site. This has the effect of concentrating traffic to the end nearest the housing area, with obvious noise implications. It also restricts access / egress for evacuation and /or emergency vehicles.

It is entirely possible to switch round Units 1 and 2, and units 3 and 4 together with associated parking. Unit 1 and 2 could be rotated through 90% and placed against the southern boundary. This would then provide both accesses, a 'circular' traffic flow (possibly one way?) and set the highest building against the hill where it would be less obtrusive.

Height /appearance

We recognise that the buildings in some cases continue the height levels of the current single office building. Whilst the roof design blends in to the landscape, after our representations, we ask that the silver of the walls be muted to be more in keeping with this area of green belt. Clad at the top level it will stand out from surrounding areas.

We also ask that the installation of the bund between the industrial area and the residential area with planting be made part of this application and not left as a reserved matter. This could easily be achieved by utilising excavations for the swale and Bourne Gutter. This is to screen the industrial estate from both the residential and Bourne End Lane.

Hours of work

There is currently a restriction on hours of work which reflects the custom and practice over years at this site (applications 4/ 02524/08 and 4/02245/12 refer).

We do not wish to stand in the way of employment opportunities but this is a site in the middle of the green belt with residential properties in close proximity, as well as a hotel.

We are naturally concerned over existing and future use and the impact of all vehicle movements, particularly reversing lorries over night and on Sundays, in a time when the ambient noise is low / not present to a large degree. We ask that the hours of work be maintained (perhaps with an earlier start time). The evidence of the existing use of the estate (including future tenants now present) shows that this cannot be a critical item.

Residential area

Whilst we support the establishment of a residential area within the confines, and accesses, shown we are concerned over the numbers of dwellings. The figure of 50 reported as the early target number was plucked out of the air by the applicant as illustrative, so the amount of 45 is not really a reduction as a result of consultation. A figure of 40 dwellings would be far more realistic but this requires a review of the financial figures to which we do not have access (since the residences are being used to support the industrial units).

We appreciate that we are in the realms of uncertainty - how large is a dwelling ? - however even the illustrative diagram shows only 41 buildings. Perhaps the maximum footprint should be specified.

The height restriction is essential and, for the avoidance of doubt, the overall application now should specify boundaries, access, the Gutter position, and the final cut off to Bourne End Lane and be required to be implemented as part of this application.

Overall

Bourne End Lane should be dug up and cut back to provide a turning head at the point

where a new footpath is shown into the residential area, where the current road turns east. This should then be grassed over in a reinforced way to provide the occasional field access (existing) to the east and to provide the footpath to upper Bourne End Lane. It could also be the site of a playground we believe without interfering in the other two activities. It would have the further advantage of reducing potential rogue parking (as currently happens) and looking more like a country / village type area rather than an industrial road - to the advantage of the new residential area. The footpath to the residential area could be slightly further towards the east. (see also the Gutter below)

Lighting is very difficult to assimilate but we ask that around the industrial area it be low level and low illumination to avoid light pollution in hours of darkness and a violent 'hotspot' of yellow or bright white in a country/ green belt surrounding.

Finally the Gutter is shown in the wrong place in the relevant section as going down Bourne End Lane then under houses to the main road. In fact it is currently culverted under part of the industrial estate then across into the fields to the east where it swings north to the back of the White Horse land, emerging from the culvert there. It then goes down the side of the car park, under the road, and down to the River Bulbourne. The deculverting of the Gutter will require the top of Bourne End Lane to be excavated and the new culvert into the field to the east to connect with the existing. There has been an incorrect indirect connection also to the sewer running down BE Lane but this may have been severed.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

55 Bourne End Lane - Support

Wayside, Upper Bourne End Lane - Object

No. 8 Bourne End Lane - Noted - I'm writing to you as a resident of Bourne End Lane. We live at number 8. I have been looking over the plans for this development in the hope that the developers have included a playground within the development. I can't seem to see one on the colour plan that came through my door or online. I myself have two young children aged 3 and 6 years and I know there are many other families in the village that have young children too and I'm sure the families moving into the new houses would also benefit for a playground. The one downside of living in our village is we have no playground we can walk to with the children. I'm sure you would gain a lot of support for the plans if you included a playground for residents to use. I also think you should take great care in only allowing access via foot through to the new development. We get a lot of moped's racing up our road to go to macdonalds. If they knew they couldn't get through that would also solve a village problem.

21 Bourne End Lane - Support in principle but object to quantum of dwellings proposed.

Comments received from local businesses:

Designed For Safety, Corbiere House, Bourne End Mills - Further to our telephone conversation of this morning I have, as you requested, put in writing our concerns and objections to the above application. We have been freeholders on the site since 1st

June 1981 and occupy the building and land on the outside of the estate next to the access road. We require the services: electrical, water and sewerage to be maintained in addition to the right of way we have onto the access road. We object to the width restriction proposed on the access road to impede the use of commercial vehicles. We have daily deliveries and collections by heavy goods vehicles and any restriction on their use would seriously affect our business.

DCP Engineering, Unit 30 Bourne End Mills - Dear Sir, as one of only four freehold properties on this site, the siting of the electricity substation adjacent to my unit with its constant A/c hum seems unnecessary as they have 9 acres of land on which it could be put. The cladding on my building acts as a sound board for sound vibrations a point which when mentioned to the developers they discarded saying that many houses are next to substations, but that is their choice, NOT mine! This site IS a 24 hour working site and with the noise of machines, forklifts etc. I do wonder how the adjacent housing will respond to our works. Thank you for you time, Dave Clout

Considerations

Community Engagement

The applicant has engaged proactively with the Council, key consultee's, Bourne End Residents Association and local residents at pre-application and application stage. The scheme has been adapted to take into accounts comments received, in order to achieve the best possible development on site, which balances the aspirations of the land owner with the needs of local residents in the village.

A Statement of Community Involvement (SCI) has been submitted in support of the application which provides details of how the residents association and local residents have been engaged throughout the planning process. The SCI has been undertaken in accordance with the guidance set out with the Council Statement of Community Involvement 2006, which encourages community engagement on larger development schemes. The SCI submitted outlines the processes of consultation undertaken to inform the application. Prior to the submission of the application, this has included:

- A formal pre-application engagement process with planning officers at Dacorum Borough Council;
- Various meetings with Bourne End Village Association to discuss the proposals and agree the approach to the wider community engagement;
- Consultation with the existing occupiers of the Bourne End Mills Industrial Estate; and
- A public engagement exercise including:
- Mail drop to local residents informing them of the proposals;
- Targeted dialogue and meetings with local businesses and existing occupiers of Bourne End Mills Industrial Estate;

- An evening public exhibition at Bourne End Village Hall;
- The opportunity for local residents and businesses to provide comments on the proposal by way of a feedback form; and
- A dedicated consultation email address and opportunity to provide comments via email.

This engagement has resulted in a proposed scheme which has been informed by the views expressed by local residents, and has been refined as a result of the feedback received from the local community. The majority of the feedback received has been positive in relation to the proposed development and it is clear that, in general, the residents association and local residents are much happier with the current proposals than the previous all commercial application. The proposed development will provide significant benefits to the local community, and this has been recognised through the community engagement exercise. These can be summarised as follows:

- Removal of unsightly commercial buildings from the site and their replacement with a high quality commercial and residential scheme;
- The creation of a buffer of high quality housing between the proposed commercial part of the site and the existing dwellings on Bourne End Lane;
- Significant environmental improvements at the site, including the deculverting of the Bourne Gutter and the introduction of new public open space and significant new landscaping;
- The removal of the commercial access to the site from Bourne End Lane, with the permanent removal of commercial traffic from Bourne End Lane; something which has had a significant effect historically on the residents of Bourne End Lane and the wider village. The proposals will see a significant reduction in traffic down Bourne End Lane, with the commercial element of the proposed scheme being permanently sealed off from the village, with access being from Upper Bourne End Lane and the A41 bypass only;
- The provision of much needed additional housing within the village on a sustainable brownfield site;
- Significant flood risk and drainage improvements at the site which will result in a significant reduction in flood risk at the site and its surroundings when compared to the existing industrial estate;
- The upgrading of the bus stops and associated footway will improve the development access to the local public transport network in line with the NPPF, as well as Core Strategy Policies NP1 and CS8. These works will greatly improve access to the local bus network for the entire village, and are considered to represent a significant community benefit of the proposed development.

Policy and Principle

When considering the principle of the proposed development the proposal raises a number of fundamental policy issues, given that: the site falls within the Green Belt (Policy CS5); that it is a designated General Employment Area (GEA) (saved Policy 32 and SA6) where residential is being proposed (up to 45 units); and that floorspace changes are sought across the site.

The estate is also identified as a Major Developed Site (MDS) in the Green Belt under Policy CS5 (see Table 2). This is mapped through the Pre Submissions Site Allocations DPD under Policy SA2 (Appendix 3 and Map Book (see MDS/8)). The planning requirements (as updated by the recent Focused Changes) refer to: "New development should be focussed within the infill area subject to its intensity being appropriate for the Green Belt location. Environmental improvements required throughout the site, including the former area of open storage to the south west (excluded from the infill area) which is to remain open....". The MDS boundary covers the whole of the estate (blue line) whereas the infill area (red line) covers just the built footprint.

Both saved Policies 32 and SA6 seek substantial environmental improvements and rationalisation of the layout. Policy 32 also refers to access to the industrial estate being closed off from Bourne End Lane. Policy 37 repeats encouragement for the environmental improvements, for example, through opportunities arising out of development proposals.

The applicant's justification for the proposed mix of commercial and residential on site is summarised in the agent's Planning Statement:

'Given the substantial costs associated with the redevelopment of the Site in order to bring about its comprehensive regeneration, there is a need to underwrite these costs. Residential use on part of the Site achieves this. The proposals have been subject to an open book viability appraisal in order to determine the most appropriate proportion of employment to residential uses. The objective has been to deliver the maximum scale of employment on the Site in a viable manner. The appraisal has demonstrated that it is unviable to provide affordable residential units as part of the proposed development'.

The proposal seeks to deliver the minimum amount of housing required to deliver the maximum amount of commercial floorspace, along with the required environmental improvements at the site.

The proposed development has been discussed with the Strategic Planning team at both pre-application and application stage. They have been involved in discussions with the applicant's agents throughout the pre-app and application process. Officers are fully aware the previous withdrawal/refusal (resp. 1988/14 and 1989/14) of approval of the details relating to the earlier B1/B2/B8 proposal (2245/12). This has had a strong influence over the form the current proposals in terms of the type of relationship of uses at the boundary with the existing residential properties and overall viability of the scheme. The Strategic Planning team has accepted that some housing could be appropriate at the site in order to ensure the retention of employment on the site and to deliver a package of other significant environmental improvements. Officers primary concern has been over the balance between the residential (as enabling development) and commercial. This hinges on the justification for the residential and the robustness of the agents viability appraisal.

Viability

The agents have submitted a financial viability assessment in support of the application, which provides justification on the number of residential units required to deliver the maximum amount of commercial floorspace, along with the required environmental improvements at the site. The assessment also provides justification as to why the development is unable to deliver any affordable housing as part of the residential element of the scheme, and remain a viable development.

The agent's financial viability assessment has been reviewed by the Strategic Housing Team. Following their initial comments being provided, and questions being raised, a meeting was held with the Strategic Housing Team and the agents to discuss viability in more details and to provide clarification on a number of points. These were primarily build costs, projected sale prices and professional fees, with the Strategic Housing Team questioning the lack of affordable housing provision. Following the meeting the agents submitted a sensitivity tested version of their viability assessment in order to address the 3 points raised by the Strategic Housing Team. Following a further review, some concerns still remained however, with the Strategic Housing Team still questioning the lack of affordable housing provision. Therefore, given the complexity of the application, and resources with that team, it was decided that an independent viability review should be undertaken in this instance, in order to ensure that the viability position was robust and accurate, to the satisfaction of officers. This is particularly important in this case, as viability effectively determines the split between commercial and residential on site, and therefore goes to the heart of the main policy issue in the determination of this application.

The independent viability review was carried out by BPS Surveyors on behalf of DBC. The review has drawn the following conclusions:

- Quod (agent for the applicant) has adopted an existing use value (EUV) approach to arriving at a benchmark land value. If a land owner premium of 15% were to be added to the EUV, and a comparison done against the residual value, the result is a viability deficit (please note - figures relating to the land value cannot be published as they are commercially sensitive. and are therefore private and confidential);
- Quod has not stated what level of premium it considers reasonable. In our experience, a relatively modest premium of 15% is suitable for developments where development viability is limited and where the main benefit for the developer is extending the useful life of their asset. However it is important to note that higher premiums, in the region of 30%, have been accepted in the Inspectors' decisions of some recent planning appeals, and could arguably be accepted in this case, especially given that the site is income producing and accommodates uses for which there is evidently a high level of local demand.
- With respect to the proposed dwellings, many of these have larger floor areas than is typical for these unit types, therefore are potentially 'oversized', meaning that the achievable floor areas per sqft may not be as high as for smaller dwellings. Therefore small units may be able to secure higher values per sqft and thereby higher profit margins per sqft. A scheme by a volume housebuilder – producing smaller units, but a larger number – would potentially generate a greater surplus

profit from the residential element of the scheme.

- Our assessment of the local area has highlighted the wide variation in sales values, dependent on location. There are advantages and disadvantages to the site's location, and overall we view the site as being unable to achieve values on a par with the upper end of the local market.
- Our Cost Consultant, Neil Powling, has undertaken a review of the applicant's cost information. This shows a total cost estimate marginally lower than the costs included in the applicant's appraisal. This is a relatively marginal difference for a scheme of this size recognising the inherent cost uncertainties that exist at this stage of the design process in particular for a scheme which is in part in Outline form. Given the extent of the deficit in viability, these cost reductions would not be sufficient to place the scheme in a surplus position and would not change the overall conclusion that no affordable housing can viably be delivered. Moreover, Neil Powling notes that there does not appear to be an allowance for external works associated with the commercial element of the scheme, which if added would further increase the build cost and eliminate most or all of his suggested cost reduction.

Following the independent review, further discussions have taken place with the Policy Team, and they have confirmed that they remain supportive of the proposed development, and accept the conclusions of the independent viability review.

Officers are satisfied with the viability assessment provided by the applicant's agents, and are in a position to agree the split between commercial and residential uses, the quantum of residential, and the lack of provision of affordable housing on viability grounds.

Environmental Improvements to the Site

Officers recognise that the current site is of historically poor environmental standards and that there has also been historic issues over maintaining occupancy and the quality of units on site. The Policy team support the applicant's general approach to securing overall environmental improvements in terms of better designed and laid out buildings and parking, additional landscaping and new public open space, and the de-culverting and realigning of the Bourne Gutter. This complies with the wider and continuing environmental policy objectives for the site. To this end officers support an element of residential on the site, as part of the overall development proposed.

Impact on the Green Belt

The NPPF allows for the redevelopment of previously developed land (brownfield land) subject to there being no greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development (para. 89). On this matter, the applicant states that there will be a reduction in the overall built footprint (from 28,819 sqm to 23,119 sqm) and building footprint (9,034 sqm to 8,986 sqm) on the site. These points are both welcomed as they will result in improvements to the openness of the Green Belt at Bourne End Mills, but any conclusions should also take into account the height and volume changes across the estate and what new commercial development that has previously been accepted as appropriate on the site. This is explored in more details later in this report. Officers also acknowledge that the

development is all to take place within the infill area of the Major Developed Site, which is also welcomed, and is considered to be in compliance with policy. It is considered that there would be no adverse impact on the openness of the Green Belt as a result of the proposed development, and therefore the principle of the proposed development is considered to be acceptable when assessed against both national and local Green Belt policy. The proposed development would comprise of appropriate development in the Green Belt.

Loss of Commercial Floorspace

The preferred policy approach is for a full employment proposal, especially given that the estate has excellent access to and from the A41. While the NPPF does allow for redevelopment of existing buildings (as guided by the MDS status of the site and subject to its impact on the openness of the GB), residential is clearly contrary to the GEA designation. We note that there will be an overall net loss of employment floorspace from 10,993 sqm to 6,407 sqm (i.e. a loss of 4,586 sqm) that provides a potential source of affordable/lower grade premises. However, officers acknowledge that about half of the GEA will be retained for commercial purposes. This will provide for a flexible and more attractive mix of small to large sized accommodation (for existing and new occupiers) and consolidate the development into a smaller number of blocks. The applicant states that this could provide for up to 340 jobs. This general approach is, on the whole welcomed, in the circumstances and has been supported by the Planning Policy team, along with the Economic Development Team, who fully support the proposals.

Following in depth pre-application and follow-up discussions about the future of the GEA with the applicant's agents, there is broad Officer support for the principle of an element of housing within the General Employment Area in order to bring forward environmental improvements, to improve its relationship with existing housing, and to secure a viable scheme to bring forward a higher quality of buildings within the site. The proposed scheme will provide high quality, modern commercial units, with the total floor area being commensurate with that in active use at the site currently. These units will be much more viable than the existing units - something that has been validated by the independent viability review undertaken on behalf of the Council. The proposals will help to secure commercial use at the site in the future, which is a key objective of the Council's planning policies for the Bourne End Mills site.

Conclusion - Principle of Development

Officers consider that there is scope to be flexible in policy terms over the scale and mix of commercial and residential uses proposed within this General Employment Area given the wider overall benefits the scheme can deliver. The principle of the proposed development is considered to be acceptable in planning policy terms, subject to there being no greater impact on the openness of the Green Belt when compared to the existing use.

Impact on Green Belt

The NPPF allows for the complete or partial redevelopment of previously developed land (brownfield land) subject to there being no greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development (para. 89). The proposed development comprises of a comprehensive redevelopment

of previously developed land in the Green Belt, and is therefore considered to be appropriate development, subject to the proposed development having no greater impact on the openness of the Green Belt and the purpose of including land within it, in accordance with para. 89 of the NPPF and Policy CS5 of the Core Strategy.

When considering this matter, the proposed development will result in a significant reduction in the overall built footprint (including hardstanding, parking areas, service yards and circulation space, as well as the footprint of buildings on the site) from 28,819 sqm to 23,119 sqm. This is facilitated primarily by 'drawing back' the development area from the site's periphery, notably from the western northern and eastern boundaries. There will also be a modest reduction in building footprint from 9,034 sqm (as shown on the existing site plan) to 8,986 sqm on the site (as shown on the illustrative masterplan). The proposed redevelopment rationalises the existing layout and consolidates the areas of built development to the benefit of the site's openness and the character of this rural location. The proposed development regularises the current uncontrolled use of the site and will ensure that the Green Belt remains permanent and enduring.

It is considered that when considering the impact on the openness of the Green Belt, the proposed development would represent an improvement over and above the commercial scheme granted outline planning permission previously in 2010 and 2012 (4/02524/08/MOA and 4/02245/12/VOT). These applications granted a scheme which proposed the demolition of existing buildings and the redevelopment of the site to provide B Class floorspace totalling 15,500 sqm.

Officers also acknowledge that the development is all to take place within the infill area of the Major Developed Site, which is also welcomed, and is considered to be in compliance with policy. It is considered that there would be no adverse impact on the openness of the Green Belt as a result of the proposed development, and therefore the principle of the proposed development is considered to be acceptable when assessed against both national and local Green Belt policy. The proposed development is considered to be appropriate in Green Belt policy terms, comprising the comprehensive regeneration of a previously developed site that rationalises the existing layout and consolidates the areas of built development to the benefit of the Site's openness and the character of this rural location. The proposed development regularises the current uncontrolled use of the site and will ensure that the Green Belt remains permanent and enduring. The proposed development would comprise of appropriate development in the Green Belt.

Visual Impact

The Landscape and Visual Impact Assessment which has been submitted in support of the application satisfactorily demonstrates how the proposed development can be successfully assimilated within the surrounding landscape and that it is appropriate in both form, scale and appearance for its rural context. It is considered that, not only will the proposed development be largely indiscernible from key views, but where it is visible it will deliver a significant visual improvement, with an associated improvement to the openness and character of the area. The assessment has confirmed that the proposal will have no greater impact upon the openness of the Green Belt than current and through the introduction of substantial landscaping areas, can effectively assimilate the development into the surrounding area.

Loss of Commercial Floorspace

Whilst the preferred policy approach for the site is for a full employment proposal, this has failed to be delivered on the site in the past due to: the remediation costs involved in redeveloping the site and delivering the required environmental improvements; conflict between commercial market demand and concerns of local residents (echoed by the DCC); and the associated failure to gain approval at reserved matters stage for all commercial developments, despite Outline consent having been granted. Given the historic context, officers have been in lengthy pre-app discussions with the applicant's agents in an attempt to come up with a mutually acceptable solution which will allow the site to be redeveloped, retaining high quality commercial use at the site, whilst simultaneously creating a residential buffer between the commercial use and the existing village, and ensuring the delivery of significant environmental improvements required by policy. It is in this context that the loss of commercial floorspace at the site must be assessed.

While the NPPF does allow for redevelopment of existing buildings (as guided by the MDS status of the site and subject to its impact on the openness of the GB), residential is clearly contrary to the GEA designation. We note that there will be an overall net loss of employment floorspace from 10,993 sqm to 6,407 sqm (i.e. a loss of 4,586 sqm) that provides a potential source of affordable/lower grade premises. However, officers acknowledge that about half of the GEA will be retained for commercial purposes. This will provide for a flexible (and potentially a more attractive) mix of small to large sized accommodation (for existing and new occupiers) and consolidate the development into a smaller number of block. The applicant states that this could provide for up to 340 jobs. This general approach is, on the whole welcomed, in the circumstances and has been supported by the Strategic Planning team and the Economic Development Team.

Design

The application is supported by a Design and Access Statement as well as a Design Code for the residential element only. The proposals have gone through an iterative process of development to reach the final design proposal. Throughout the design process comments received during public consultations, pre-application meetings and the tenant requirements have all contributed to the evolution of the scheme.

The Government attaches great importance to the design of the built environment, as enshrined in the NPPF (para. 56). The Framework confirms that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The requirement for high quality design is also mirrored in Core Strategy Policies CS12 and CS13.

The design process has taken account of the design policies of the NPPF, along with the relevant policies of the Core Strategy and saved Local Plan. The design has also taken into account the principles of the Chilterns Buildings Design Guide (2010), despite the site being located some distance from the Chilterns AONB.

The proposed mixed use development has created a balanced approach to the site's regeneration. The existing ad hoc, low quality employment buildings and uncontrolled areas of hardstanding will be replaced with modern, high quality employment buildings that meet specific operator requirements and market needs to deliver a successful

scheme. The employment buildings have a shared character with modern building forms which utilise the use of attractive and durable materials, with a palette of light grey and silver with feature blue colour banding that will also be used on all doors. The buildings have been designed to offer an elegant, modern approach that can easily accommodate each individual business's requirement for signage and branding.

In order to minimise the visual impact of the buildings, light coloured cladding has been used at high levels, along with low level hipped roofs where the buildings would be viewed against the skyline. Glazing has been incorporated at both ground and first floor levels to the principle elevations, in order to add visual interest. The proposed design is considered to offer a clean, modern approach to the commercial units, which would in a high quality design which would represent a significant improvement when compared to the existing site.

The residential element of the scheme has responded positively to the adjacent domestic use along Bourne End Lane, to create a sympathetic and sustainable mixed development. A Design Code has been submitted which offers a framework to take the outline proposals forward to detailed design stage to ensure the delivery of a high quality development. The final appearance of the residential scheme will be set out at Reserved Matters Stage. It is considered that the Design Code will help to deliver a high quality, sympathetic and sensitive residential scheme at Reserved Matters stage.

The site offers an accessible location for both the employment and residential elements of the scheme, with all vehicular access taken from Upper Bourne End Lane. The easy walking/cycling distance from local bus stops (which will be upgraded as part of the development) and sustainable transport links enhances the scheme's connectivity.

It is considered that the design proposals have responded positively to the site's characteristics and context to deliver a high quality scheme, which realises the principles of good design, with significant environmental upgrades.

Impact on the Street Scene

It is considered that the proposed development will result in improvements to the character and appearance of the street scene, with the ad hoc, poor quality commercial buildings and associated hard standing and parking areas being replaced with a high quality commercial and residential development, with associated public open space and landscaping. The existing Bourne End Mills industrial estate is particularly tired from a visual point of view, and detracts from the character of the street scene and surrounding area in general. The proposals will result in significant visual improvements which will benefit the street scene, in compliance with Policies CS12 and CS13.

Impact on the Bourne End Conservation Area

The site is located outside the Bourne End Conservation Area, but the conservation team were consulted in order to assess whether the proposals were likely to have any adverse impact on views in and out of the Conservation Area. They have raised no objections to the proposals, and it is considered that, given its separation from the Conservation Area, there would be no adverse effects on the character or appearance of the Conservation Area. The part of the site closest to the Conservation Area will see

a change of use from commercial to residential, with the ad hoc, poor quality commercial buildings and associated hard standing and parking areas replaced with a high quality housing scheme, with associated public open space and landscaping.

The proposals would be in compliance with Policy CS27 of the Core Strategy.

Impact on the AONB

The site is not located within the Chilterns AONB, but there are views into the site from the nearby AONB. The Landscape and Visual Impact Assessment which has been submitted in support of the application has taken views from the surrounding countryside into account. This satisfactorily demonstrates how the proposed development can be successfully assimilated within the surrounding landscape and that it is appropriate in both form, scale and appearance for its rural context. It is considered that, not only will the proposed development be largely indiscernible from key views, but where it is visible it will deliver a significant visual improvement, with an associated improvement to the character of the area. It is considered that views from the surrounding AONB will be improved through the redevelopment and rationalisation of the site, and through the introduction of substantial landscaping areas. The proposed commercial buildings have been designed to be sensitive to their rural surroundings, and their layout, design, materials and colour palette should ensure that the development can effectively assimilate the development into the surrounding area.

This is also true of the residential element, but the Council will only receive full details of this element of the scheme at Reserved Matters stage. Nevertheless, the modest quantum of development proposed, combined with substantial landscaping and creation of public open space, along with the high quality designs and materials envisaged by the Design Code submitted in support of the application, gives officers comfort that the residential element of the scheme will also satisfactorily assimilate into the surrounding landscape. It will also represent a significant improvement over the ad hoc arrangement of commercial buildings and hardstanding currently on the eastern part of the site.

The proposals will improve views from the AONB and will represent an improvement over and above the existing site when considering the impact on the natural beauty of the surrounding AONB. The proposals are therefore in compliance with Saved Policy 97 of the Local Plan.

Impact on Trees/Landscaping

Landscaping

The Council's Trees and Woodlands officer has been consulted and has responded positively to the proposed development. He has made some suggestions to further improve the landscaping proposals and these have been taken on board by the agents and have now been included in the scheme. A summary of his key comments are set out below for clarity:

'Previously, I have responded positively to proposals to redevelop this site into various layouts of warehousing / residential. I have no objection to this proposal either.'

'Planting Strategy RF15-249-LO2 Rev C shows a good mix of species proposed

around the site. Each species will have a slightly different growth habit or range of growth characteristics, such as height, canopy shape, leaf colour, fruit colour, that create an attractive aesthetic planting scheme appropriate to this location.'

'The selection of a high number of native species is welcomed, linking with wider landscape views and ecology around Bourne End.'

*'A possible desirable change to the planting specification is to omit *Viburnum opulus*. This species has mildly toxic berries and may not be an appropriate species close to a new residential area. It might be thought sensible to change 'Native Hedgerow' and 'Mass Whip Planting' lists accordingly.'*

*'Several areas of the site, *Quercus robur* is proposed close to parking areas, boundary fences or dwellings. Although the species is welcomed within the landscaping of the scheme, it is perhaps better to use this tree that could attain 20+ metres in height and similar spread away from structures.'*

The opening up of the Bourne Gutter presents an opportunity to create an ecologically diverse corridor through the development site. Incorporated variety in horizontal alignment and the channel sides will provide opportunities for a range of planting types to be established. The planting of a native hedgerow to the south, west and north boundaries of the site will help to strengthen the existing vegetation and provide a strong landscape connection within the ecological corridor which will be created. Field tree planting within the planting will serve to break up and soften the outline of the proposed buildings when viewed from the surrounding Green Belt.

The opening up of the Bourne Gutter and the associated creation of surface water attenuation basins will provide the opportunity for the establishment of wildflower rich grasses, which are suitable for riverbank, wetland and dry slope situations. The grass seed mixes will provide valuable habitat for a number of insects and pollinators, as well as providing seasonal colour and interest. This will significantly enhance biodiversity and ecological habitats across the site.

Trees

As a result of the proposals to deculvert the Bourne Gutter, some existing poplar trees on the northern boundary of the site will be lost. Notwithstanding the overall benefits which will result from the opening up of the Bourne Gutter, it is proposed to mitigate the loss of these trees by planting a greater number of trees with a more diverse mix of native species. It is important to note that there will be a net increase of 84 trees on site as a result of new planting through the landscape proposals put forward. The Landscape Assessment demonstrates that there will be no harm to the character of the surrounding Green Belt countryside as a result of the landscape proposals to the northern boundary. Indeed, the consolidation of the built form on site will deliver significant benefit.

Officers are satisfied that the proposed landscaping scheme is acceptable. It will help to soften the proposed development, and will help it to successfully assimilate into the surrounding landscape.

Ecology

The proposed scheme includes significant environmental improvements at the site, which will result in significant biodiversity enhancements, in compliance with the NPPF. Hertfordshire Ecology have been consulted on the proposals and have provided the following comments:

'1. I note the site design in the Proposed Masterplan (p12) incorporates a culverted Bourne Gutter and swale depression at the SW end. The former will be a significant enhancement locally even if the stream does not flow regularly. The latter is primarily a SUDS feature with a variable ecological character depending on water levels, although it should provide some ecological enhancement to the area which is currently a mass of ruderal vegetation. This will require regular management to ensure it doesn't degrade into a similar plant community to that which is currently present.

2. Additional landscaping as described in the D&A Statement will provide local ecological enhancement at the site level.

3. I am not aware of any ecological constraints associated with this proposal which have not previously been adequately addressed or highlighted by Herts Ecology or the applicant's ecological consultants that would otherwise represent any fundamental ecological objection to the proposals. These include protected species surveys and advice covering bats, birds and badgers. Although these reports are becoming old I am satisfied that in the circumstances and on the evidence presented, they can be relied upon to provide an adequate understanding of the likely issues which can be expected to be present. A low status bat roost is present in Building 1 of the Bat report and will require an EPS licence, as is recognised.

4. The provisions of the biodiversity enhancement strategy (Middlemarch Sept 2014) should be followed.

5. I am not aware of any other ecological issues associated with these proposals for which I have any significant concerns.'

Herts and Middlesex Wildlife Trust have also been consulted and also agree that: *'There is no objection to the scheme and it is clear that it would result in net gains to biodiversity in accordance with NPPF'.*

The proposals will deliver significant biodiversity enhancements at the site and are welcomed from an ecology point of view.

Impact on Highway Safety

The proposals are considered to be acceptable from a highway safety point of view. The proposals would result in no adverse impact on highway safety or the free-flow of traffic on the local highway network. The highway authority, Hertfordshire County Council has been consulted and have assessed the proposed development in detail, both at pre-application stage and application stage. They find the proposals to be acceptable, subject to the imposition of a number of standard conditions, and contributions towards the upgrade of local bus stops to improve accessibility.

The application is supported by Transport Assessment, as well as Framework Travel Plans for both the commercial and residential elements of the scheme. These have

been prepared following pre-application engagement with the highway authority, and their guidance has been followed in the preparation of these documents. The Transport Assessment demonstrates that robust analysis of the current application would result in a reduction in traffic associated with proposals for the site when compared to both the maximum permitted traffic levels of the consented scheme and the observed existing traffic.

Access

The access arrangement proposed are considered to be acceptable and are in compliance with Policy CS12 of the Core Strategy. They would provide a safe and convenient means of access to the proposed development site.

Access to the proposed employment area of the site would be via two accesses onto Upper Bourne End Lane, which runs along the southern boundary of the site, as per the existing access to the industrial estate. The residential element of the scheme would be located towards the east of the site. This element is submitted in outline form with only the point of access into the site – which will also be from Upper Bourne End Lane - up for consideration.

Traffic associated with industrial units at the north end of the estate can currently enter and leave to the north of the blockage of Bourne End Lane and thence past residential properties in the village. This would not be possible under the proposed scheme since the site is proposed to be accessed solely from Upper Bourne End Lane and no vehicular access will be provided from Bourne End Lane. This proposed access arrangement is largely consistent with the current access arrangements and also accords with the access arrangements proposed in the earlier outline consent for the development which also prevented access from Bourne End Lane. It was agreed during scoping discussions with HCC that the accesses into the site would be assessed to ensure that the proposed development traffic could access the site safely and efficiently. These assessments have been undertaken using industry-standard PICADY software and concluded that the proposed site access junctions will all operate well within capacity with no queuing associated at any of them.

The employment site will be accessed from two points on Upper Bourne End Lane – the western and central of the three proposed accesses to the full site. The residential site will be accessed from a dedicated access at the eastern end of Upper Bourne End Lane. The access would be created from an extension of the existing turning head arrangement located to the west of the 'severed link' between Upper Bourne End Lane and Bourne End Lane described above. The facility for vehicles to turn at the end of Upper Bourne End Lane would be retained as part of the proposals. The works to form the proposed access points and the traffic calming proposals will be delivered under a Section 278 agreement which permits work within the adopted highway.

Layout and Management

The roads within the development would be the responsibility of the developer and their successors and will not be considered for adoption by the Highway Authority.

Parking

The proposed parking arrangements are considered to be acceptable. Industrial units

1 and 3 have specified end users and are proposed for B8 distribution/ warehousing land uses. Unit 1 would provide a 929sqm unit which will be used by a courier/logistics company and Unit 3 would provide a 2,787sqm unit which will be used by a supplier to the food and drinks industry who already operate from one of the buildings on the Bourne End Mills site. These two units will have their own dedicated parking and servicing areas located adjacent to them. The remaining three units (numbers 2, 4 and 5) will be built on a speculative basis and therefore an open consent is being sought for B1c, B2 and/or B8 land uses to allow the units to be marketed to a range of occupiers. The five units will provide a total floor area of 6,407sqm with associated parking and landscaping. The parking arrangements have been specifically designed to accommodate overnight parking of HGVs associated with the user of unit 1.

Parking for the residential units will be determined as part of the detailed proposals for the site at reserved matters stage, when the size and mix of units will be determined. Parking will be expected to be in line with Dacorum Borough Council's parking standards. Parking is prevented in the turning head north of the blockage of Bourne End Lane by double yellow lines, and this will continue to be the case.

Accessibility

The site is located on the edge of the village of Bourne End, in accessibility zone 4. The closest bus stops to the site are on the A4251 with the westbound stop approx 435m away. This stop has a timetable and flag but not easy access kerbing or shelter. The eastbound stop is slightly further away and also has neither easy access kerbing nor shelter. The footway around this stop is limited in width. These stops are approximately 500m from the centre of the site which is equivalent to a 6 minute walk and considered to be within easy walking distance. Three bus routes are provided from these stops providing routes to Aylesbury, Hemel Hempstead and Watford, offering access to local destinations including Berkhamsted, Apsley and Kings Langley. The application site is 3.7km west of Hemel Hempstead town centre and 2.5km from its railway station. This is within cycling distance of the site and is accessible by bus along London Road. The total journey time to Hemel Hempstead station is calculated to be 13 minutes including the walk and bus sections of the journey.

Access to these bus stops is not ideal from the site as Bourne End Lane has no footway, although the fact that this route only provides access to a limited number of residential properties should limited vehicle movements. The Highway Authority has recommended that Developer contributions should be sought to provide upgrades to the two nearest bus stops. The eastbound stop would need to be moved in order to improve footway width and allow provision of easy access kerbing and a shelter. This would cost in the region of £16,000. The westbound stop could be upgraded with easy access kerbing at a cost of £8,000. The applicant has agreed to provide the require financial contributions via a Unilateral Undertaking, and this has been submitted in support of the application. It is considered that the upgrading of the bus stops and associated footway will improve the development access to the local public transport network in line with the NPPF, as well as Core Strategy Policies NP1 and CS8. These works will greatly improve access to the local bus network for the entire village, and are considered to represent a significant community benefit of the proposed development.

Impact on Neighbours

It is considered that the proposed development would have no significant adverse impact on the residential amenity of the properties on Bourne End Lane. The proposed scheme has been carefully designed to specifically avoid any adverse impacts in terms of visual intrusion, loss of privacy or noise and disturbance, in accordance with Policy CS12 of the Core Strategy. Full details of the proposed residential element of the scheme will be provided at Reserved Matters stage, where a full assessment of the potential impact of the development on residential amenity can be undertaken, in order to ensure that there are no significant adverse impacts on the amenity of either the existing dwellings on Bourne End Lane, or the proposed dwellings as a result of the commercial element of the scheme.

An assessment of the impact of the proposed development and existing noise generating uses on sensitive receptors (proposed and existing) has been undertaken and has been submitted with this application. The potential noise impacts have been considered and used to inform the design of the development.

The Assessment considers the potential impacts of:

- Noise from the proposed employment units on existing residential properties and the nearby hotel (to the west of the site);
- Noise from the proposed employment units upon the proposed residential areas;
- Noise from the employment units on Upper Bourne End Lane that are located outside the application site and are to remain under these planning proposals on the proposed residential area; and
- Changes in traffic flows on roads in the immediate vicinity of the Site on the hotel (given the likely direction of future traffic movements).

The orientation of the proposed development, with the positioning of the residential element adjacent to the existing residential properties on Bourne End Lane, acts to separate the existing village from the proposed employment space. This has in itself resulted in the need for specific attention to be given to the relationship between the proposed employment element and the proposed residential area to ensure that the amenity of the new residential population is appropriately protected.

The proposed development has given specific regard to the relationship between the proposed residential element and the existing employment units which fall outside of the application boundary (on Upper Bourne End Lane), which are to be remain.

The fabric of the buildings will act as a screen to any noise taking place inside and the additional cladding proposed to the rear of Unit 28, Upper Bourne End Lane following the removal of the building immediately adjoined to it, will further mitigate for any internal noise. The cladding to proposed unit 5 and and the existing unit 28 will be the subject of a planning condition, following advice from the Council's Environmental Health Team, to secure acoustic performance well above that required by Building Regulations.

The Noise Assessment demonstrates that noise from the existing employment units is

relative low. Where noise was experienced (in external areas) this is associated with deliveries which were limited and short in duration. The Assessment demonstrates that the noise levels measured from the remaining employment units is capable of being appropriately reduced through the inclusion of acoustic screening along this boundary with the residential element and though the inclusion of appropriate building design in the proposed residential properties. Noise to be created from traffic travelling to and from the proposal site has been calculated to be within recommended guidance without the need for further mitigation.

Overall it is considered that the mix of uses proposed and the layout of the proposed development is considered to result in minor if not negligible noise impacts that are capable of being appropriately mitigated where necessary through appropriate acoustic screening and building design.

Flood Risk/Drainage

The agents and the flood risk/drainage engineers have been through lengthy pre-application discussions with the Lead Local Flood Authority (Hertfordshire County Council) in order to ensure that the proposed scheme will result in no flood risk issues. Having provided further information, the Lead Local Flood Authority is now satisfied with the Flood Risk Assessment and the Drainage Strategy, and has removed their initial objection to the proposed development. They have provided the following comments on the latest Flood Risk Assessment:

'In response to the latest FRA carried out by Bailey Johnson Hayes reference S1256 Issue 5 dated 17 November 2015 submitted with this application, we are able to confirm that in principle we would be satisfied with the proposed works to the Gutter Bourne and surface water drainage proposals for the new development. Therefore we are in a position to remove our previous objection from our response dated 01 October 2015.

We also acknowledge the intention to reduce the risk of flooding from surface water run-off from the development site by providing pre-development greenfield run-off rate at 16l/s. We note the use of permeable paving, swales and oversized pipes. The use of oversized pipe lies at the bottom of SuDS hierarchy however it has been explained that the technical constraints within the site requires the use of oversized pipes in order to achieve the proposed greenfield rate.

Detailed surface water run-off calculations for 1:100 year (+30% CC) have been provided within the FRA, which ensures that the site has the capacity to accommodate all rainfall events up to 1:100 year (+30% CC). Proposed informal flooding for the 1 in 100 year plus climate change has been identified for the industrial site and has been shown on a plan. Local flooding zones have been identified in front of Unit 5 with approximately 38m³ and 4m³ in the service yard of unit 3.

We are satisfied in principle that the proposed works to the Gutter Bourne to de-culvert the watercourse and create an open channel will provide a significant betterment to flood risk and provide other environmental benefits as detailed in the previous FRA carried out by Odyssey dated 2008. Details of the new inlet and works to the Bourne Gutter have been provided and the removal of the infill has also been confirmed. However please note that all works to the Bourne Gutter will require Land drainage Consent under Section 23 of the Land Drainage Act 1991. The applicant should note

that regardless of any planning permission, prior consent is required for works affecting the flow within the channel of the Bourne Gutter.'

The Environment Agency has also commented on the application and has confirmed that they have no objections.

The proposals will result in a significant improvement to flood risk at the site and will provide a number of other environmental benefits. The proposed development will comply with the NPPF and the associated technical guidance.

Lighting

An indicative lighting scheme has been submitted in support of the application for the commercial element of the scheme. This shows that, through appropriate lighting design, light spill beyond the service yard and circulation areas will be minimised, and landscaped areas will be kept largely free from artificial light to the benefit of biodiversity and visual amenity.

Further details of lighting will be required via condition.

Contamination

A Ground Conditions Report has been submitted by Applied Geology in support of the application. The report confirms that the risk posed to future occupiers or construction workers as a result of the existing ground conditions are low and can be appropriately mitigated where necessary.

The Council's Contaminated Land Officer has been consulted, and has provided some comments on the report at the time of completing the committee report. She feels that some points require further consideration. These are set out below:

- Further consideration of human health risks to residential users regarding inhalation of fugitive dust from commercial site is required
- Further justification of risks to controlled waters and groundwater, additional sampling required.
- Watching brief to be validated by production of site diaries and photographs demonstrating site works have been undertaken as proposed.
- Where cover systems are proposed this should be undertaken in line with current DBC guidance.

These issues have been raised with the agent. The additional assessment required will be covered by a suitably worded condition.

Sustainability

The agents have submitted both a Sustainability Statement and an Energy Statement via the Council's CPLAN sustainability tool. A CS29 Checklist has also been submitted. The submissions meet the requirements of Policy CS29 of the Core

Strategy. The CPLAN Sustainability Statement is acceptable. The Energy Statement requires some additional details, and these are awaited. The statement is acceptable in principle however.

The proposed development will deliver sustainable new homes which will meet or exceed minimum Building Regulations standards. Full details will be assessed at Reserved Matters stage.

Other Material Planning Considerations

Security

The Herts Police Crime Prevention Design Advisor has confirmed that he finds the scheme acceptable, subject to a number of suggested conditions. These have been included within the recommendation. The proposed scheme will be designed to Secured by Design standards, with both the commercial and residential elements meeting the required Secured by Design standards. The suggested conditions will ensure these standards are achieved to the satisfaction of Herts Police and the LPA, and will ensure that the proposed development provides a secure and safe working and living environment.

Unilateral Undertaking

As set out in the accessibility section above, the Highway Authority has recommended that Developer contributions should be sought to provide upgrades to the two nearest bus stops. The eastbound stop would need to be moved in order to improve footway width and allow provision of easy access kerbing and a shelter. This would cost in the region of £16,000. The westbound stop could be upgraded with easy access kerbing at a cost of £8,000. The applicant has agreed to provide the required financial contributions via a Unilateral Undertaking, and this has been submitted in support of the application.

CIL

Dacorum Borough Council has now started to charge CIL on residential and retail developments in its administrative area. The application site is located in CIL Charging Zone 2, where a CIL charge of £150 per sqm applies. The residential element of the scheme is CIL liable. The applicants have submitted a CIL Additional Questions Form and have confirmed in their Planning Statement that CIL liability has been calculated at £165,000. It should be noted that, under the CIL Regulations, 15% of the can be made available to the local community.

Issues Raised by Bourne End Residents Association

Although the residents association support the proposed development in principle, they have raised some concerns, which are set out in their response in the representations section of this report. I will respond to each of the main issues in turn:

Layout of commercial element

Although the comments in relation to the layout of the commercial element of the scheme have been taken into account, it should be noted that the proposed layout has

been dictated by a combination of the bespoke needs of the proposed tenants of the tow larger units, along with the requirement to use the remaining units to help create an acoustic and visual buffer between the commercial and residential elements. Officers are satisfied that the proposed layout is acceptable and will provide a high quality and effective layout for the commercial element of the scheme. Neither the Highway Authority of Herts Fire and Rescue Service have raised any objections to the proposed scheme.

Height/appearance

Whilst being supportive of the height of the buildings and the proposed roof design for the commercial units, the residents association has asked whether a more muted shade of silver could be adopted for the proposed cladding at upper levels. Whilst these comments have been taken on board, as per the conclusions of the visual impact and design sections of this report, officer are satisfied with design approach put forward and are satisfied that it will not result in any adverse impact on the surrounding Green Belt in terms of visual intrusion.

Hours of work

Whilst we have taken on board the comments in respect of hours of work, the desire of the residents association to restrict hours of work at the site to minimise potential noise impact for existing and future residents must be balanced against the operational needs of the proposed tenants, and the need to ensure that these units comprise of viable, marketable units which are attractive within the market. It is important to ensure the site is a viable investment and that it is deliverable.

When looking at the proposed and prospective tenants for the commercial units, it is important to consider that it is critical for nearly all logistics occupiers to be able to operate on a 24/7 basis as the logistics and distributions market works around around the clock in terms of both the inward flow of goods from ports, airports and manufacturers and the outward flow of goods to retail units and commercial/domestic customers.

As stated n the noise section of this report, the proposed development has given specific regard to the relationship between the proposed residential element and the existing employment units which fall outside of the application boundary (on Upper Bourne End Lane), which are to be remain.

The fabric of the buildings will act as a screen to any noise taking place inside and the additional cladding proposed to the rear of Unit 28, Upper Bourne End Lane following the removal of the building immediately adjoined to it, will further mitigate for any internal noise. The cladding to proposed unit 5 and the existing unit 28 will be the subject of a planning condition, following advice from the Council's Environmental Health Team, to secure acoustic performance well above that required by Building Regulations.

The Noise Assessment that has been submitted in support of the application demonstrates that noise from the existing employment units is relative low. Where noise was experienced (in external areas) this is associated with deliveries which were limited and short in duration. The Assessment demonstrates that the noise levels measured from the remaining employment units is capable of being appropriately

reduced through the inclusion of acoustic screening along this boundary with the residential element and through the inclusion of appropriate building design in the proposed residential properties. Noise to be created from traffic travelling to and from the proposal site has been calculated to be within recommended guidance without the need for further mitigation.

Overall it is considered that the mix of uses proposed and the layout of the proposed development is considered to result in minor if not negligible noise impacts that are capable of being appropriately mitigated where necessary through appropriate acoustic screening and building design.

The Environmental Health Department have considered the application and have raised no objections to the proposals. It should be noted that there are currently no hours of use conditions imposed on the existing industrial premises on the estate, which operates on an unrestricted basis. Given the above it is considered that the Council could not reasonably impose a conditions restricting hours of work at the site.

Residential area

Whilst the residents association support the principle of the establishment of the residential element of the scheme, and the associated access arrangements, they have some concerns over the number of units proposed, and believe a figure of 40 dwellings would be more realistic.

It should be noted that the proposed residential development is submitted in outline form only. However, in order to allow for a robust assessment to be carried out of the potential impact of the scheme, a series of development parameters have been set including (i) a maximum number of residential dwellings (45); and (ii) buildings to be no more than 2.5 storeys in height.

The proposed development puts forward the minimum quantum of residential to enable the delivery of the commercial element, along with the required environmental improvements at the site. The residential component is integral to the delivery of the employment scheme and officers have accepted this approach, as set out in this report. The quantum of development has been assessed by independent surveyors as part of the independent review of the agent's viability assessment, and has been found to be reasonable and acceptable.

The proposed quantum of residential development, up to 45 dwellings, is considered to be appropriate, reasonable and acceptable for the overall proposed scheme, and is supported.

Lighting

An indicative lighting scheme has been submitted in support of the application for the commercial element of the scheme. This shows that, through appropriate lighting design, light spill beyond the service yard and circulation areas will be minimised, and landscaped areas will be kept largely free from artificial light to the benefit of biodiversity and visual amenity.

Officers are satisfied with the indicative lighting scheme. However, Further details of lighting will be required via condition.

Conclusions

The proposals are considered to be in compliance with the NPPF and the relevant policies of the Development Plan and are therefore recommended for approval.

RECOMMENDATION – That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions and subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990 with the following Heads of Terms:

Bus Stops

The "owner" covenants with "the Council" to pay the sum of £24,000 towards the cost of upgrading the two bus stops nearest the Property on the A4251 London Road, including the movement of the nearest eastbound bus stop in order to improve footway width, allow provision of easy access kerbing and a shelter and upgrading the nearest west bound bus stop to provide for easy access kerbing.

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 Application(s) for approval of reserved matters (namely layout, appearance, scale and landscaping) shall be made no later than three years beginning with the date of this permission and the development shall be commenced not later than 2 years from the final approval of the reserved matters or, in the case of approval of the reserved matters on different dates, the final approval of the last such matter to be approved.**

Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990 and to ensure that there will be no greater impact on the Green Belt

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

Proposed Demolition and Party Wall Elevation (3860-36-A);
Existing and Proposed Site Sections (3860-33-A);
Proposed Site Layout Employment (3860-37-A);
External Finished to Employment (3860-39-A);
Units 1+2 Floorplans (3860-50-A);
Units 1+2 Elevations (3860-51-A);

Units 1+2 Sections (3860-52-A);
Units 1+2 Roof Plan (3860-53-B);
Units 3+4 Floorplans (3860-60-A);
Units 3+4 Elevations (3860-61-A);
Units 3+4 Sections (3860-62-A);
Units 3+4 Roof Plan (3860-63-B);
Unit 5 Floorplans (3860-70-A);
Unit 5 Elevations (3860-71-A);
Unit 5 Sections (3860-72-A); and
Unit 5 Roof Plan (3860-73-A).
Street Furniture (RF15-249 D01);
General Arrangement (RF15-249 L01D);
Planting Strategy (RF15-249 L02D);
Site Sections 1 of 2 (RF15-249 L04B);
Site Sections 2 of 2 (RF15-249 L05B); and
ITM10013-GA-032 Rev B
Phasing Plan 3860-07 C
Design and Access Statement
Transport Assessment
Employment Framework Travel Plan
Residential Framework Travel Plan
Bat Survey Badger and Nesting Bird Survey
Flood Risk Assessment and Drainage Strategy
Landscape Assessment
CS29 Checklist
CPLAN Sustainability Statement
CPLAN Energy Statement

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

- 4 **The development hereby approved should be carried out in accordance with the approved phasing plan 3860-07 C unless varied with the prior written approval of the Local Planning Authority. The Phasing Plan defines the following Phases:**

- **Phase 1: site preparation and demolition 1**
- **Phase 2: construction of employment units**
- **Phase 3: site preparation and demolition 2**
- **Phase 4: construction of residential units**

Reason: To assist with the identification of each chargeable development (being the Phase) and the calculation of the amount of CIL payable in respect of each chargeable development in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

- 5 **No relevant Phase shall commence until a plan defining the extent and timing of that phase is first submitted and approved by the Local Planning Authority.**

Reason: To assist with the identification of each chargeable development (being the Phase) and the calculation of the amount of CIL payable in respect

of each chargeable development in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

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

Reason: To ensure a satisfactory appearance to the development.

- 7 **The employment scheme shall be constructed in accordance with those details set out within the approved Flood Risk Assessment (October 2015) namely:**

- **Limiting the surface water run-off generated by the 1 in 100 year + climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site;**
- **Providing attenuation measures to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event;**
- **Implementing those SuDS measures set out on illustrative drawing S1256-Ext-02F dated 03 July 2015;**
- **The discharge of surface water Drainage into the deculverted Bourne Gutter.**

The above measures should be fully implemented prior to occupation of the employment units.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future users.

- 8 **Construction of the residential units shall not commence until the following details are first provided and approved in writing with the Local Planning Authority in general accordance with the principles set out in the approved Flood Risk Assessment (October 2015):**

- **Means by which to limit the surface water run-off generated by the 1 in 100 year + climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site;**
- **Attenuation measures to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event;**
- **Appropriate SuDS measures in accordance with the principles set out on illustrative drawing S1256-Ext-02F dated 03 July 2015;**
- **A drainage strategy based on attenuation and discharge into the**

Bourne Gutter and those principles set out in the Flood Risk Assessment.

The approved details should be fully implemented prior to occupation of the residential units.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future users.

- 9 **Prior to the commencement of any phase of the development hereby permitted details of how the proposed drainage scheme for that Phase is to be maintained and managed after completion shall be provided and agreed with the Local Planning Authority. The drainage scheme shall thereafter be maintained and managed fully in accordance with the approved details.**

Reason: To ensure that the site is subject to an acceptable drainage system serving the development in order to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future users.

- 10 **The cladding to Unit 5 of the employment scheme hereby approved (as shown on Proposed Site Layout Employment (3860-37-A)) shall be of an acoustic performance of Rw 45 dB.**

Reason: To prevent potential noise nuisance from the proposed employment units and causing noise nuisance to adjacent properties.

- 11 **A landscape management plan for each relevant phase of the development hereby approved, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of any phase of the development for its permitted use. The landscape management plan shall be carried out as approved.**

Reason: To ensure a satisfactory appearance to the development, to safeguard the visual character of the immediate area and to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site.

- 12 **No relevant Phase shall be occupied until information on the number and position of fire hydrants relevant to that Phase are submitted to and approved in writing with the Local Planning Authority. The relevant details shall include information on how the hydrants will be incorporated into the mains water services whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus. The scheme(s) shall be implemented prior to occupation of the relevant Phase.**

Reason: In the interests of health and safety.

- 13 **No relevant Phase of the development hereby approved shall be occupied until a scheme for the management of operational waste for that Phase has first been submitted to and agreed with the Local Planning Authority. The scheme(s) shall be implemented in accordance with the approved details.**

Reason: to ensure the safe operation of the development.

- 14 **No relevant Phase of the development hereby approved shall be occupied until details of the required highway improvement works relevant to that Phase, have been implemented in accordance with a scheme to be first approved in writing by the Local Planning Authority in consultation with the Highway Authority. These highway works referred to above include:**

- (i) the closing off of access into the site from Bourne End Lane;
- (ii) the means of preventing vehicular access between Bourne End and Upper Bourne End Lane;
- (iii) the provision of traffic calming measures along Upper Bourne End Lane.

Reason: In the interests of highway safety.

- 15 **No relevant Phase of the development hereby approved shall be occupied until the visibility splays shown on drawing ref ITM10013 – GA – 032 Rev B that are relevant to that Phase are provided.**

Reason: In the interests of highway safety.

- 16 **No relevant Phase of the development hereby permitted shall be occupied until details for the future management and maintenance of the proposed internal roads associated with that Phase are submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The internal roads shall thereafter be maintained in accordance with the approved management and maintenance details or until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.**

Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard.

- 17 **No relevant Phase of the development hereby approved shall commence until a scheme of on-site parking for construction workers relevant to that Phase is submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented throughout the construction period.**

Reason: To ensure adequate off-street parking during construction in the

interests of highway safety.

- 18 **No relevant Phase of the development hereby permitted shall commence until a Construction Traffic Management Plan and Access Route relevant to that Phase (which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway) is submitted to and approved in writing with the Local Planning Authority in consultation with Hertfordshire County Council Highway Authority together with proposals to control and manage construction traffic using the A41 and A4251.**

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

- 19 **No relevant Phase of the development hereby permitted shall commence until details of wheel cleaning facilities for construction vehicles relevant to that Phase are submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.**

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

- 20 **No employment unit shall be occupied until a Full Travel Plan relevant to that unit is submitted and agreed in writing with the Local Planning Authority in consultation with the Highway Authority. Each relevant Travel Plan should be in general accordance with the Framework Travel Plan for the employment scheme hereby approved.**

Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment.

- 21 **No residential unit shall be occupied until a Full Travel Plan relating to the residential scheme is submitted and agreed in writing with the Local Planning Authority. The Travel Plan should be in general accordance with the Framework Travel Plan for the residential scheme hereby approved.**

Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment.

- 22 **Prior to the commencement of any phase of the development hereby permitted a Phase I Report to assess the actual or potential contamination at the site shall be submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.**

For the purposes of this condition:

A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.

A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.

A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.

- 23 **All remediation or protection measures identified in the Remediation Statement referred to in Condition 22 shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.**

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

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.

Informative:

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

Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website www.dacorum.gov.uk

- 24 **Details of any floodlighting on the employment element of the development hereby permitted shall be submitted to and approved in**

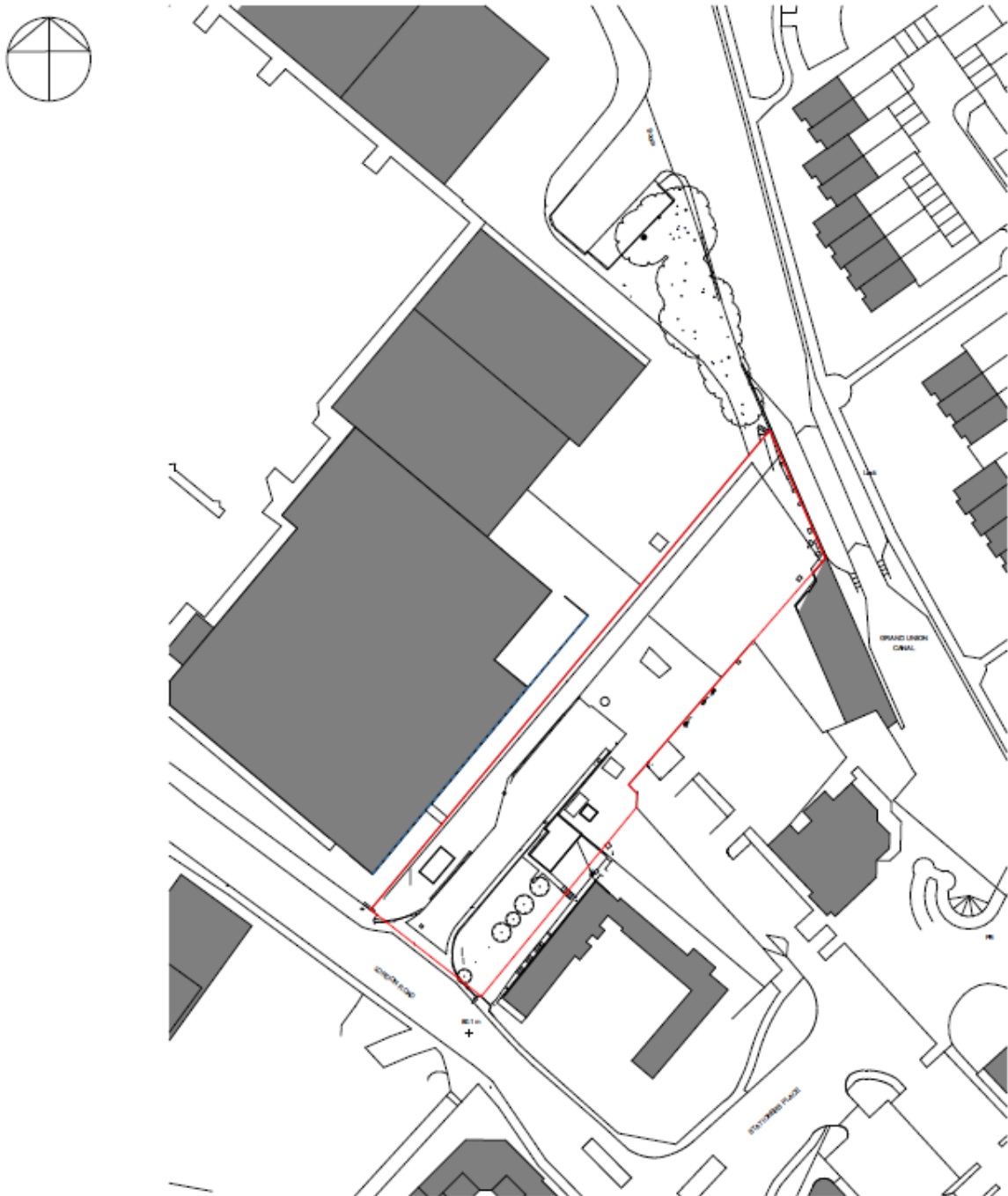
writing by the local planning authority before the use hereby committed commences. Development shall be carried out in accordance with the approved details.

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

Item 5.02

4/03344/15/MFA - DEMOLITION OF DISUSED OFFICE BUILDING AND CONSTRUCTION OF FOUR BUILDINGS WITH 31 FLATS IN TOTAL, PUBLIC OPEN SPACE, RESIDENTIAL AND VISITOR CAR PARKING AND ASSOCIATED AMENITY SPACE

LAND ADJ APSLEY MILL COTTAGE, STATIONERS PLACE, APSLEY, HEMEL HEMPSTEAD, HP3 9RH



Item 5.02

4/03344/15/MFA - DEMOLITION OF DISUSED OFFICE BUILDING AND CONSTRUCTION OF FOUR BUILDINGS WITH 31 FLATS IN TOTAL, PUBLIC OPEN SPACE, RESIDENTIAL AND VISITOR CAR PARKING AND ASSOCIATED AMENITY SPACE

LAND ADJ APSLEY MILL COTTAGE, STATIONERS PLACE, APSLEY, HEMEL HEMPSTEAD, HP3 9RH



Site Section A-A
1:200



London Road Street Elevation
1:200

4/03344/15/MFA - DEMOLITION OF DISUSED OFFICE BUILDING AND CONSTRUCTION OF FOUR BUILDINGS WITH 31 FLATS IN TOTAL, PUBLIC OPEN SPACE, RESIDENTIAL AND VISITOR CAR PARKING AND ASSOCIATED AMENITY SPACE.

LAND ADJ APSLEY MILL COTTAGE, STATIONERS PLACE, APSLEY, HEMEL HEMPSTEAD, HP3 9RH.

APPLICANT: Dacorum Borough Council.

[Case Officer - Joan Reid]

Summary

The application is recommended for approval. The principle of development is considered acceptable on the site in accordance with Site Allocation TWA7 both in terms of use for affordable homes and density. 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 not objected to the scheme on the basis of flooding however further confirmation is still required regarding the buffer zone surrounding the River Gade. The scheme offers a suitable density of affordable housing which is supported and addresses the constraints on the site through careful design. There are satisfactory distances between buildings to maintain sufficient privacy and spacing. The design of the development is such that it relates well to the surrounding character and is not harmful to the adjacent Grade II listed building. The scheme provides sufficient parking at a ratio of 1 space per unit which is considered acceptable for the tenure of the units and the location of the site near to a local centre, train station and bus routes.

Site Description

The application site comprises a long strip of land extending from the London Road, Apsley to the canal, adjacent to Home Base and the Apsley Paper Mill Pub. The site lies adjacent to a Grade II listed building and previously was a key site originally forming part of the John Dickinson printing works. The site has laid vacant for some time since the redevelopment for the adjacent land for housing. The site is located within Flood Risk Zones 1, 2 and 3 and two culverts lie horizontally across the site which have been filled in. The surrounding area comprises a range of mixed uses including recent residential buildings, retail and employment uses.

Proposal

The application seeks full planning permission for 31 one and two bedroom residential units all to be affordable units. The development comprises four separate blocks; two three storey buildings fronting onto the London Road (Buildings A) and the middle building (Buildings B) and canal side building (Building C) comprise a 4 storey warehouse style buildings. The development is to be served with an access off an existing vehicular access from the London Road. 32 car parking spaces are provided to serve the development along with communal amenity space, cycle and bin storage.

The scheme forms part of the Council's New Homes programme which seeks to deliver affordable homes in sustainable locations.

Referral to Committee

The application is referred to the Development Control Committee as Dacorum Borough Council is both the land owner and the applicant.

Planning History

- 4/03042/15/MOA Outline application of a residential scheme of up to 50 one bedroom flats with parking (revised scheme)
Granted
23/12/2015
- 4/03584/14/MOA Outline application for the construction of 50 one bedroom flats with car parking and vehicular access.
Refused
10/06/2015

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (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)
Pre-submission Site Allocations DPD (2014)

Summary of Representations

Conservation and Design

Conservation & Design raise no objection.

Broadly speaking Conservation and Design are supportive of the proposed development in terms of the design of the new buildings, that clearly has some semblance to the types of industrial buildings that once formed part of this former paper mills site. There is some reservation with respect to the London Road aspect of the development in terms of the proposal for two separate gable ended blocks fronting the highway with the new access road to the site running in between does not it considered address the highway particularly well as the majority of the buildings in the vicinity tend to have broad frontage buildings that occupy all or much of their highway frontages. As such the proposed blocks present a somewhat underwhelming street frontage and a stronger architectural form would appear preferable. That said from the perspective of the Grade II listed Apsley Cottage that lies adjacent to the south-eastern side of the site the scale and form of the proposed block adjacent to Apsley Cottage is considered to be of an appropriate form, massing and distance from the designated heritage asset not to unduly compromise its setting.

Conservation and Design is of the belief that the quality of the architectural design/appearance of the proposed new buildings to be very much key to the proposal being considered appropriate in this context and furthermore the successful realisation of this scheme. In this respect it is believed the slim framed multi-pane windows (with slim glazing bars) form of the proposed windows are an important facet of the design. Whilst it would appear that for the two blocks fronting London Road, the windows would appear to be paired side hung opening casements although on the main blocks where the multi-pane windows (and exterior doors) have a glazed fanlight feature above set in curved brick headers, it is not clear the means by which these windows would open. As such there is concern here that the introduction of top hung casements would introduce visually intrusive horizontal bars to the window design and visually impact on the scheme as designed.

Conservation and Design strongly believe the quality of this development is approved very much depends on the design not being 'watered down' and on the quality of the external materials and the detailing of the features such as the glazed balconies screens, grey powder coat finished aluminium framed windows and doors. As such Conservation and Design would wish to see these elements conditioned. Lastly in order that the appearance of the development is not subsequently diminished by the addition of satellite dishes and suchlike it is believed prudent to remove the otherwise permitted development rights to do so and therefore seek the provision in the development of a communal facilities for television aerials and satellite dishes.

Suggested Conditions:

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

details.

- No development shall take place until details of the windows, exterior door and external walkway balustrades have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- Notwithstanding the details submitted the applicant or subsequent developer of the scheme as hereby approved shall provide communal terrestrial and satellite antenna facilities within each residential block.
- Notwithstanding the details submitted no owners/tenants of the flats to install on exterior elevations of the hereby permitted development, an antenna for terrestrial TV or satellite reception otherwise permitted under Schedule 2, Part 1 Class H of the GPDO Order 2015 or subsequent revision.

Hertfordshire Highways

Additional Comments following updated RSA

My colleague Sam, ROSPA certified, and myself have considered the revised RSA submitted for the planning application 4/03344/15/MFA. It was found that the new RSA submitted was virtually identical to the original RSA with the only change being made to the document reference HD19/03 to HD 19/15. This document reference is the section of the Design Manual for Roads and Bridges setting out the requirements for Road Safety Audits. That said, the RSA is considered acceptable and reason for refusal can be removed.

Further consideration of the designer and HCC response to the RSA has been made and we are in agreement with HCC Road Safety review comments from Graham Beviss. The following is a summary of the considerations to be included in the revised drawings per Graham's comments:

Stationary traffic on London Road: The designer assumed that right turns can be made via central hatching. However, HCC comments stated that a right turn lane should be provided and central hatching removed. Definition of the right turn lane could be improved with a kerbed traffic island within the central hatching.

Pedestrians crossing London Road / Right turning vehicle; the designer response is the same as above. However, HCC comments stated the need for a central kerbed island to be used as a central refuge with dropped down kerbs and tactile paving.

Providing signage to make drivers aware of junction; HCC agrees and stated they do not require the Side Road Ahead sign for the junction in question.

Utility Covers; Designer stated that search of all utility apparatus in the area will be undertaken and will be considered in detailed design. HCC stated that any potential conflicts with utility covers, etc, should be dealt with at this stage of design (preliminary design) and that HCC require the revised drawing for consideration.

Northern Kerb line; Site access layout will require alterations to northern kerb line of

London Road.... changes will be required per HCC comment in the response.

Hertfordshire Highways - Original comments

Hertfordshire County Council (HCC) objects to the development for the following reason:

The Road Safety Audit submitted as part of the application has been carried out in accordance with HD 19/03. This guidance has been superseded by HD19/15 and the RSA needs to be updated to reflect this.

Planning History - A previous application was refused by the LPA (planning reference 4/03584/14/MOA). HCC raised an original objection based on the following reasons.

- The application does not assess the impact of trips generated by sustainable modes of transport; Further information on the junction modelling is required;
- Personal Injury Accident Data has been included, as assessment to be provided; Further information is required with regards to potential displaced parking; and the accessibility of the development needs to be more comprehensive and without the multi-modal assessment the impacts are not known.
- During application discussions additional information was submitted to overcome these concerns and the application was not refused on highway or transportation grounds.

As part of this application a revised TA has been submitted and this is in accordance with Roads in Hertfordshire: Design Guide (3rd Edition).

Remainder of HCC Comments

Existing Site - The site is located on the Apsley Mills Site at Stationer's Place, Hemel Hempstead, which includes The Paper Mill (a Fuller's Public House), the John Dickinson Enterprise Centre, and Apsley Mills Cottages. It is accessed via the signalised junction of Stationer's Place with the A4251 London, which also provides access to the private parking area for Harriet House, a private residential scheme.

The area that is to accommodate the development proposals has most recently been used for private car parking servicing both the public house and Apsley Mills Cottages, but was also where the historical warehousing was located that serviced the original Paper Mill.

Stationer's Place is a two-way road that forms the minor arm to the north-east of the signalised junction with the A4251 London Road. There are two traffic lanes on the approach to the signalised junction from the development on Stationer's Place, which allows for adequate queue space for vehicles at the junction.

Proposed Land Use -The previous application requested planning permission for the construction of a residential development comprising up to 50 affordable residential flats, all of which are proposed to be 1 bedroom units. This has now been adjusted for 31 units. The development will include off-street car parking for up to 32 private vehicles, of which 4 parking spaces will be reserved for disabled use.

Policy - The TS refers to key policy documents including:

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Dacorum Borough Council Core Strategy and Development Plan
- Manual for Streets;
- Hertfordshire's Travel Plan Guidance for Business and Residential Development.

The proposals should also consider the HCC Local Transport Plan (LTP3), Roads in Hertfordshire: Design Guide (3rd Edition) and the Hemel Hempstead Urban Transport Plan. However, the proposed development has been developed in consultation with DBC and is considered to be largely in accordance with the local policies outlined.

Trip Generation

Existing Trip Generation - The site has a historic permission for a warehouse. However, in order to provide a robust assessment trips associated with this use have not been calculated and therefore will not be discounted from the proposed trip generation. This approach is acceptable and agreed to be robust.

Proposed Trip Generation - The previous assessment highlighted that the proposed trip generation rates are based on the TRICS database. The sites used in the analysis are "Affordable/Local Authority Flats" land use category. The TRICS analysis only considered sites within the South East of England and were refined to developments of 6 to 235 units. The trip generation indicates that the proposed development would generate 10 two-way vehicular trips in the AM peak and 12 two-way vehicular trips in the PM peak. Whilst on first impressions the number of trips appear to be low, a review of the TRICS database confirms that the parameters and the trip generation predictions are appropriate. A multi modal survey has also submitted and identifies that the site will generate 6-9 vehicular trips during the peak hour periods 6-9 which results in a total of one additional vehicle travelling on the local highway network every 6-10 minutes during the peak hours, split relatively evenly between arrivals and departures. The resulting multi-modal survey also identified that 61-68% journeys from the development are sustainable methods such as walking or cycling. The applicant identifies that this will produce less than 30 two way vehicle movements per hour as per NPPF and guidance on transport assessment. This is deemed to be acceptable.

Impact on Highway Network - It has been agreed with HCC to assess the impacts on the signal junction of the A4251 London Road with Stationer's Place. TEMPRO Manual turning count traffic surveys of the junction of the A4251 London Road with Stationer's Place was undertaken on Wednesday 11th June 2014. The traffic surveys recorded all vehicle movements and vehicle classifications. A future year assessment of 5 years has been identified as being appropriate and as such the TEMPRO database has been considered. Growth factors for 2020 have been identified that have been adjusted for the local conditions. These growth factors have been applied to the observed traffic flows only and not the development and this is considered to be an appropriate approach. Trip Distribution Trip distribution has been assigned onto the highway network based on the existing recorded traffic flows and this is considered acceptable.

Junction Modelling - The development will have an impact on the Stationer's Place / London Road junction and as a result has been modelled using LINSIG version 3. This is industry accepted modelling software so is acceptable. The controller specification details, which include the signal timings and the as built layout plan for the existing

traffic signal junction from Ringway, the term contractor for traffic signals on the Hertfordshire highway network. These specification details sets out that the existing signal junction operates with demand dependent pedestrian stages and the crossing facilities are identified as being puffin crossings, which essentially means if there is no demand for pedestrians to cross then the vehicular traffic will have a longer green time.

The junction is also operating as MOVA (Microprocessor Optimised Vehicle Actuation), which assesses the demand in traffic terms on the junction for each of the approaches. This means that the green time will adjust to reflect the demand on each approach to the junction as MOVA will select the best preprogrammed signal timing for that identified demand.

The TS sets out that it is not possible to assess each and every iteration of the MOVA system and therefore a worst case and best case scenario has been considered. The worst case scenario would be if all the pedestrian stages are called on each and every cycle of traffic signals. The best case scenario would be if the pedestrian stages were not called at all. This approach is considered to be practical and acceptable.

The 2020 scenarios that have been modelled demonstrate that the junctions operate within capacity and that the development impact would be negligible.

Road Safety -The original Transport Statement did not provide any assessment of accident data within the vicinity of the site or at key junctions. Personal Injury Accident data was requested for the last five years in order to ascertain if there are any safety issues that may be exacerbated by the trips generated by the development. The applicants updated transport assessment highlights that PIA records confirm that there are no clusters or common causes of PIAs within the vicinity of the site over the five year period analysed.

Highway Layout

Vehicle Access - The previous proposal sought to take vehicular access via Stationer's Place. However, the new proposal seeks to reopen the former access onto London Road. As a result of the access being reopened the existing lay-by running across the frontage will be removed. The site access will be provided at 4.8m with 6m corner radii at the junction with London Road. Visibility splays are proposed to be provided at 4.5m x 66m. A right-turn lane is also proposed from London Road. The proposals have been modelled using the PICADY modelling software and demonstrates that the junction operates well within capacity. A Road Safety Audit (RSA) has also been provided. However, the RSA has been prepared in accordance with HD19/03, this guidance was superseded in March 2015 by HD19/15. The Road Safety Audit needs to be updated to reflect this new guidance and cannot be considered acceptable until this is provided. It should be noted that any works to the highway will also be required to be secured via a S278.

The applicant has confirmed that the site access road is not offered for adoption.

Servicing and Delivery -The TS provided sets out that all service vehicles will access the site via the proposed access on London Road. The layout will be provided in accordance with Manual for Streets to ensure that site layout can accommodate service and emergency vehicles. However, no swept path assessments have been provided to demonstrate that these vehicles can operate safely and efficiently.

Parking

Vehicle Parking - The Dacorum Borough Council Parking standards require a maximum parking provision of 1.25 spaces per 1 bed dwelling/bedsit. The site is within accessibility zone 3 and therefore the maximum provision can be discounted by 50-75%. The development proposed to provide 55 car parking spaces including 7 disabled bays and this is lower than the maximum provision of 63. Therefore, the provision is acceptable to HCC but the provision will be determined by the DBC. The updated Transport assessment outlines the reduced size of the development to a total of 31 flats all 'affordable' housing units. Consequently the number of parking spaces the applicant originally applied for has reduced to 32 spaces including 4 marked disabled bays. This is much lower than the original threshold of a maximum of 63 spaces and is deemed acceptable by HCC but will have to be determined by DBC standards.

Cycle Parking - Cycle parking for the residential units should be provided in accordance with DBC parking standards, which sets out that one space per unit should be provided. The TS confirms that the cycle parking for the residential units will be provided in accordance to local standards and will be located within individual units or within the undercroft parking areas. Full details on the cycle parking provision and location will be required to be secured by condition.

Accessibility

The original trip generation by other modes to the private car is currently unknown. It is noted that the TS provides a summary of alternative modes of transport and also concludes that the access to the site by modes other than the car will not be amended. However, the trip generation and impact on those modes was required to ensure that additional measures are not required. The applicants revised transport plan has been written in accordance with chapter four of the NPPF March 2012. The site is located 600m from the local centre which has a combination of retail and commercial service providers located with-in the vicinity of the site. This provides a high level of accessibility, deeming the site to be located in highly sustainable area with pedestrian access provided around the whole area and along the length of London road carriageway. This has been supported with the inclusion of HCC footway maps. The applicant has also highlighted the frequent bus service within 400m of the development providing access to Watford, Hemel Hempstead, Aylesbury Tring and Abbots Langley. In summary of the sustainable travel options identified with the consideration of the available resources and the provision of transport modes that are easily accessible from the development, the proposed development would appear to be acceptable in accordance with DBC standards.

Public Transport Officer Comments

Buses - Access to bus services is close to the site (well within 400m) on London Road just north of the access road to Apsley station. One stop is located outside the hotel adjacent (Holiday Inn), the other on the opposite side of the road, just north of the signal controlled junction. Both of these stops have easy access kerbing, flags and timetables but neither has shelter provision. The footway width on the both sides of the road is limited, particularly southbound, therefore if they are upgraded, narrower shelters may need to be used. Details of services currently operating are as outlined in the Transport Statement.

Rail - The site is very close to Apsley rail station. Frequencies and destinations are as stated in the Transport Statement. There are issues with the pedestrian access to Apsley station and access to platforms not being DDA compliant and this will need to be addressed at some point.

Other comments -There are frequent bus services in the form of the 500/501 route (Watford- Aylesbury Mon-Fri every 20 mins, Sat half hourly, Sun hourly) which gives access to Hemel Hempstead town centre and surrounding towns. The site is also close to the services/facilities of Apsley and the associated retail parks. There is scope to upgrade both of the nearest bus stops with a shelter provision, although both may need to be narrow shelters. A contribution of £16000 would enable shelters to be provided.

Construction - It is likely that a construction logistics plan will be required to ensure construction vehicles will not have a detrimental impact on the vicinity of the site and a condition will be required to provide adequate parking for construction vehicles on-site to prevent on-street conflict and impacts to the highway safety.

Planning Obligations / Community Infrastructure Levy (CIL)

Dacorum Borough Council has a community infrastructure levy and contributions towards local transport scheme will be sought via CIL if appropriate.

Response to EA from agent

Please see below our response to the Environment Agency's report objecting to the proposed development for the above mentioned site.

We consider that the approved application referred to by Natasha (EA) should not be used as a precedent when assessing our justifications for building within the buffer zone. This is due to the fact that we believe certain constraints have not been taken into consideration by the applicant when producing the design for the referenced scheme. We feel that build-ability and delivery of the scheme were not of great concern to the applicant when submitting their application.

Firstly the access to the scheme is from Stationers Place to which we now know, following lengthy discussions with the pub, is not possible due to complex rights of way and legal agreements. By changing the access location, the dynamics of the site layout completely change making underground parking, as shown on the approved scheme, extremely difficult to achieve.

Secondly, the approved scheme proposes to build over/around a 900mm diameter surface water sewer that runs across the site. We consider this would require a Thames Water Build-Over Agreement, which may not be granted due to the substantial size of the sewer.

Typical advice received from Thames Water reads:

“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”

Further to this, the 8m EA watercourse buffer is associated with a canal overspill (classified as a main river). Similar to the public sewer, the canal overspill is a concrete pipe. Our current proposals show that a minimum 2m buffer will be provided to the watercourse.

We therefore request that our justifications are assessed on their own merit without an alternative scheme designed with differing constraints influencing your decision. We have clarified these points below in response to Natasha's concerns and hope we can now begin a dialogue with yourselves to discuss this case independently.

Development within 8 metres of a main river is likely to:

1) Restrict essential maintenance and emergency access to the watercourse.

Our proposal shows a continuous route from the main road to the public space at the rear of the site to allow for essential access and maintenance. The proposal also shows that the culvert is to be opened, as requested by the EA, which will offer far greater maintenance opportunities than currently exists on the site. It should also be noted that due to the complex legal agreements of Stationers Place and the Paper Mill car park being private property we don't believe access for maintenance has been fully considered by the approved application.

2) Adversely affect the stability of the river bank which will compromise its function.

In line with EA requirements the canal overspill will be opened up ('day-lighted') as part of the development. Although the building closest to the watercourse is to be constructed with pile foundations to reduce the loading impact, opening up the culvert provides opportunity to re-inforce the watercourse structure as additional mitigation if required. This is considered a favourable scenario to building over a 900mm diameter public sewer, whereby there is limited access for maintenance / repair and limited opportunity available to mitigate the loading impact.

3) Interfere with natural geomorphological processes and be placed at risk of damage arising from channel migration/erosion.

The main river in question is currently a canal overspill structure in the form of a below ground concrete pipe. It does not comprise a channel where natural geomorphological processes and erosion occurs. Building within 8m of such a structure will have no adverse impact on geomorphological processes and erosion. It is proposed to open up the piped watercourse to form an open channel (an Environment Agency requirement). This engineered open channel will be designed with erosion protection such as gabion retaining walls to provide mitigation against channel migration and erosion.

4) Limit the ecological benefits that can be achieved.

When considering the current nature of the site (concrete car park) and the watercourse (below ground concrete pipe), there is very limited ecological value. The proposal is for opening up the piped watercourse and providing 365m² of amenity space in its immediate surrounds. The proposals maximise the ecological benefits available and create significant betterment to those offered by the existing site / piped main river.

Environment Agency

In the absence of an acceptable buffer zone we object to the grant of planning permission and recommend refusal on this basis.

Reasons - Part of the development falls within 8 metres of the culverted River Gade and would be unlikely to receive Environment Agency consent. This is required for any proposed works or structures, in, under, over or within 8 metres of a main river.

Development within 8 metres of a main river is likely to:

- Restrict essential maintenance and emergency access to the watercourse.
- Adversely affect the stability of the river bank which will compromise its function.
- Interfere with natural geomorphological processes and be placed at risk of damage arising from channel migration/erosion.
- Limit the ecological benefits that can be achieved.

We have reviewed the comments provided by the applicant in their email of 19 November but do not consider this adequate justification. This is because we have already agreed an acceptable layout with an adequate sized buffer zone for a previous application at this site and so cannot see why it is not feasible to provide a suitable buffer zone for this application. **Overcoming our objection** the applicant can overcome our objection by either moving the development back by 8 metres or providing adequate justification for why the layout cannot be changed to provide a buffer zone of this size.

Strategic Housing

The site proposes 100% of the units to be delivered as affordable housing and therefore meets the affordable housing policy requirements.

Hertfordshire County Council - Property

Based on the information provided to date we would seek the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit. All dwellings must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments. HCC therefore seek the provision of hydrants required to serve the proposed buildings by the developer through standard clauses set out in a Section 106 legal agreement or unilateral undertaking.

Buildings fitted with fire mains must have a suitable hydrant provided and sited within 18m of the hard-standing facility provided for the fire service pumping appliance. The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22). In practice, the need for hydrants is determined at the time the water services for the development are planned in detail and the layout of the development is known, which is usually after planning permission is granted. If, at the water scheme design stage, adequate hydrants are already available no extra hydrants will be needed. Section 106 planning obligation clauses can be provided on request.

Justification

Fire hydrant provision based on the approach set out within the Planning Obligations

Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet Panel on 21 January 2008 and is available via the following link: www.hertsdirect.org/planningobligationstoolkit

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

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

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

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

(ii) Directly related to the development;

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

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

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

A Section 106 legal agreement would be the County Council's preferred method of securing fire hydrants. However, it is recognised that Dacorum Borough Council is now required to scale back the use of such agreements. If a Section 106 agreement is not otherwise anticipated for this development we would seek the inclusion of a condition to the planning permission. We would propose wording as indicated below:

"Detailed proposals for the fire hydrants serving the development as incorporated into the provision of the mains water services for the development whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and in accordance with the approved details thereafter implemented prior to occupation of any building forming part of the development."

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

be submitted in support of the requested provision. We would also seek to be informed of any decision notice which includes the provision of infrastructure via condition.

Strategic Planning

This proposal now forms part of the Council's New Homes programme which seeks to deliver significant levels of affordable homes. Therefore the principle of the development is welcomed.

Please refer to our previous comments to the recent applications under 4/3042/15/MOA and 4/3584/14/MOA as these remain relevant in terms of providing a policy background for the current planning application. We note that 4/3042/15/MOA has now been approved subject to the completion of a s.106 agreement regarding affordable housing. This proposal was for a larger scale and higher density of development of 50 flats. The proposal effectively establishes the principle and form of housing on this site. Therefore, given this position, we do not wish to comment in detail on the latest application.

We welcome the overall reduction in scale of the proposal from 50 to 31 flats, which should provide better scope to secure a high quality of development in terms of design, layout, parking and landscaping, etc. (Policy CS12). We also welcome the fact that the proposal is for 100% affordable housing (Policy CS19) and that it seeks to deliver a better mix of 1 and 2-bed flats (Policy CS 18) compared to the position under 4/3042/15/MOA . The quantum of development is certainly more in accordance with the indicative capacity of 25-35 units identified for the site in the associated allocation in the Site Allocations DPD (Proposal H/9 (previously H/10)).

The parking should be provided to a standard of 1.25 spaces per 1-bed units and 1.5 spaces per 2-bed units (DBLP Appendix 5) i.e. a total of 44 spaces. This compares with a proposed provision of 32 spaces. However, the latter is broadly in line with the ratio to be provided under the larger scheme at c. 1:1 ratio. The views of the Local Highway Authority should be sought on the appropriateness of this level of parking.

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 on this site.

Environmental Health - Noise

Notice is hereby given that the Environmental Health Department: Having reviewed the documents provided. This department would have no objections to the proposed development providing the measures contained in the Acoustic report are incorporated into the design and construction of the proposed development.

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.

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 wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality."

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

Water Comments

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

Refuse Department

Please can you make provision for 1X 140 wheeled bin for block A, 3 X 1X 140 wheeled bin for block B and 2X 140 wheeled bin for block C all for food waste.

I noticed that there is to be disabled parking on the B Block bin collection route.

Please ensure that there are no ramps between the waste storage area and the collection vehicle, that door ways are suitably robust and there are no obstructions. Consideration should be given to the manoeuvrability of the collection vehicle which is a 26ton rigid freighter.

Affinity Water

Thank you for notification of the above planning application. Planning applications are referred to us where our input on issues relating to water quality or quantity may be required.

You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to Hunton Bridge Pumping Station. This is a public water supply, comprising of a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.

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

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

Secure By Design

I am writing in regarding planning application 4/03344/15/MFA at land adjacent to Apsley Mill Cottage, Stationers Place, Apsley, Hemel Hempstead, HP3 9RH for demolition of disused office building and construction of four buildings with 31 flats in total, public open space, residential and visitor car parking and associated amenity space.

Comments

1. Security – ADQ and SBD:

As of 1st October 2015, Approved Document Q (ADQ) has come in that requires under Building Regulations dwellings are built to "Prevent Unauthorised Access". This

applies to any “dwelling and any part of a building from which access can be gained to a flat within the building”. Performance requirements apply to easily accessible doors and windows that provide access in any of the following circumstances: Into a dwelling from outside, into parts of a building containing flats from outside ,Into a flat from the common parts of the building

Achieving the Secured by Design award meets the requirements of Approved Document Q (ADQ), and there is no charge for applying for the Secured by Design award. I would ask that this information is passed by way of informative to the applicant.

Secured by Design part 2 physical security: If the development were to be built to the physical security of Secured by Design part 2, which is the police approved minimum security standard and also achieves ADQ. This would involve: All exterior doors to have been certificated by an approved certification body to BS PAS 24:2012, or STS 201 issue 4:2012, or STS 202 BR2, or LPS 1175 SR 2, or LPS 2081 SR ,All individual flat front entrance doors to have been certificated by an approved certification body to BS Pas 24:2012 (internal specification), Ground level (easily accessible) exterior windows to have been certificated by an approved certification body 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 sharing a communal entrance then audible and visual access control at the pedestrian entrances to the block. Such access control must NOT have a Tradesman’s Button fitted as this assists offenders to gain entry during the day to break into the flats.

1. 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% and achieve ADQ. I would encourage the applicants to seek Secured by Design certification to this standard when it is built.

Gated area to north side of block B & C: Pleased to see this area gated although there is no detail. I presume this is for maintenance access and will be secured with full height locked gates?

Site Boundary: There is no detail given. There should be clear separation by full height boundary treatment with the neighbouring development to the south. It appears as this maybe so from the ‘Perspective Views sheet 1 document, and the elevations shown on page 24 of the Design and Access Statement?

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) ,69 – re safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion & the National Planning Practice Guidance (NPPG) ,010 – re Sec 17 of the Crime and Disorder Act 1984 – to prevent crime & disorder, 011 – re taking proportionate security measures being a central consideration to the planning and delivery of new developments and substantive retrofits & Dacorum Core Strategy policies: CS12 – re safe access, layout and security and CS13 – re pedestrian friendly, shared spaces in appropriate places.

Trees and Woodlands

There are no trees or significant landscape features on this site at present. The Drawing number L4077 008J shows areas labelled as private amenity or shared amenity. I recommend that a more detailed landscape plan is submitted by the applicant containing proposals for tree planting, detailing tree species and sizes.

Canal & River Trust

After due consideration of the application details, the Canal & River Trust has no objections to the proposed development, subject to the imposition of 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 and the layout drawings show 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 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 note that the proposal takes the form of traditional canalside warehouses but with modern balconies. The success of this type of design will be affected by the brick chosen and should be in keeping with the brick already found nearby.

Structural stability - The applicants should discuss the proposal with the Trust as soon as possible to ensure that the scheme and any associated landscaping does not result in structural instability of the canal or any related infrastructure.

Drainage - Further information should be provided regarding the disposal of surface water to ensure that there is no adverse impact on the water quality or structural stability of the Grand Union Canal. 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 would request that the council contact us to discuss the possibility of the proposal making 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.

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

No comments however it is considered that the standard contamination condition would apply to this development in the same way as the earlier applications.

Belswains Residents Association (BLRA)

I am emailing you on behalf of the directors of the Belswains Lane Residents Association Ltd

The directors of the Belswains Lane Residents Association Ltd (BLRA) wish to comment on planning application 4/03344/15/MFA as follows:-

1. The BLRA own and are responsible for maintaining much of the area on the development, which is on the opposite side of the canal to the site of the aforementioned planning application. The BLRA have spent (and continue to spend) considerable sums of money in order to combat anti-social behaviour on their development (for example CCTV installation and weekend security patrols). We wish to enquire as to who Dacorum Council will be allocating the 31 affordable flats and to seek assurances from the Council that their new tenants will not detract from the good

work that the BLRA have achieved in dealing with anti-social behaviour matters. The BLRA believe it highly likely that, because of the close proximity of both developments that the Council's new tenants will make use of the three restaurants and mini supermarket which provide important facilities for the members of the Residents Association.

2. The BLRA also own and are responsible for maintaining the pedestrian bridge over the canal and believe that there is a strong likelihood that there will be an increase in the number of people using the bridge should the plan be approved. Therefore, the BLRA believe that the ownership/responsibility for the bridge should be handed over to Dacorum Council as part of the planning application.

3. The BLRA are mindful of potential noise nuisance emanating from the proposed 31 affordable flats and seek confirmation that the present wall (at the canal end of the site of the proposed development) is retained. The BLRA request that appropriate clauses are written into the tenancy agreements regarding noise pollution and anti-social behaviour.

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.

Hertfordshire Fire and Rescue Service

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

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

Access and Facilities

1. Access for fire fighting vehicles should be in accordance with The Building Regulations 2010 Approved Document B (ADB), section B5, sub-section 16.

2. Access routes for Hertfordshire Fire and Rescue Service vehicles should achieve a minimum carrying capacity of 15 tonnes.

2. Turning facilities should be provided in any dead-end route that is more than 20m long. This can be achieved by a hammer head or a turning circle designed on the basis of Table 20 in section B5.

4. We note that there is an undercroft, for your information the size of Hertfordshire Fire & Rescue Service Scania pumping appliances are:

- Width 2.5m Length: 8.1m
- Height: 3.3m Weight: 17.8 tonnes
- Minimum clearance height 3.7m

Water Supplies

3. Water supplies should be provided in accordance with BS 9999.
4. This authority would consider the following hydrant provision adequate:
 - Not more than 60m from an entry to any building on the site.
 - Not more than 120m apart for residential developments or 90m apart for commercial developments.
 - Preferably immediately adjacent to roadways or hard-standing facilities provided for fire service appliances.
 - Not less than 6m from the building or risk so that they remain usable during a fire.
 - Hydrants should be provided in accordance with BS 750 and be capable of providing an appropriate flow in accordance with National Guidance documents.
 - Where no piped water is available, or there is insufficient pressure and flow in the water main, or an alternative arrangement is proposed, the alternative source of supply should be provided in accordance with ADB Vol 2, Section B5, sub section 15.8.
 - In addition, buildings fitted with fire mains must have a suitable hydrant sited within 18m of the hard standing facility provided for the fire service pumping appliance.

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

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

20 Crown Walk

With regard to the above application we most strongly object.

We bought 20 Crown Walk and moved into the property in January 2014. Since that time as we have enjoyed the area walking with our dogs we have become astounded by the numbers of new properties which have been built in such a short time. There are properties across from the station a few yards from this new proposal, further along London Road another huge block and then the enormous estate which has grown and continues to grow in Nash Mills as we walk along the canal towards Kings Langley

We all hear of the house shortages but there are certainly not house shortages in Apsley surely? I would be very grateful if someone could inform me of exactly how many dwellings have been built in Apsley/are proposed to be built during the period Jan 2014 - Jan 2016.

One of our neighbours - who is one of many he knows, has recently tried to get his daughter into a school locally and there was absolutely no possibility of a place to be found. This child was given a place at the other side of the town when there are schools all around her home. There are simply too many asking for these school places at the moment - never mind when the hundreds of flats are filled in Nash Mills! The child now travels each day to St Albans and back - just where is the sense in that?

House and homes have to be built of course - but what about building the infrastructure to sustain the population growth?

Please do care for the area from the point of view of the residents and not the gain to the purse, because whatever profit is made from that land will need to be spent on that infrastructure in the very near future and that profit will nowhere near cover such huge expenses.

26 Crown Walk

As a neighbour of the proposed development, and member of Belswains Lane Residents Association, we are keen to ensure that the proposal does not affect the plot adjacent to the site, referred to as the "local wildlife site" in the second document entitled "site location plan - 10/15/2015".

This site of mature trees, adjacent to the canal, is directly opposite our property and we are keen that by developing the site, access is not granted to this area as this would destroy the wildlife and our outlook, resulting in a loss of privacy. There could also be noise and disturbance resulting from use of this site.

The plot is shown as being gated from the proposed development and we are keen to ensure that access is restricted.

If access is granted to the site, it is likely to become a thoroughfare along the bank of the canal towards the commercial units. We are aware that canal boat residents need to use the gate to access moorings but would be keen to ensure that there is no additional usage of the site by the residents of the new development.

We do not know if the "local wildlife site" is owned by the same landowner, but note that the geoenvironmental assessment document indicates that the "local wildlife site" is potentially part of the overall development and we are keen to ensure that it is not and that this site cannot be developed under any circumstances.

Considerations

Policy and Principle

Land Use

The site falls within a general employment area as covered by saved Policy 31 of the local plan, 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, and 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.”

It should be noted that the principle of redeveloping the site with up to 50 one bed flats has recently been approved by the Council.

Given the above, the broad principle of delivering affordable housing through a proposal on this site is now supported and is broadly in line with the original densities envisaged.

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. If permission were to be granted, 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 proposed density for 31 units is considered acceptable and in line with the Site Allocations DDP. This is a lower density than that recently approved on the site however, this scheme comprises a mix of one and two bedroom units which is considered a better mix of housing for the area than that approved in the outline scheme. The layout has broadly been set from the constraints on the site including the location of culverts and is similar to the approved scheme, however, due to the new access proposed, the London Road frontage comprises two distinct buildings compared to one solid block. Overall, the layout allows good circulation throughout the site, generally comprises a good quality development affording sufficient parking provision and residential amenities.

The buildings comprise the following mix:

Buildings A - 4 x two bedroom and 2 x one bedroom units

Building B - 6 x two bedroom and 8 x one bedroom units

Building C - 11 x two bedroom units

Design and Impact to Historic Assets

The site lies adjacent to a Grade II listed building and as such specific consideration is given to how the development impacts on its setting. The scheme proposes four distinct blocks, those fronting the London Road and two warehouse style buildings further within the site. In part, the style, bulk and form of the development is largely similar to that already granted planning permission however offers better design and spacing within the development due to the lower density proposed. The main difference considered is the London Road frontage. The scheme largely differs from previous proposal insofar that access is proposed off the London Road and as such has been necessary to design the scheme allowing for a through road down the middle of the site. As such the London Road frontage is formed by two book end buildings. These have been designed having regard to more simple buildings and are of a scale, height and distance from the Listed building which conserves its character. Whilst the buildings appear to be somewhat disjointed, it is not considered that they would appear out of the context with the streetscene and are of a size and form more domestic in scale to the listed building adjacent. The quality of materials and specific details will be a key consideration of the development as integrating poor quality materials will be detrimental to the quality of scheme. As such full details of materials will be required by condition prior to commencement of any development.

The conservation and design officer has raised no objection to the scheme and whilst he raises some concern over the disjointed buildings fronting the London Road, he appreciates they respect the adjacent listed building in terms of scale and height and that the applicant has not achieved an alternative public right of way to allow the London Road Access to be fully developed along the roadside. It is noted that the conservation and design officer believes that the quality of this development will depend on high quality materials and details which are not watered down following conditional consent and as such requires the imposition of specific conditions to achieve this. It is noted that the applicants amended their application form and design and access statement during the course of the application to amend the materials for the fenestration.

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 an earlier development was refused on the same site 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.
- 5. 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 on Flood Risk grounds however have objected to the this full application on the basis that the buffer zone requested to the de-culverted area is not achieved. In particular the EA now raise objection because the development falls within 8 metres from the de-culverted river and are concerned that the accessibility to the watercourse could not be achieved, affect the stability of the river bank etc. The agent has submitted various reasoning to justify the positioning of building C and as such it is considered that the distance is achievable however further comments from the EA on this matter will be reported to members in advance of the meeting.

Parking and Highway Implications

Provision is made for 32 car parking spaces. The provision of 32 car parking spaces serving 31 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

1.5 spaces for a two bedroom unit. As such the amount of car parking proposed is considered slightly under the maximums set out in appendix 5 of the local plan (setting a maximum of 43 spaces). Having regard to the location of the site, close to the train station, together with the proposal comprising small affordable units, it is considered that 1 space per unit would be an acceptable and appropriate provision of parking. A similar provision ratio was recently accepted for the more dense development of 50 units on the site.

Although it is acknowledged that there are wider concerns over parking provision within the immediate area, taking account of the above and the lack of any adopted minimum parking guidelines it is considered that the LPA would not be able to substantiate an argument for refusal based on inadequate parking provision.

Access is proposed via the existing vehicular access from London Road and through the middle building from an undercroft arrangement. Hertfordshire Highways have been consulted and are largely satisfied with the proposals although it is noted that the proposals involve off site works which will be subject to a S278 agreement.

Other Considerations

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".

Quality of Accommodation

i) 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. The layout of the scheme allows for spacing well above the 23m minimum distances required, in parts up to 30m which allows for adequate privacy to be maintained for future occupiers as well as enabling sufficient light and spacing between the buildings.

(ii) 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.

Noise and Nuisance - A noise assessment has been commissioned which considers

the noise climate at the site and that noise mitigation will be required due to the road traffic noise as well as the potential impacts from the adjacent delivery yard. The report finds that external noise levels to communal garden and balconies have been found to be in line with building regulation standards. As such a condition will be imposed requiring specific plans showing the noise mitigation barriers.

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. Due to the location of the site adjacent to Homebase, the car park to the pub and the Enterprise building, the proposals wouldn't result in visual intrusion to residential properties or indeed light.

Finally, comments were submitted from Belswains Lane Residents Association which were passed the applicant (Council) for their perusal. It is not considered that the application could be refused on any of the points raised by the BLRA however it is for the Council to discuss these proposals with the Association.

Impact on Trees and Landscaping

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

Sustainability

A sustainability statement has been submitted which accords with the objectives of policy CS29 of the adopted Core Strategy.

Secure by Design

A number of objectives have been set out by the secure by design officer of which

most of these will be covered by building regulations however it is considered good practice and in accordance with the NPPF to include a condition requiring how the development will integrate methods to reduce crime.

Refuse

The refuse department have commented on the scheme and requested that provision for adequate provision of bins on site. A condition will be imposed requesting further details for bin storage together with detailed Swept paths for bin lorries to ensure refuse collection can be secured.

Ecology and Habitats

The application has been accompanied by a Phase 1 Habitat study which concludes that there are no ecological implications as a result of the proposal. The ecology officer has no other evidence to suggest otherwise and suggests that an informative is imposed only.

S106 and CIL

The application is for 31 affordable housing units and as such this will need to be secured through a S106 agreement. The scheme is for 100% affordable housing units and as such would not be CIL liable. It is noted that Hertfordshire Highways suggest a financial contribution of £16000 towards upgrading the bus stops near to the site, however it is considered that it would not be feasible for the LPA to request this money especially considering this request as not made in respect of the recently approved outline application.

RECOMMENDATIONS

1. That the application be DELEGATED to the Group Manager, Development Management and Planning with a view to approval subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990 and the imposition of the following conditions and informatives:

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;
- Provision of fire Hydrants

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

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

2 No development shall take place until details of the materials and finishes to be used in the construction of the external surfaces of the development together with details of the windows, exterior door and

external walkway balustrades hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development in accordance with policy CS12 of the adopted Core Strategy.

3 Prior to the commencement of development, details of landscaping shall be submitted for the approval to the local planning authority and 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.);**
- **arrangements for the long term management and maintenance of the on-site open spaces including de-culverted areas;**
- **programme of implementation**
- **bin storage details**
- **maintenance and management of Suds**

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 adequate management and provision of services to serve the development and to ensure that it integrates well within the wider character of the area and the canal in accordance with policy 12 of the adopted Core Strategy.

4 Construction work shall not begin until detailed plans for protecting the proposed residential development from noise in accordance with the specifications set out in the noise assessment report 14/0275/R1 has been submitted and approved by the local planning authority; all works which form part of the scheme shall be completed before the first occupation of the development

Reason: In the interests of the amenities of future occupiers in accordance with NPPF and the NPPG.

- 5 **Development shall not commence until a Delivery and Servicing Plan has been submitted to and approved in writing by the local planning authority. The plan shall demonstrate how deliveries and servicing of the development will be managed and coordinated and shall thereafter be operational. The plans shall include detailed swept path analysis for refuse vehicles and other delivery vehicles.**

Reason: In the interests of Highway Safety in accordance with policy CS8 of the Core Strategy and saved policy 58 of the local plan.

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

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

- 7 **Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Conditions (a) to (d) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Condition (d) has been complied with in relation to that contamination.**

(a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- **a survey of the extent, scale and nature of contamination;**
- (ii) an assessment of the potential risks to:**
 - (i) human health,**
 - **property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and**

- pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- an appraisal of remedial options, and proposal of the preferred option(s).

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

(b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(c) Implementation of Approved Remediation Scheme

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

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

(d) Reporting of Unexpected Contamination

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

writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition (c).

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

INFORMATIVE:

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

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

- 8 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.**

Reason: To protect the water environment, including groundwater in accordance with policy CS32 of the Core Strategy. The site is located on a Principal Aquifer, and within a Source Protection Zone 1 which feeds a public water supply.

- 9 No works shall commence on site until a Construction Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Logistics Plan should outline construction methodology, the predicted vehicle movements to and from the site, and how the movement of construction vehicles will be managed. The plan shall also include a scheme detailing the provision for on site parking for construction workers during the duration of the construction period. The plan shall be implemented throughout the construction period.**

Reason: To manage the movement of vehicles during construction and to ensure adequate off street parking during construction in the interests of Highway Safety in accordance with adopted policy CS8 of the Core Strategy and saved policy 58 of the local plan.

- 11 Following demolition, no development approved by this planning permission, shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local**

planning authority:

1) A preliminary risk assessment which has identified:

(iii)all previous uses,

- **potential contaminants associated with those uses,**
- **a conceptual model of the site indicating sources, pathways and receptors,**
- **potentially unacceptable risks arising from contamination at the site.**

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) 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 in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect the water environment, including groundwater in accordance with policy CS32 of the adopted Core Strategy.

- 12 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. 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 protect the water environment, including groundwater in accordance with policy CS32 of the adopted Core Strategy.

- 13 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.**

Reason: To protect the water environment, including groundwater in accordance with policy CS32 of the Core Strategy. The site is located on a Principal Aquifer, and within a Source Protection Zone 1 which feeds a public water supply.

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

L4077 013F
L4077 008J
L4077 012F
L4077 014E
Site Location Plan

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

Informatives

a) Thames Water

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 wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality."

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.

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.

b) Secure by Design

As of 1st October 2015, Approved Document Q (ADQ) has come in that requires under Building Regulations dwellings are built to "Prevent Unauthorised Access". This applies to any "dwelling and any part of a building from which access can be gained to a flat within the building". Performance requirements apply to easily accessible doors and windows that provide access in any of the following circumstances: Into a dwelling from outside ,Into parts of a building containing flats from outside ,Into a flat from the common parts of the building

Achieving the Secured by Design award meets the requirements of Approved Document Q (ADQ), and there is no charge for applying for the Secured by Design award. I would ask that this information is passed by way of informative to the applicant.

Secured by Design part 2 physical security: If the development were to be built to the physical security of Secured by Design part 2, which is the police approved minimum security standard and also achieves ADQ. This would involve: All exterior doors to have been certificated by an approved certification body to BS PAS 24:2012, or STS 201 issue 4:2012, or STS 202 BR2, or LPS 1175 SR 2, or LPS 2081 SR ,All individual flat front entrance doors to have been certificated by an approved certification body to BS Pas 24:2012 (internal specification), Ground level (easily accessible) exterior windows to have been certificated by an approved certification body 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 sharing a communal entrance then audible and visual access control at the pedestrian entrances to the block. Such access control must NOT have a Tradesman's Button fitted as this assists offenders to gain entry during the day to break into the flats.

c) The Canal and River Trust

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.

d) Ecology Informatives

"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 "

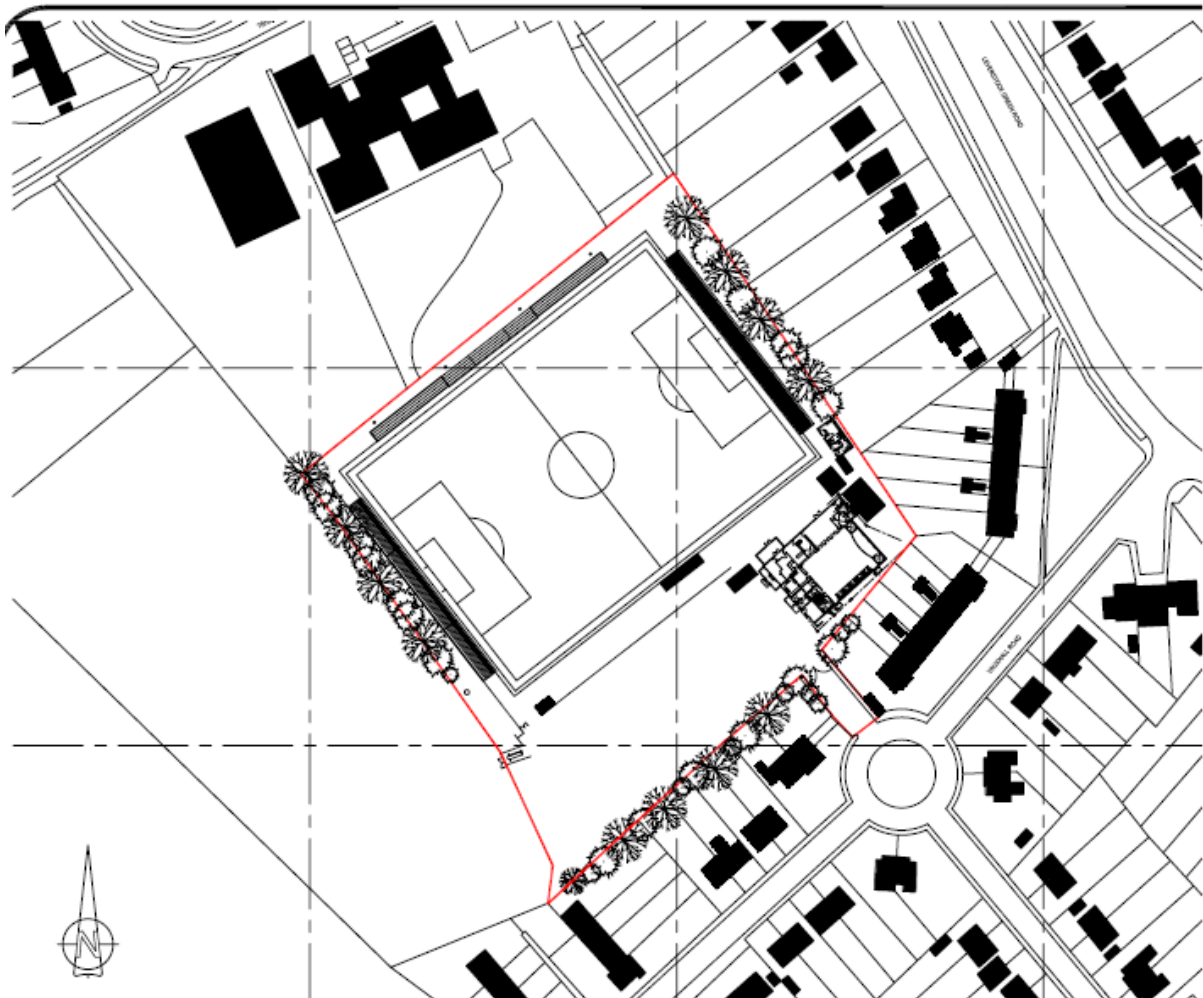
"Site clearance should be undertaken outside the bird nesting season, typically March to September inclusive), to protect breeding birds, their nests, eggs and young. If this is not possible then a search of the area should be made by a suitably experienced ecologist and if active nests are found, then 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)".

Agenda Item 5c

Item 5.03

4/02275/15/ROC - VARIATION OF CONDITION 3 (PERMANENT EXTENDED HOURS OF USE FOR MONDAY TO THURSDAY 09.00 TO 22.000 HOURS AND FRIDAY 09.00 TO 21.30 HOURS AND TEMPORARY EXTENDED HOURS OF USE FOR A 12 MONTH PERIOD FOR SATURDAY 09.00 TO 20.00 HOURS) AND CONDITION 5 (PERMANENT RETENTION OF RETRACTABLE NET AT ITS FULL HEIGHT) OF PLANNING PERMISSION 4/01156/10 /FUL (ASTRO PITCH ON FORMER 5-A-SIDE AREA/TENNIS COURTS, CONSTRUCTION OF CHANGING/ANCILLARY TWO STOREY ACCOMMODATION BLOCK, FLOODLIGHTING OF ASTRO PITCH AND ASSOCIATED FENCING)

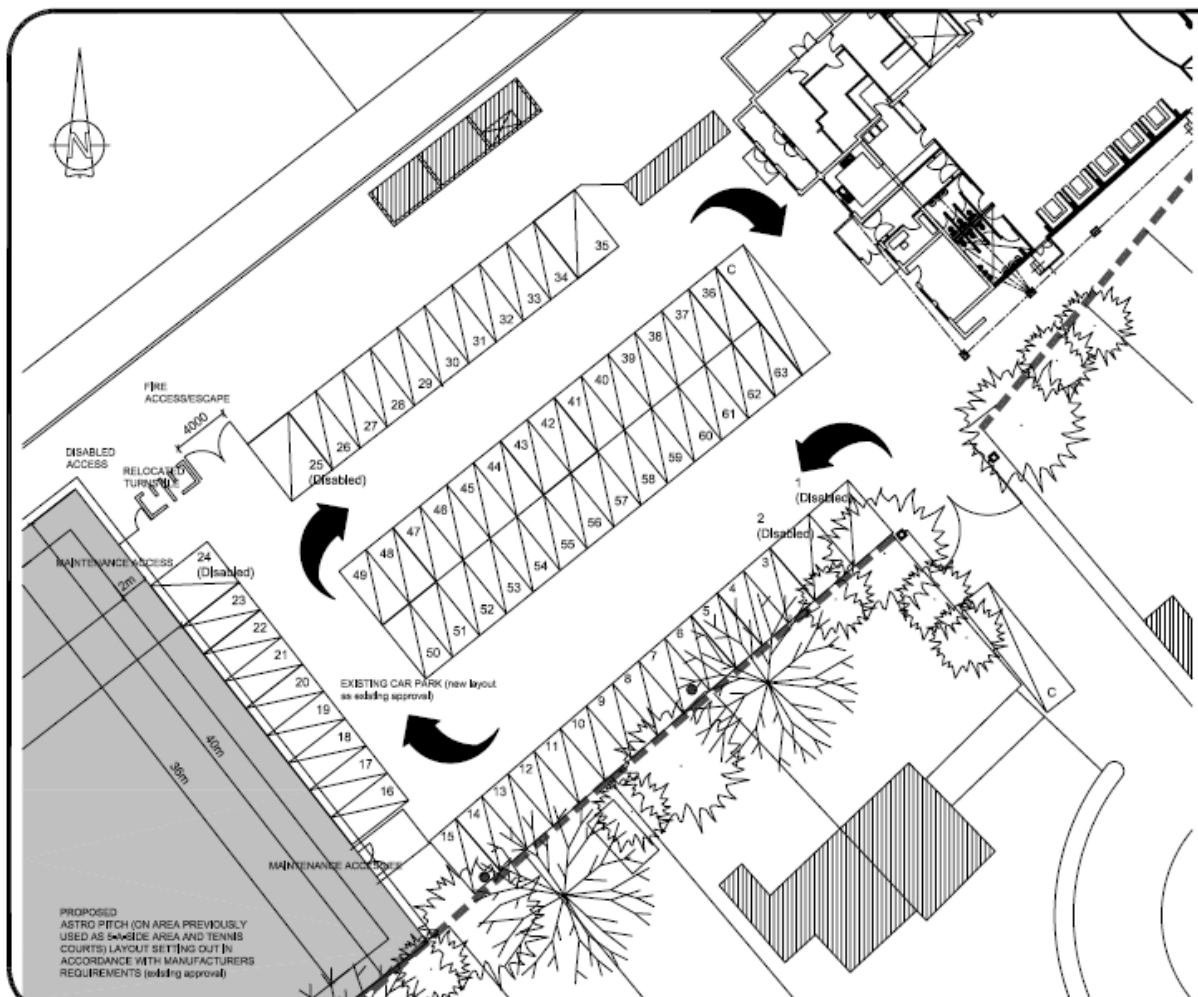
HEMEL HEMPSTEAD TOWN FOOTBALL CLUB, VAUXHALL ROAD, HEMEL HEMPSTEAD, HP2 4HW



Item 5.03

4/02275/15/ROC - VARIATION OF CONDITION 3 (PERMANENT EXTENDED HOURS OF USE FOR MONDAY TO THURSDAY 09.00 TO 22.000 HOURS AND FRIDAY 09.00 TO 21.30 HOURS AND TEMPORARY EXTENDED HOURS OF USE FOR A 12 MONTH PERIOD FOR SATURDAY 09.00 TO 20.00 HOURS) AND CONDITION 5 (PERMANENT RETENTION OF RETRACTABLE NET AT ITS FULL HEIGHT) OF PLANNING PERMISSION 4/01156/10 /FUL (ASTRO PITCH ON FORMER 5-A-SIDE AREA/TENNIS COURTS, CONSTRUCTION OF CHANGING/ANCILLARY TWO STOREY ACCOMMODATION BLOCK, FLOODLIGHTING OF ASTRO PITCH AND ASSOCIATED FENCING)

HEMEL HEMPSTEAD TOWN FOOTBALL CLUB, VAUXHALL ROAD, HEMEL HEMPSTEAD, HP2 4HW



4/02275/15/ROC - VARIATION OF CONDITION 3 (PERMANENT EXTENDED HOURS OF USE FOR MONDAY TO THURSDAY 09.00 TO 22.000 HOURS AND FRIDAY 09.00 TO 21.30 HOURS AND TEMPORARY EXTENDED HOURS OF USE FOR A 12 MONTH PERIOD FOR SATURDAY 09.00 TO 20.00 HOURS) AND CONDITION 5 (PERMANENT RETENTION OF RETRACTABLE NET AT ITS FULL HEIGHT) OF PLANNING PERMISSION 4/01156/10 /FUL (ASTRO PITCH ON FORMER 5-A-SIDE AREA/TENNIS COURTS, CONSTRUCTION OF CHANGING/ANCILLARY TWO STOREY ACCOMMODATION BLOCK, FLOODLIGHTING OF ASTRO PITCH AND ASSOCIATED FENCING).

HEMEL HEMPSTEAD TOWN FOOTBALL CLUB, VAUXHALL ROAD, HEMEL HEMPSTEAD, HP2 4HW.

APPLICANT: Hemel Hempstead Town Football Club.

[Case Officer - Nigel Gibbs]

Summary

The application is recommended for approval.

Hemel Hempstead Football Club ground is designated Open Land which supports leisure uses. The existing astroturf pitch is ancillary to the site's existing and longstanding leisure use as a football ground. These accords with the expectations of Policy CBS 4 of the Dacorum Core Strategy and Policy 116 of the saved Dacorum Borough Local Plan.

In granting various planning permissions for the astroturf pitch and an accommodation block these proposals were aimed to improve facilities at the ground for use by all HHFC' s 27 teams. This was as well as being available for other members of the community including Adeyfield School. Planning Permission 4/01156/10 was subject to a range of conditions. Condition 3 addressed the hours of use and Condition 5 required the provision of a high boundary net/ fence as football stop system. Both conditions were imposed to safeguard the residential amenity of the immediate locality.

In approving the various schemes for the astroturf and additional accommodation this fully took into account the responses of the respective consultees and local representations. This included the visual impact/the open land setting/landscaping, the effect upon residential amenity, the shop at No.3 Vauxhall Road and the transportation/highway safety/ parking/ standard, emergency and disabled access issues. There were no fundamental ecological, contamination, drainage, sustainable construction, air quality, security/crime prevention and air safeguarding objections. An Environmental Impact Assessment was not necessary.

The proposed additional hours of use are to provide more opportunities for community sport at the site. Support for this has been balanced against safeguarding the residential amenity of the locality which can be achieved through the recommended precautionary approach to the increased hours. There are no objections to the retention of the high ball stop boundary fence at its full height in terms of residential and visual amenity.

Site Description

Hemel Hempstead Football Club (HHFC) adjoins the north eastern side of Vauxhall Road. Vehicular and pedestrian access are from the Vauxhall Road roundabout. The site features a clubhouse, car park, main pitch and the floodlit astroturf pitch.

The site's south eastern boundary adjoins the rear gardens of dwellings in Vauxhall Road and Leverstock Green Road. Land at Greenhills (HCC owned) abuts the ground's north western boundary. Adeyfield School's playing field abuts the grounds the south western edge.

The main pitch occupies the north eastern two thirds of the site, featuring a NE- SW axis served by four 16m high floodlight columns. These replaced the 1970's floodlights.

The fenced/ enclosed floodlit astroturf pitch is located in the site's southern corner. Its south eastern side abuts gardens in Vauxhall Road. There is an acoustic fence and a high section of ballstop netting/ fencing adjoining the gardens.

The astroturf pitch was subject to recent planning permissions (see History below). Conditions 3 and 5 of the relevant Planning Permission 4/01156/10 for the astroturf pitch and an unbuilt a two storey accommodation building were imposed to safeguard the residential amenity of the area:

Condition 3.

This specified:

'The astroturf and floodlights only be used during the following times:

Mondays to Thursdays: 11.00 hours to 21.00 hours,
Fridays: 11.00 hours to 21.30 hours,
Saturdays: 11.00 hours to 20.00 hours, and
Sundays: 11.00 hours to 20.00 hours'.

Condition 5.

This specified:

'The retractable net shown by Drawing No. HHTTC 103 Rev A shall be installed fully in accordance with the approved details before the first use of the astroturf and floodlights hereby permitted. Thereafter at all times during the use of the astroturf all parts of the retractable net shown by Drawing No. HHTTC 103 Rev A shall be raised to its full height'.

Note: In granting permission for the floodlit facility the car park was to be rearranged. However, the car park was not changed in accordance with the approved scheme. This has been recently rectified.

Proposal

This is to vary both conditions.

1. Condition 3. Use of the Astro turf pitch. This proposes:

(a). Its permanent extended hours for Monday to Thursday from 09.00 to 22.000 hours and on Friday from 09.00 to 21.30 hours, and

(b).Its temporary extended hours of use for a 12 month period for Saturday from 09.00 to 20.00 hours.

Note: There will be no change to Sundays.

(For clarification there has been a change to the hours of use since the application's initial receipt. The first proposal was to commence at 09.00 hours, rather than 11.00 hours each day).

2. Condition 5. This proposes permanent retention of the ballstop retractable fence at its full height.

The additional hours are to provide for the increasing demand schools during term time, after school children's clubs, school holiday recreational clubs and young player schemes as well as for local 5-a - side teams.

The application is supported by a Club Management Plan.

For clarification there has been a change to the hours of use since the application's initial receipt. The first proposal was to commence at 09.00 hours, rather than 11.00 hours each day.

Club Management Plan for the Astro Pitch Use

This confirms:

The Club has successfully managed and operated its facility for many years, and more recently, the newly constructed Astro pitch, which has become a popular venue for the local community and Adeyfield School pupils.

A large proportion of the hirers are long-standing users of the facilities that existed prior to the Astro Pitch Training Area, and there had been no long term issues with them causing disturbance / inconvenience to the Local Community, by following the existing management strategy employed for the site.

Recently, HHFC has received minor comments on the conduct of the new users of the Astro pitch, and the proposal to extend the daylight hours, as set out in its application. It is therefore the Club's intention to re-evaluate, reinforce and pro-actively administer new requirements placed on hirers by re-emphasising the rules as set out in the Club's Hire Form and Contract Letter. These revised documents will set out the rules and regulations for the safe and considerate use of the Astro Pitch and the requirements with which the groups need to comply, during the hours of use.

In particular, due to the popularity of the new facility, HHFC intend to concentrate these efforts with regard to reducing noise levels and the language used whilst these groups are using the facilities and also how they enter and exit the car park.

HHFC intend to remind and inform new hirers of the facilities about the requirements placed on them through the Contract of Hire documentation.

New signs will be installed in the car park to channel people to designated waiting areas preferably away from adjoining properties as far as is practical. These signs will

state that hirers should act in an appropriate manner whilst using the facilities and consider the local community at all times. The signage will also provide contact numbers should they wish to report any inappropriate behaviour from fellow users of the facility.

HHFC intend to monitor the facility during these additional hours requested so as to assess the impact on the local community. HHFC will monitor and record any issues raised by local residents during these periods. This will enable us to see the impact on the local residents, and to put in place any further revisions to our management strategy, as required.

If any issues are raised, HHFC will work in full collaboration with Decorum Borough Council, Environmental Health and the local community to resolve them to the satisfaction of all concerned.

HHFC do not envisage any disruption during these requested extra daylight hours, when many people are at their own place of work, generally away from the adjoining facility and their own dwellings.

Note: Signage has since been installed.

Pre Application Advice

This has been very extensive involving the withdrawal of a previous application and modifications to the current application. This has been with due regard the liaison with Councillor Ron Tindall, the need to address outstanding conditions, the advice of the Environmental Health Unit and the representations from the local community.

The latest proposed times are HHFC's response/ outcome of this dialogue with the following changes since the initial proposals:

1. Sundays. The deletion of any change.
2. Saturdays. A request for a temporary change for one year to enable an environmental review after this 12 month period of use.

Note: HHFC was unable to agree to reductions to 21.00hours in the weekday evenings to compensate for the earlier times.

Referral to Committee

The application is referred to the Development Control Committee at the request of Councillor Ron Tindall so that residents may have an opportunity to place before the Development Committee their objections to the variation of hours of activity for the AstroTurf pitches.

Relevant Recent Planning History

Planning Permission 4/00503/09

The LPA's Development Control Committee supported the following subject to a range of conditions:

- the provision of an astro pitch on former 5-a-side area/tennis courts,
- floodlighting of the astro pitch, and
- the construction of changing/ancillary two storey accommodation block on the south western side of the ground.

The application was considered by two DCC meetings, following the application's initial deferral.

As confirmed below after decision 4/00503/09 the LPA considered and granted various versions of the approved scheme, with the floodlit astro pitch being installed. The various relevant conditions for Planning Permission 4/00503/09 were reinforced in various forms in the subsequent permissions. According to HHFC the two storey accommodation block will not be built.

Planning Permission 4/00045/10

This was for a larger two storey accommodation block in the same area as Planning Permission 4/00503/09. This building was 20m in length and 8.1m in width, being 5m longer and 0.6m wider than the previously approved scheme. The building's design was similar to Scheme 4/00503/09. There were associated changes to the internal layout.

Planning Permission 4/01046/10

This was for an alternative to the previous planning permissions for a two storey changing/ancillary accommodation block and a new spectator stand. It involved the provision of a combined accommodation block and replacement cantilever spectator stand on the ground's south eastern side.

Planning Permission 4/01156/10: Variation of Condition 6 (Floodlighting)

This was to utilise different floodlighting arrangements to the approved Planning Permission 4/00503/09 including alternative floodlighting column arrangements and associated astroturf pitch details. The scheme was supported by Sport England. The reduction of the lighting levels for 5 a-side/community purposes was a resultant significant benefit in terms of reducing light pollution and energy use.

Withdrawn Planning Application 4/ 01795/14/ROC.

This was to vary the hours of use under Condition 3 with the use starting each day at 09.00 hours rather than 11.00 hours. There was an objection from no.32 Vauxhall Road. At that time the Environmental Health Division raised no objections.

Through this application the LPA recognised the need for HHFC to address the breach of some outstanding conditions. There have been the associated meetings with HHFC and Councillor Ron Tindall over a substantial time period.

Submission 4/03492 /15/ DRC. Discharge of Conditions 6, 7, 12 and 13 of Planning Permission 4/01156/10

This is for lighting (Conditions 6 and 7) , the provision of a Green Transport Plan (Condition 12) and the approach to sustainable construction (Condition 13).

The lighting and sustainable construction submissions are acceptable. The LPA has not yet issued a decision as HCC Highways has required more information regarding the Green Transport Plan.

REPRESENTATIONS

Noise & Pollution

Initial Response

N & P has considered the proposal for the additional hour on the Saturday and the continuation of the approved Sunday hours. Although N & P may still receive complaints in relation to noise nuisance N&P consider it would be acceptable to deal with any noise issues from the site under the provisions of the Environmental Protection Act rather than the planning regime and would accept the new proposed times.

Management Plan

Having reviewed the additional statement N & P have no further comments.

Parks & Open Spaces

No objections.

Hertfordshire County Council: Highways

The assessment does not indicate any significant issues with the request to vary the opening times in terms of highway impact. The Highway Authority would not wish to restrict the grant of permission.

Hertfordshire Constabulary: Crime Prevention Design Advisor Crime Prevention Design Service

Initial Response

As regards designing out crime HC has no comment. With respect to lighting and any annoyance to residents this is a matter for the Council to resolve.

Management Plan

As above.

Hertfordshire Fire & Rescue Service

As this application is for change of hours of use HFRS has no comments.

Environment Agency

No adverse comments.

Sport England

- Initial Response

It is understood that the site forms part of, or constitutes a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No. 2184). The LPA's consultation is therefore statutory and Sport England has considered the application in the light of the National Planning Policy Framework (in particular Par 74) and its policy to protect playing fields, 'A Sporting Future for the Playing Fields of England (see link below).

<http://www.sportengland.org/facilities-planning/planning-for-sport/development-management/planning-applications/playing-field-land>.

The proposal is a resubmission of an application to vary Condition 3 of Planning Permission 4/00503/09 which relates to restrictions imposed on the planning permission for the hours of use of the artificial grass pitch. The original application (4/01795/14/ROC) was withdrawn. As this application would appear to be identical to the previous application, the following response is the same as that made to the previous scheme.

At present, use of the all-weather pitch is not permitted before 11.00 hours in the mornings which prevents use of the facility before this time during the school holidays when soccer schools and clubs would need to start at 09.00 hours. Varying the condition would allow soccer schools/clubs to continue without breaching the planning condition.

The use of artificial grass pitches during school holidays for activities such as soccer schools and holiday clubs can play an important role in encouraging children and young people to participate in football on a long term basis. Such activities also provide an important revenue stream for facility operators which helps sustain artificial grass pitches as the revenue obtained is usually used in part for replacing the pitch carpet when it reaches the end of its natural life. In Sport England's experience extending the hours of use of an artificial grass pitch to allow use from 09.00 hours in the mornings is unlikely to have an unacceptable impact on residential amenity and in practice this period coincides with one of the peak periods of use of natural turf football pitches (Saturday/Sunday mornings) which rarely have restrictions imposed on their hours of use.

The proposal to vary the permitted hours of use during school holiday periods is therefore considered to have a positive impact on the use of the artificial grass pitch as it would increase the hours of use that the facility would be available for community sport and offers the football club more flexibility to deliver a community programme which is responsive to meeting local needs and which would help sustain the facility. Therefore Sport England **does not wish to raise an objection** to this application and is supportive of the proposal as a non-statutory consultee for the reasons set out above

- Further Response

SP note from the information provided that the amendments relating to Condition 3 now propose that the hours of use of the artificial pitch will not be extended on

Sundays as originally proposed and that the hours of use on Saturdays will be extended on a trial 12 month period and will be the subject of monitoring. The extended hours for weekdays are as originally proposed.

It is understood that HHFC has made these amendments to reach a mutually agreeable position with the Council in terms of the impact of the facility on residential amenity. While the community sports benefits of the amendments would be less significant than the previously proposed hours of use, the amendments would still increase the use of the facility during the Monday-Friday period and potentially increase (subject to monitoring) the Saturday hours so the proposals would still have a positive impact on the use of the artificial pitch from a sports perspective.

SP can confirm that Sport England has no objection to these amendments and that our formal position on the proposal would remain as set out in its previous response i.e. **no objection** is made as a statutory consultee.

Response to Neighbour Notification/ Site Notice

- Initial Response

32 Vauxhall Road. Objection due to noise and disturbance HHFC already have extremely long hours which has an enormous impact on the family as the astroturf pitch is at the back of no. 32's house with 'yelling, screaming, ball slamming against metal posts and foul language'. To extend these hours would make the inhabitants of no. 32's lives even more unbearable. If HHFC were to start using the pitches from 09.00 hours then pitch users would start to gather in the car park at 08.30 hours when participants also shout, scream and kick footballs about which sometimes result in them being in no. 32's garden.

In the summer no. 32 often has to close the windows due to the noise but the little bit of rest bite that no. 32 presently experiences in the morning 'is a blessing'. To also take that time from no. 32 is very upsetting.

4 Vauxhall Road. Loss of parking making it even worse for local residents.

28 Vauxhall Road. Objection, I object to this due to the noise level already present from the HHFC and it is likely to get worse. No. 28'S young children already hear bad language from the astro turf and the constant thwacks on the metal fence. There is no need to increase this problem. Additionally already there are customers of the astro turf constantly jumping the wall into the garden to retrieve balls or just to look for them. There have been people on the attached outhouse apparently searching for balls in neighbours gardens. There are associated security issues. The parking is already terrible from match days and competitions with people parking on the roundabout and blocking no. 28's drive.

- Further Response: Proposed Management Plan

32 Vauxhall Road. Reinforce the initial objection.

4 Vauxhall Road. Nos 2 to 10 oppose the application as it will make parking more difficult because parking spaces are being reduced.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance

Dacorum Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS9 - Management of Roads
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS23 – Social Infrastructure
CS25 - Landscape Character
CS26 - Green Infrastructure
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Water and Soil Quality

Saved Policies of the Dacorum Borough Local Plan

Policies 13, 51, 54, 58, 61, 63, 73, 99, 113
Appendices 5 and 8

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Water Conservation & Sustainable Drainage (June 2005)
Energy Efficiency & Conservation (June 2006)
Accessibility Zones for the Application of car Parking Standards (July 2002)

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

Supplementary Planning Guidance/ Documents

Environmental Guidelines

Councils Playing Pitch Strategy and Action Plan (June 2015)

Considerations

Policy and Principle

Context :Support for Leisure as part of Dacorum's Social Infrastructure

New development on designated **Open Land** is subject to Dacorum Core Strategy Policy CS4 and saved Dacorum DBLP Policy 116. DBLP Para 116.1 explains much leisure space is protected from development because it is held as public open space and required to meet accepted standards of provision.

Core Strategy Part 15 addresses the Borough's Social Infrastructure. This includes open space, outdoor leisure and indoor sports facilities. Core Strategy Para 15.1 confirms the well-being of Dacorum's communities depends on having the appropriate social infrastructure which is essential to provide the facilities and services which underpin quality of life and deliver day-to-day living needs. Open space, outdoor leisure and indoor sports facilities are an essential ingredient of this provision. Core Strategy Policy CS23 expects that existing social infrastructure will be protected unless appropriate alternative provision is made, or satisfactory evidence is provided to prove the facility is no longer viable.

Deficiencies in leisure space in the Borough have been identified. Under Core Strategy Para 15.21 the Council will use existing land and buildings to rectify deficiencies in leisure space and help respond to changing recreational and leisure demands. Land already identified as existing open space and leisure space will be protected and enhanced. Other opportunities for sport and recreation will be supported.

New development on designated Open Land is subject to Core Strategy Policy CS4 and DBLP Policy 116.

In terms of DBLP Policy 116 the following criteria must be satisfied if such ancillary development is to be supported:

- (a) the location, scale and use of the new development must be well related to the character of existing development, its use and its open land setting; and
- (b) the integrity and future of the wider area of open land in which the new development is set must not be compromised.

Also measures to conserve and improve the attractiveness, variety and usefulness of all open land will be investigated, encouraged and promoted.

Overview

The proposed additional hours are to increase the availability of the established astro turf pitch. With due regard to the facility's existing important community role the proposed increased use - especially during the period between 09.00 and 11.00 during school holidays and Saturdays - will reinforce this community role in a positive way as confirmed by Sport England. The retention of the ball stop retractable fence/net in a permanent high position will adequately relate to the site's existing character .

Environmental Implications: Visual and Residential Amenity including Light Pollution.

Given the Council's previous support for the floodlit facility the principle of this ancillary use is established, the fundamental question is whether in providing additional hours the more intensely astro turf pitch use can harmoniously coexist with the adjoining

residential environment, as referred to below.

This is with regard to the day and night time impact in terms of the visual impact of the retained ball stopping fence height, noise and disturbance and light pollution. This is with reference to in particular Policies Dacorum Core Strategy Policies CS12 and CS32 and DBLP Policy 113 and Appendix 8. It is also with due regard to the advice of the Council's Environmental Health Team and Sport England, local representations and that the lighting installation is non problematical.

1. Visual Implications of the Fence

Although the ball stopping fence is proposed to be maintained at its full height this should not be detrimental to the area's appearance or to the residential amenity of nearby dwellings.

2. Additional Hours: Noise, Disturbance and Lighting

As confirmed the existing lighting installation is acceptable.

There is a need for a balance between providing sporting facilities and safeguarding the residential amenity of local residents. There were 29 letters sent to local residents, with some representations/ objections from the local community.

Objections have been maintained following the submission of a Management Plan and HHFC's preparedness to agree to delete any change to the Sunday use.

In summary the proposals involve the following increased use involving 16 additional hours each week:

Day time. 12 additional hours (2 per day) each week from 09.00 to 11.00 hours Mondays to Fridays and for one year 09.00 to 11.00 on Saturdays.

Evening. 4 additional hours (1 per day) from 21.00 to 22.00 hours Mondays to Thursdays.

As confirmed HHFC was requested through the various discussions whether it would be able to reduce the 21.00 hours to 22.00 hours period, as well as reviewing the Saturday and Sunday morning uses.

In terms of residential amenity HHFC's preparedness to eliminate any change to Sundays is very positive. For Saturdays a temporary one year permission to review the impact of the additional Saturday use represents a balance between supporting the additional community use on a day historically associated with football and assessing the impact upon the residential amenity in terms of noise and disturbance. This is with due regard to the Management Plan's effectiveness over a reasonable period.

The earlier morning starts are primarily for school holiday uses this can be addressed by a condition, notwithstanding that these are variable each year. This will limit the use outside these periods.

The later evening uses are most sensitive during the 4 month period summer period (May to August) with an inevitable inbuilt greater impact close to houses and gardens

as compared to the 'environmentally vulnerable' September and April period which also coincides with the main winter football season when training pitches are more likely to be required. Supporting the extension of hours between September and April for up to 22.00 hours Mondays to Thursdays is an appropriate balance between the provision of additional hours and safeguarding amenity in those summer months. Recommended Condition 1 addresses this.

Highway Safety/ Access/ Emergency Access/Parking/ Traffic Generation/ Sustainable Location /Inclusive Access/ Access for Persons with Disabilities

There are no objections based upon the Council's consideration of previous applications. The astroturf pitch will not be available for hire when there are matches at the main pitch.

This overview takes into account recent reinstatement of the original parking layout and the responses from HCC Highways and Hertfordshire Fire & Rescue Service and that a Green Travel Plan is a requirement of the original permission

Crime Prevention/ Security

Hertfordshire Constabulary Crime Prevention Design Officer raises objections.

Other Material Considerations: Ecological/ Biodiversity, Landscaping, Flood Risk, Drainage, Contamination, Sustainable Construction and Environmental Impact Assessment Implications

Set against the current policies , background history, consultation responses, site conditions and the application's purposes there are no apparent objections. An Environmental Impact Assessment is not necessary.

Conditions

Based upon established practice where there is a proposed variation / removal of a condition(s) of a planning permission the LPA will review other conditions.

In this case the recommended conditions reflect this process. It will be noted that a range of recommended conditions address the construction of the two storey building. Although HHFC has verbally advised this is not to be built it is not part of the application to vary conditions and therefore the conditions regarding the building are updated.

Article 35

There has been very extensive dialogue between the local planning authority and HHFC in accordance with the expected Article 35 procedures.

Conclusions

The Council is very supportive of the provision of sporting and community facilities within the Borough.

In initially supporting the astroturf pitch the Council acknowledged HHFC's community

role which is reflected by the level of demand for its use and hence the current proposal.

There has to be a reasonable and very careful balance between providing sporting facilities and safeguarding the residential amenity of local residents. In this respect there are some local objections due to the existing impact attributable to the use of the astroturf pitch. These objections have been maintained with the submission of a Management Plan and HHFC's preparedness to reduce the initially proposed hours of use.

The earlier morning starts will enable the community to benefit during school holidays as explained by Sport England. A temporary one year permission to review the impact of the additional Saturday use and limitations upon extended evening hours between May and August represents a balance between supporting the additional community use and safeguarding the residential amenity of the locality.

Although the total increase in hours falls short of HHFCs requirements recommended Condition 1 reflects the balanced precautionary approach, with nonetheless the additional hours benefiting the sporting community in an inclusive way.

The permanent retention of the ballstop fence at its full height is acceptable.

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

- 1 **Notwithstanding the submitted details the astroturf pitch and floodlights hereby permitted shall only be used during the following times:**
 - **Mondays to Thursdays: Between 09.00 hours and 22.00 hours for the period between 1 September to 30 April each year, subject to the use between 09.00 hours and 11.00 hours being only during school holidays.**
 - **Mondays to Thursdays: Between 09.00 hours and 21.00 hours for the period between 1 May to 31 August each year, subject to the use between 09.00 hours and 11.00 hours being only during school holidays.**
 - **Fridays: Between 09.00 hours and 21.30 hours, subject to the use between 09.00 hours and 11.00 hours being only during school holidays.**
 - **Saturdays: Between 09.00 hours and 20.00 hours for a period of 12 months only as from the date of this decision, and**
 - **Sundays: Between 11.00 hours to 20.00 hours.**

Reason: In the interests of safeguarding at all times the residential amenity of the locality in accordance with the requirements of Policies CS12 and CS32 of the Dacorum Core Strategy. The temporary use of the asroturf for 12 months will enable the local planning authority to assess the impact of the use on Saturdays.

- 2 **The existing acoustic fence between the astroturf pitch and the rear gardens of the dwellings in Vauxhall Road shall be retained at all times.**

Reason: In the interests of safeguarding at all times the residential amenity of the locality in accordance with the requirements of Policies CS12 and CS32 of the Dacorum Core Strategy.

- 3 **The existing retractable net located between the astroturf pitch and the rear gardens in Vauxhall Road shall be retained at all times at its full height.**

Reason: In the interests of safeguarding at all times the residential amenity of the locality in accordance with the requirements of Policy CS12 of the Dacorum Core Strategy.

- 4 **The existing floodlighting shall be maintained with at all times fully in accordance with the Training Area Rev 4 and Rev 4 Spillage Charts dated 15 July 2010 details and including the lower level of luminance shown by Document 5 Rev 4 Parts 3.2 and 3.3 when the astroturf pitch floodlighting shall only be used for five-a-side football or local community recreational football.**

Reason: In the interests of safeguarding the residential amenity of the area and the local environment in accordance with the requirements of Policies CS12 and CS32 of the Dacorum Core Strategy and Policy 113 and Appendix 8 of the saved Dacorum Borough Local Plan.

- 5 **The existing car park shall be retained at all times fully in accordance with Drawing No 275-6-6 Rev C and shall only be used for the approved purposes. Before the accommodation block hereby permitted is first brought into use, the fire access, arrangements for access for persons with disabilities (for both the main pitch through the relocated turnstile and the accommodation block) and the disabled parking spaces shown by Drawing No. 275-6-6 Rev C shall be provided at all times.**

Reason: To ensure that there is an acceptable parking layout serving the site with due regard to the need to provide safe fire/emergency access and for persons with disabilities in accordance with the requirements of Policies CBS 8 and CS12 of the Dacorum Core Strategy.

- 6 **Within 6 months of the date of this permission a Green Travel Plan shall be submitted to the local planning authority for its approval in writing. The Travel Plan shall provide details of measures for reducing car dependency and the need to travel to site by car whilst promoting alternative modes of transport such as walking, cycling and use of public transport. The approved Travel Plan shall then be implemented in accordance with the approved details within 3 months of the date of its approval in writing by the local planning authority. The Travel Plan shall then be operated for at least 1 year from the date of its first implementation. During this period the effectiveness of the Travel Plan shall be monitored by the operator. At the end of this period the**

monitoring results shall be submitted to the local planning authority in writing and the Green Travel Plan shall be maintained at all times unless otherwise agreed in writing by the local planning authority.

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

- 7 The existing hedge on the south western side of the site shall be retained at all times.**

Reason: In the interests of visual amenity and biodiversity In accordance with in accordance with the requirements of Policy CS12 of the Dacorum Core Strategy.

- 8 No development shall take place upon the construction of the two storey accommodation block hereby permitted until samples of the details proposed to be used on the external walls and roofs 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 that the extended building complements the existing character and appearance of the area to accord with the requirements of Policy CS12 of the Dacorum Core Strategy.

- 9 Two bat boxes and two nesting boxes for birds shall be installed on the rear elevation of the accommodation block hereby permitted before its first use and shall be thereafter retained at all times.**

Reason: In the interests of biodiversity in accordance with the requirements of Policy CS29 of the Dacorum Core Strategy.

- 10 Prior to the commencement of the two storey accommodation block development hereby permitted, plans and details showing how the development will provide for renewable energy and conservation measures, and water conservation shall be submitted to and approved in writing by the local planning authority. The approved measures shall be provided before any part of the development is first brought into use and they shall thereafter be permanently retained.**

Reason: In the interests of sustainable construction to accord with the requirements of Policy CS29 of the Dacorum Core Strategy.

- 11 All surface water shall be attenuated by soakaways.**

Reason: To ensure that the site is subject to an acceptable drainage system serving the development to accord with the requirements of Policies CS29, CS31 and CS32 of the Dacorum Core Strategy.

- 12 All the high level windows for the disabled toilet and showers serving the changing room hereby permitted shall be fitted with obscure glass at all times.**

Reason: In the interests of amenity in accordance with the requirements of Policy CS12 of the Dacorum Core Strategy.

- 13 **Any new exterior lighting for the accommodation block hereby permitted and the car park shall only be installed fully in accordance with details submitted to and approved in writing by the local planning authority and thereafter retained and maintained fully in accordance with the approved details.**

Reason To safeguard the local environment in accordance with the requirements of Policies CS12 and CS32 of the Dacorum Core Strategy and Policy 113 and Appendix 8 of the saved Dacorum Borough Local Plan.

- 14 **Subject to the requirements of other conditions of this planning permission the development hereby permitted shall be carried out in accordance with the following plans:**

**275- 6-4 Rev E, 275-6-1 Rev A (Location Plan), 275-6-5 Rev A (Indicative Layout)
275-6-08 (3) Rev A, 275-6-6 Rev C , HHFCTR/1, 275-6-3 Rev E, 275-6-4 Rev E
HHTFC/03 Rev A, HHTFC/02 Rev A, HHTFC/04 and HHTFC/05 Rev A**

Lighting Drawings Rev 4 and Rev 4 Spillage Charts dated 15 July 2010) including the isolux contours within the gardens and dwellings of the adjoining dwelling houses.

Document 5 Rev 4 Parts 3.2 and 3.3 shall be provided when the astroturf floodlighting is only used for five-a-side football or local community recreational football.

Reason: To safeguard and maintain the strategic policies of the local planning authority and for the avoidance of doubt.

ARTICLE 35 STATEMENT

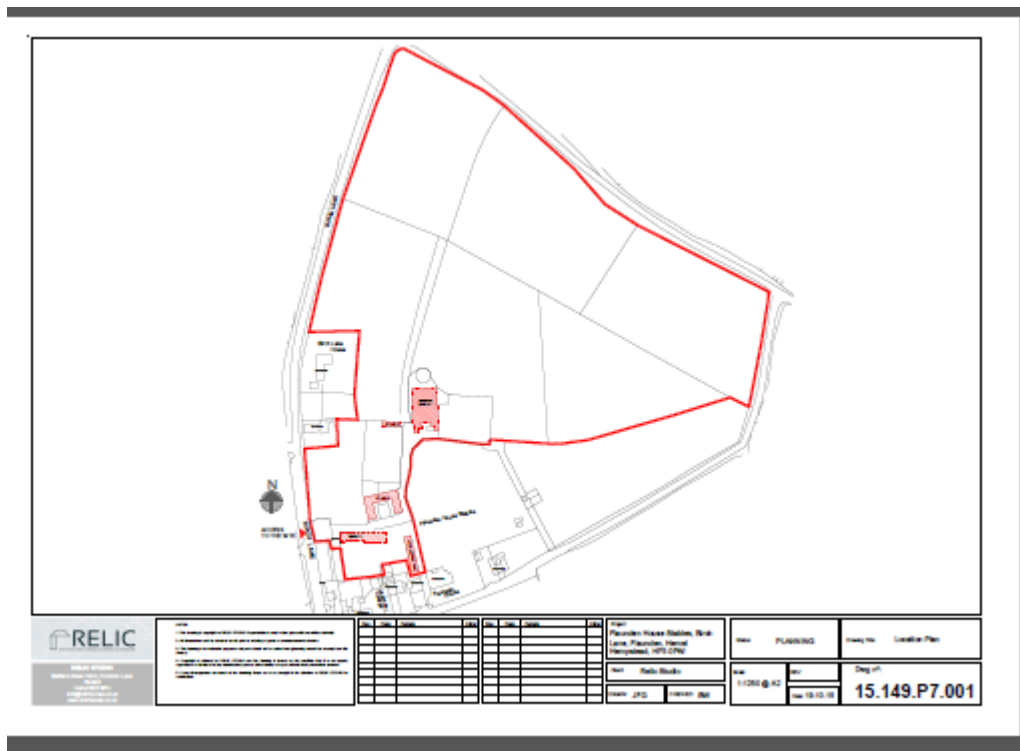
Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the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

Agenda Item 5d

Item 5.04

4/03481/15/MFA - CONVERSION OF EXISTING AGRICULTURAL BARN TO FORM A 4 BED DETACHED DWELLING; CONVERSION OF EXISTING AGRICULTURAL BARN TO FORM A 2 BED DETACHED DWELLING WITH MANAGER'S OFFICE; SINGLE STOREY REAR EXTENSION TO COACH HOUSE; AND REFURBISHMENT AND IMPROVEMENT OF EXISTING STABLES.

FLAUNDEN HOUSE STABLES, FLAUNDEN, HEMEL HEMPSTEAD, HP3 0PW



4/03481/15/MFA - CONVERSION OF EXISTING AGRICULTURAL BARN TO FORM A 4 BED DETACHED DWELLING; CONVERSION OF EXISTING AGRICULTURAL BARN TO FORM A 2 BED DETACHED DWELLING WITH MANAGER'S OFFICE; SINGLE STOREY REAR EXTENSION TO COACH HOUSE; AND REFURBISHMENT AND IMPROVEMENT OF EXISTING STABLES..

FLAUNDEN HOUSE STABLES, FLAUNDEN, HEMEL HEMPSTEAD, HP3 0PW.

APPLICANT: Relic Homes Ltd.

[Case Officer - Elspeth Palmer]

Summary

The application is recommended for approval.

The proposed development provides a holistic approach (master plan) for the site which includes the following:

- conversion of existing agricultural barn (Barn A) to a 4 bed detached dwelling;
- conversion of existing agricultural barn (Barn B) to form a 2 bed detached dwelling with Manager's office (Manager to run the equestrian business);
- an extension to The Coach House;
- retention and refurbishment of 16 stables for the equestrian use;
- parking for those visiting the equestrian facility;
- a Unilateral Undertaking to ensure that a commercial equestrian use is re-established on the site by tying the two bedroom dwelling, the 16 stables and associated land together for sole use of the equestrian activity;
- the associated land is all the land which is not directly in the ownership of The Coach House and Barn A (see ownership plan); and
- a Viability Report has been prepared to support the residential use of the site.

The reasons for refusal given at DCC on 6th August, 2015 for application 4/01123/15/FUL "Conversion of an existing stables to form a single 4 bedroom house with garage and workshop" have been addressed.

This current application is a comprehensive approach for the site which addresses the reasons for refusal.

By ensuring the equestrian use is re-established on the site (via a Unilateral Undertaking) thus supporting the rural economy the proposal now complies with this section (ii) of CS5 of the Core Strategy.

The proposal is appropriate development as described in CS5 (d) "the appropriate reuse of permanent, substantial buildings".

The proposed conversions will be designed in a way which will make minimal external changes to the two buildings thus maintaining the rural character of the buildings and complying with section (i) of CS5 of the Core Strategy.

Strategic Planning consider that the applicant has made a detailed case in support of residential conversion under Policy 110 and taking into account national support for the re-use of buildings in the countryside, particularly for residential purposes.

By providing a Viability Statement prepared by a reputable firm the applicant has demonstrated that every reasonable effort has been made to secure a business, recreation or tourism-related reuse so complies with saved Local Plan Policy 110.

The Government has taken a number of steps to encourage the re-use of rural buildings for residential and other purposes. Given the thrust of national policy, coupled with the proposed development having no adverse impact on the openness of the Green Belt, it is considered that a robust reason for refusal could not be substantiated when considering the impact of the proposed development on the rural economy alone.

The proposed development is in line with recent changes to planning policies at local and national level. The Core Strategy, NPPF and the GPDO now encourage the conversion of agricultural/rural buildings to residential.

Site Description

The appeal site is located on the eastern side of Birch Lane, Flaunden and is accessed via an unnamed access lane.

The site is located within the Metropolitan Green Belt and partly covered by the Flaunden Conservation Area.

The site can be broken down into 3 parts.

The first application site includes a weatherboard timber stable building with laminate roof and timber windows, land to the north which includes an existing horse exerciser and land to the east which has been used for parking of equestrian vehicles. The western side of the site is bounded by a tall row of trees which screens the barn making it less visually prominent to the adjacent neighbours along Birch Lane.

The second application site includes a timber clad agricultural building on the southern side of the unnamed access lane and a stable building opposite with a large area of land to the north which is predominantly fields with some dividing fences.

The agricultural building is located to the rear of a number of dwellings which are clustered around the intersection of Birch Lane and Flaunden.

The third application relates to the Coach House which is adjacent to the agricultural building proposed to be a two bedroom dwelling. The Coach House has the appearance of a dwelling in that it has all the residential paraphernalia you would expect eg. gravel private amenity area to the rear with washing line, compost/rubbish bins and paved parking area for two vehicles next to the existing agricultural building. To the front of The Coach House is a brick paved area with a chair and plant pots. Also the front elevation is heavily fenestrated also giving the appearance of a residential dwelling.

Proposal

The proposal includes the following:

- conversion of an existing agricultural barn (Barn A) to form a 4 bedroom detached dwelling with garage and workshop;
- conversion of an existing agricultural building (Barn B) to form a 2 bedroom

- dwelling with manager's office;
- extend the existing dwelling and provide parking for the The Coach House;
- retain the menage and associated land (within the applicant's ownership) for equestrian purposes;
- provide parking for the equestrian use; and
- retain and refurbish the two bespoke stable buildings (with 16 stables) specifically the refurbishment will include:
 - Replacement and renewal of worn felt roof on the stables;*
 - Replacement of rotten stable doors with new stable doors;*
 - Repaint loose bricks to the bottom of wall; and*
 - Renew / seal leaking rainwater goods.*

This proposal is a holistic approach/master plan for the site at Flaunden House Stables which brings together all 3 applications which have been previously submitted.

The applications include:

4/01123/15/FUL Conversion of an existing stables to form a single four bedroom house with garage and workshop (revised). Refused at DCC on 6th August 2015.

4/02986/15/FUL Conversion of existing agricultural barn to a detached two bedroom dwelling. Not determined as yet.

4/02987/15/FHA Single Storey rear extension to The Coach House. Not determined as yet.

The applicant has submitted a unilateral undertaking to agree that the 2 bed conversion will include a Manager's office for the person managing the equestrian use. The Undertaking also includes agreement that the stable opposite and another stable building will remain as stables for commercial use and the adjacent land will be available for equestrian use. A copy of the unilateral undertaking will be placed in the Addendum.

Referral to Committee

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

Planning History

- | | |
|----------------|--|
| 4/02895/15/FUL | CONVERSION OF EXISTING AGRICULTURAL BARN TO FORM A DETACHED FOUR BEDROOM HOUSE WITH HOME OFFICE AND STABLES (AMENDED SCHEME).
Withdrawn
04/11/2015 |
| 4/01123/15/FUL | CONVERSION OF AN EXISTING STABLES TO FORM A SINGLE FOUR BEDROOM HOUSE WITH GARAGE AND WORKSHOP (REVISED SCHEME).
Refused
21/08/2015 |

4/00201/15/FUL	CONVERSION OF EXISTING STABLES TO FORM A FOUR BEDROOM HOUSE WITH GARAGE AND WORKSHOP Withdrawn 17/03/2015
4/01569/05/FUL	STATIONING OF CARAVAN FOR SAFETY AND WELFARE OF HORSES Refused 20/09/2005
4/02292/03/FUL	EXTENSION TO COTTAGE AND CONVERSION OF ADJOINING STABLES. DEMOLITION OF TACK/FEED ROOM Granted 18/12/2003
4/00567/03/FUL	DEMOLITION OF EXISTING TACK AND FEED ROOM, CONVERSION OF STABLES AND EXTENSION TO ACCOMMODATION Refused 09/05/2003
4/02089/01/CAC	REMOVAL OF BARN Refused 01/03/2002
4/02088/01/FUL	REPLACEMENT OF EXISTING BARN WITH NEW DWELLINGHOUSE Refused 28/02/2002
4/00848/01/CAC	DEMOLITION OF BARN Refused 28/08/2001
4/00821/01/	ONE DWELLING Refused 28/08/2001

An appeal has been made against the refusal for 4/01123/15/FUL (listed above) and the non-determination of 4/02986/15/FUL and 4/02987/15/FUL (listed above). Appeal number APP/A1910/W/15/3135171: Flaunden House Stables, HP3 0PW is considering all 3 applications in a holistic manner as is the current application.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

Adopted Core Strategy

NP1 - Supporting Development
CS5 - The Green Belt

CS7 - Rural Area
CS8 - Sustainable Transport
CS9 - Management of Roads
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS14 - Economic Development
CS17 - New Housing
CS25 - Landscape Character
CS27 - Quality of the Historic Environment
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Water and Soil Quality

Saved Policies of the Dacorum Borough Local Plan

Policies 13, 81, 110
Appendices 3 and 5

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Water Conservation & Sustainable Drainage (June 2005)
Energy Efficiency & Conservation (June 2006)
Accessibility Zones for the Application of car Parking Standards (July 2002)
Landscape Character Assessment (May 2004)
Planning Obligations (April 2011)

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

Summary of Representations

Flaunden Parish Council

Flaunden Parish Council recommends that this application is REFUSED as it is in contravention of NPPF policy, Dacorum Core Strategy CS5 and Dacorum Local Plan 110 & 22.

By removing the existing equestrian use and closing the working yard, the proposal fails to support the rural economy. Much local employment has been lost.

No effort has been made to continue the long- standing equestrian business. No evidence has been submitted demonstrating that such a business is no longer viable.

The application fails to comply with paragraph 3.28 of the National Planning Policy Framework in that it fails to promote the retention and development of amongst other things, sports venues.

The application fails to comply with paragraph 74 of the NPPF in that an assessment

demonstrating that the stables are surplus to requirements has not been submitted.

The application is contrary to Green Belt policy.

Horse riding facilities offer a recreational opportunity and allow people to enjoy the nearby Chilterns AONB. Appreciating its special qualities encourages people to care for and protect the AONB. The loss or future erosion of the riding stables could harm this.

There is no evidence to show that there is not a viable equestrian business on the site. The stables were fully occupied until their sale to Relic Homes and were a very popular facility for 30 years prior to this. There would be demand for the facilities if they were to re- open.

The applicants state that they wish to retain some stables for equestrian use, but there would be insufficient facilities left on the site to retain this as a viable facility. The lack of such facilities does not make equestrian use on the site a practical or workable proposition.

The land has been allowed to become derelict and overgrown with vegetation. Since its purchase, Relic Homes have made no attempts to continue to rent out the land and stables.

An offer has been made to Relic Homes to buy the property, including the stables and land for equestrian use, demonstrating the demand for such a facility within the village.

The description in the application of the barns as 'agricultural barns' is incorrect. They have only ever been used for equestrian purposes.

The barns on the site were granted permission specifically as stables, for equestrian uses and to support the equestrian business on the site.

The desire to extend the Coach House to make a more useable space for a larger family would be contrary to local and national Green Belt policy.

The 2003 planning permission for the extension and conversion of the attached stable on the ground floor tied the permission to someone working or mainly working at Flaunden House Stables, or a dependent thereof. This should be upheld.

It appears that building work has been started on the Coach House. A tree has been removed from the site (with a Conservation Area) without the relevant permission.

The Viability Report does not consider the viability of retaining the stables as an equestrian business. There is no evidence of any attempt having been made to market or maintain the equestrian activities.

The report contains several inaccuracies;

- the Coach House has never been granted permission to become a three bed cottage

- there is a covenant on the land which is not made reference to
- the land has never been used as farming
- the previous equestrian use of the site was run as a viable business

The report concludes that residential development is the most profitable use of the site. Profit maximisation is not a planning consideration.

Relic Homes are offering a Section 106 agreement to retain some of the stables for use by the future residents. However, there are insufficient facilities on the site to enable this or to meet the relevant equine welfare guidelines.

Strategic Planning and Regeneration

Flaunden is classified as an 'Other small village and the countryside' and is therefore an area of most development constraint within the Borough. Local Plan Policy 110 states that permission will not be granted for residential re- use unless every reasonable effort has been made to secure business, recreation or tourism- related re- use, or where the residential re- use is a subordinate part of a scheme for re- use. Some weight should be given to allowing the flexible use of buildings in the countryside.

The commitment shown in the application to retain a rural enterprise at the site is welcomed. However, no particular detail has been provided regarding this. There is insufficient information in the application to assess compliance with Local Plan policy.

There is insufficient information in the application to assess whether the proposed extension to the Coach House would comply with Local Plan Policy 22 regarding the extension to the building in the Green Belt. This information should be provided to ensure the development complies with policy.

Local Plan policy 24 refers to agricultural and forestry workers' dwellings. While the use of the converted Barn B would not be for an agricultural or forestry worker, the development would be within the spirit of the policy. The development would need to comply with all of the listed criteria. Based on the lack of evidence submitted with the application, a judgement cannot be made as to whether the enterprise (the continued equestrian use) would be viable and whether there is a need to provide on- site accommodation for staff.

The NPPF makes reference to circumstances where rural housing would be acceptable, including the essential need for a rural worker to live permanently at or near their place of work in the countryside. If the equestrian use is viable, the development would comply with Local Plan policy 24 and the NPPF.

If the existing buildings are of a permanent and substantial construction, the proposed re- use for residential purposes would be acceptable in principle in Green Belt terms. But the development must not have a significant impact on the character and appearance of the countryside. In the absence of any extensions or additions to the

existing barns, the proposed conversion element of the proposal is not likely to have a significant impact on local character.

The commitment to retain a commercial equestrian use at the site would continue to support the local rural economy to a degree.

The location of the extension to the appears to be visually contained by existing residential dwellings to the south, mature vegetation along the west and south west boundaries of the site, the existing barn to the north west and the existing stable block to the north. The site and the area is characterised by a mix of residential and commercial uses. The extension would therefore not be out of character with the local area. The proposed extension in itself would not particularly contribute to or support the rural economy, though it would assist a commercial use that would continue to make a contribution to the rural economy.

Comments on Viability Report from Strategic Planning and Regeneration

We have requested this information in respect of saved DBLP Policy 110 which requires, in the case of conversion of rural buildings to housing, that consideration is given in the first instance to the suitability of other non-residential uses. I have also bourn in mind the flexibility provided under permitted development and the encouragement of national policy towards encouraging the re-use of buildings for a range of activities in the countryside, including residential.

The applicant has provided a detailed and comprehensive response to this issue. The report is therefore welcomed and has been helpful in setting out clear arguments in support of the residential conversion of Barns A and B. I do not have the technical knowledge or experience to vouch for the validity of all the figures provided and calculations made, so I have had to take these at face value. The report argues that there are a number of locational, practical and market / viability issues around re-using the buildings for a range of commercial, tourist and community related uses. I acknowledge that this would deter / limit realistic opportunities for these alternative activities to come forward with possible conflicts with its rural location and the proposed retention of the stables.

Given, the above points, we consider that the applicant has made a detailed case in support of residential conversion under Policy 110 and taking into account national support for the re-use of buildings in the countryside, particularly for residential purposes.

Conservation and Design

Conservation and Design were happy with the amended design of the Coach House extension previously proposed. The plans have not changed.

Barn A: The peppering of the roof with roof lights is detrimental to the character of the building. There is a simpler and more elegant solution which would be to omit the rooflights (except possibly the two higher ones over the bedroom if essential) by including a high level strip window in each of the side walls close to the eaves to the light voids - this might either be continuous along each side elevation or split up to sit over the proposed large windows.

Barn B: The Conservation and Design officer is satisfied with the proposed plans.

Hertfordshire Highways

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

If the planning authority resolve to grant permission I recommend inclusion of the following advisory note to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

AN1. The applicant is advised that storage of materials associated with the development should take place within the site and not extend into within the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary further details can be obtained from the County Council Highways via either the website <http://www.hertsdirect.org/services/transtreets/highways/> or telephone 0300 1234047 to arrange this.

AN2. The developer should be aware that the required standards regarding the maintenance of the public right of way and safety during the construction. The public rights of way along the carriageway and footways should remain unobstructed by vehicles, machinery, materials and other aspects of construction works.

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

Trees and Woodlands

Comments from previous applications:

No objection to proposal and unlikely to affect nearby trees. As trees are not visible from the main road public amenity of the trees is not high. Unlikely to warrant a tree preservation order.

HCC Development Services

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

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

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

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

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

The Section 106 template documents appended to the Toolkit include the standard planning obligation clauses. However, since this document was published this wording has been amended as set out in the attached document.

Justification

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

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

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

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

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

(ii) Directly related to the development;

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

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

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

A Section 106 legal agreement would be the County Council's preferred method of securing fire hydrants. However, it is recognised that Dacorum Borough Council is intending to scale back the use of such agreements. If a Section 106 agreement is not otherwise anticipated for this development we would seek the inclusion of a condition to the planning permission. We would propose wording as indicated below:

"Detailed proposals for the fire hydrants serving the development as incorporated into the provision of the mains water services for the development whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and in accordance with the approved details thereafter implemented prior to occupation of any building forming part of the development."

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

Hertfordshire Biological Records Centre

We do not have any known biological (habitats or species) records for the application site. We have bird records for the area, and the nearest record of bats roosting within a building is over 600m away.

I advise a precautionary approach is taken and the following **Informatives** are added to any permission granted:

- "Bats and their roosts remain protected at all times under National and European law. If bats or evidence for them is discovered during the course of works, work must stop immediately and advice sought on how to proceed lawfully from Natural England (Tel: 0300 060 3900) or a licensed bat consultant."
- "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 building/surrounding vegetation should be made by a suitably experienced ecologist and if active nests are found, then works must be delayed until the nesting period has finished."

Contaminated Land Officer

The site has a potentially contaminative use; it is also located within the vicinity of potentially contaminative former land uses (infilled ponds, former burial ground). Consequently there may be land contamination issues associated with this site. I recommend that the standard contamination condition be applied to this development should permission be granted.

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 advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Water Comments

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

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

Broadlands, Flaunden Lane – objects

There is no difference in principal between this and the earlier applications with respect to the adverse impact upon the character of the village, the Green Belt and the rural economy.

Relic Homes continue to make to no attempt to re- open the stables, which was the basis of the rejected earlier application to convert a barn on the site.

The proposed development of the barns for the stated purpose of managing the equestrian activities on the site is not necessary as The Coach House within Flaunden House Stables was granted permission specifically for this purpose.

Flaunden is a very special, small, picturesque rural village that has retained its special character as development within it has been controlled. The village does not need an additional residential dwelling in place of the stables, which are part of the village and add to the diverse nature and character of the village.

The proposal would erode the special character and distinctiveness of the village.

The building does not meet any of the criteria for it to be a viable building for conversion and re- use – it is not surplus to requirements and it is not agricultural in nature.

The addition of two high value dwellings and the further extension of another one will not significantly aid the housing needs of Dacorum.

The adverse impact on the character of Flaunden will heavily outweigh any benefit arising from the development.

106 Flaunden – objects

There are a number of inaccuracies in the Viability Report from Aitchison Raffety;

- the Coach House has never been granted planning permission for a three bedroom cottage
- the permission from 2003 includes the conversion of the adjoining stables to the north of the property and a new extension attached to the west, maintaining a one bed cottage
- the approved drawing excludes the three agricultural units at the southern end of the Coach House

These units have now been converted without planning permission.

September Cottage - objects

- The proposed development would create a precedent.
- Flaunden is the wrong place to build new homes as it has insufficient facilities.
- The proposal is contrary to Green Belt policy and no very special circumstances have been put forward to support the development.
- The enhanced use of the Green Belt including for outdoor sport and recreation should be encouraged.
- The application contains numerous inaccuracies designed to mislead.

Lavender Cottage – objects

- The stables are a major asset to the community. Their loss would fail to support the local economy, contrary to local and national policy.
- Most of the tenants who were evicted in 2015 would wish to return. The application has made no effort to continue to run the equestrian business.
- The application states there is a wish to retain some stables for equestrian use: this lacks credibility based on the proposals and the information submitted with the application.

- The barns are described in the application as 'agricultural'. This is inaccurate as they have only ever been used for equestrian purposes.
- The Coach House has already been extended without planning permission.

1 Birch Lane - objects

- The current proposal is not materially different to the individual applications that have been made on the site for the proposed development.
- The proposed development would be contradictory to the planning policies which have maintained the character so well over many years. It is against Green Belt policy and guidelines.
- The openness and local distinctiveness of the area will be changed by the proposed development.
- The development would not support the local economy. The closure of the stables has also led to the loss of employment.
- Existing buildings should only be re- used if they are surplus to requirements. This was not the case with the stables.
- The closure of the stables has resulted in the loss of opportunity for equestrian sport within the Green Belt.
- The information within the application, particularly in the Design and Access Statement, is misleading and inaccurate.
- Relic Homes have not provided any evidence that the equestrian business was not viable.
- The barn to be converted is a light weight construction and not a substantial construction required by planning policy.
- The proposed dwelling is significantly bigger than many of the large houses in Flaunden. Its scale would be out of proportion with the surrounding properties.
- There is no garden shown and the amenity space identified on the plans is small in comparison to the size of the house. It seems inevitable that some of the surrounding fields will be turned into gardens, reducing the open nature of the site and resulting in the loss of Green Belt.
- Prior to the acquisition of the site by Relic Homes, development was added to the site (concerning the 2 bedroom house) without the benefit of planning permission. The plans of the building have been altered to make the building look more like a suitable building for conversion to residential use.
- The Coach House was converted to residential use for equestrian use in 2003,

and subsequently extended without permission. The application for the extension to the Coach House is seeking to regularise this illegal expansion.

- The viability report is misleading and inaccurate.
- Flaunden is a thriving village and contains a range of local businesses and community facilities: Flaunden House Stables is one such business. Its closure would be a loss to the village.
- Flaunden is not an area identified for housing by Dacorum.

Tambarram – objects

- The application is incorrect on a number of counts and is not supported by evidence.
- No attempt has been made to maintain and market the commercial activity on the site.
- The proposal is detrimental to both the rural economy and the Green Belt.
- The development would negatively impact upon the privacy of neighbouring properties.
- The proposal would set a precedent if granted.
- The application is contrary to planning policy and guidance, including Green Belt policy. The development would not protect the character and local distinctiveness of Flaunden.
- It would not support the rural economy.
- No assessment has been made as to the demand for the equestrian facilities.
- The development does not support outdoor sport and recreation in the Green Belt.
- The remaining stables on the site would be far less attractive for future use following the development.
- The arguments as to how the development would benefit the local economy are misleading and implausible.
- The reference that the development would be a suitable use of this redundant and non- economic is wrong.
- The development would have an adverse impact upon the amenities of the neighbouring property and would detract from the character of the village.

The Old Chapel – objects

- The application has not met the requirements of the earlier rejection in that all reasonable efforts to maintain and market the existing equestrian business on the site have not been made.
- The site was vacated immediately prior to Relic Homes' purchase of it.
- There is demand for equestrian activity in the area.
- There is no need for additional housing linked to equestrian activities.
- The application and the report are misleading.
- The development and use of the Green Belt (that has never been redundant) is contrary to Government policy.
- The development would detract from the character of the village.
- The maximisation of profit is not a relevant argument to be used in the case.

Flaunden House - objects

- The application is inaccurate in several ways.
- No evidence has been submitted proving the business is not viable.
- No attempt has been made to market and maintain the existing commercial activity on the site.
- The proposal would be detrimental to the rural economy and the Green Belt.
- The proposal would impact upon the neighbouring properties.
- This would result in a precedent.
- There is demand for the stables.
- The closure of the stables has resulted in the loss of employment.
- The viability report is misleading.
- There is interest in purchasing the site as a viable concern.

105 Flaunden – objects

- The business on the site was viable.
- No attempt has been made to maintain the existing activity.
- The site has always been as stables and not for agriculture.

Honeysuckle Cottage – objects

- Flaunden is a village protected as a Conservation Area within the Green Belt.

- The barns were in equestrian use not agricultural use.
- No attempt has been made to market and maintain the existing commercial activity on the site.
- It seems likely that the developers would seek to develop much of the rest of the site too.
- The development is contrary to policy.

Bluebell Cottage – objects

- The site has never been used for agricultural purposes.
- The information submitted with the application is inaccurate and misleading.
- The amenities of the village would be harmed.
- The development is contrary to Green Belt policy.
- There is a shortage of equestrian facilities in the area.

Hazel Cottage – objects

- The application has not met the requirements of the previous refused application.
- There is strong demand for equestrian activities in the area.
- There is no need for additional residential buildings linked to equestrian activities.
- The application and the report are deliberately misleading.
- The proposal is contrary to Green Belt policy.
- The development would detract from the character of the area.
- The maximisation of profit is not a relevant argument to be used in the case.

Birch Lane House - objects

The committee refused the previous application on the grounds that Relic Homes were unable to show that they had complied with the requirement that 'every reasonable effort should be made to maintain and market the existing commercial activity'. The Viability Report analyses alternative uses for the site but fails to address maintaining the existing equestrian business. The report concludes that the alternative uses are not as financially attractive as residential development, though this is not relevant to the planning application.

The report contains many misleading and inaccurate statements;

- the farm does not comprise a farm establishment
- the extension to the Coach House (4/02292/03/FUL) was granted to ensure that living accommodation is available for equestrian use
- the top barn was extended (4/01912/09/FUL) for storage purposes directly associated with the agricultural use of the site
- the site is only empty and becoming derelict since the previous tenants were evicted upon purchase of the site by Relic Homes in 2015
- the main barn was historically a stable block containing 18 stables
- the annual stable maintenance cost of £500 is not well researched and is overstated
- the application makes assumptions about the Council's view as to the current application
- there are accounts and evidence of the established equestrian business on the site

There are also inaccuracies in statements from previous applications from Relic Homes concerning the site and its history.

The 2015 applications to convert the two barns do not meet the guidelines set out in the National Planning Policy Framework, including;

- development ought to support a prosperous rural economy to create jobs and support the sustainable growth and expansion of all types of business and enterprise in rural areas
- promote healthy communities in delivering the social, recreational and cultural facilities and services the community needs
- protecting Green Belt land by planning positively to enhance the beneficial uses of the Green Belt, for the provision and use of shared space and community facilities such as sports venues, to ensure that established facilities are able to develop and are retained for the benefit of the community and are not built upon unless an assessment has been made that they are not required

Flauden House Stables have a history of over 30 years established, professional equine use.

The British Horse Society Hertfordshire - Objects

The British Horse Society Hertfordshire have submitted several documents to be considered as part of this application.

1. Covering letter with objections dated 31 December, 2015;
2. Commercial History Report dated December 2015;

3. Follow up letter dated 4th January, 2016;
4. Critique of viability report submitted as part of the application.

See Appendix 1 for a full copy of these documents.

The British Horse Society state "It is important that these proposals meet the necessary welfare, legislative and infrastructure requirements to ensure such operations can be well managed".

The British Horse Society ask for the following:

- Plans to be submitted for approval to demonstrate the stables and the supporting buildings and infrastructure for the operation of the livery yard are in accordance with:
 - DEFRA Code of practice for the Welfare of Horses, Ponies, Donkeys and
 - NEWC Compendium for the Welfare of Horses, Ponies and Donkeys.
 - BHS Approval Criteria for Livery Yards.

(Reason: to ensure the livery yard development is suitable for purpose and designed, planned and erected in accordance with advice from an appropriate source of information).
- Details to be provided for designated on-site parking areas for livery yard staff, horse owner's and regular visitors motor vehicles.

(Reason – to prevent offsite parking in a narrow country road and local lanes creating congestion and damage to verges in the rural area - regular visitors will include Vet's, Farriers, Physio's, and Equine Dentists. For the proposed yard a minimum of six defined parking spaces).
- Transport maintained and available on site should emergency veterinary treatment be required.

(Reason - the provision of a trailer and towing vehicle and or horse box is a welfare requirement for the transportation to a Veterinary hospital for sick animals requiring urgent lifesaving surgery if diagnosed by a veterinary surgeon or other competent person).

Considerations

Policy and Principle

The reason for refusal given by the DCC on 6th August, 2015 for the application 4/01123/15/FUL for "conversion of an existing stables to form a single four bedroom house with garage and workshop" was:

By removing an existing equestrian use, the proposal fails to support the rural economy, contrary to Policy C5 of the Core Strategy, and has failed to demonstrate that every reasonable effort has been made to secure a business, recreation or tourism-related reuse, contrary to saved Local Plan Policy 110.

The applicant has addressed the reason for refusal by agreeing and making provision for the equestrian use to be reinstated on the site. The applicant has also provided a Viability Report for the site which considers the viability of other uses such as business, recreation or tourism-related reuse.

The Viability Report states that the proposal will ensure that 14.75 acres (total area is 16.45 acres) of land will be used for equestrian purposes. The DEFRA standards which are supported by the British Horse Society states that each horse requires approx. 1.25-2.5 acres of grazing land. There will be stabling for 16 horses. The horse to grazing land ratio would be 1:0.82 acres. A minimum ratio of one horse per half acre is generally expected so the provision of 16 stables will achieve this standard.

The proposal is providing stabling for 16 horses which is in line with the what the standards require.

The Viability Report concludes by stating that the "conversion of the barns to either storage, office, light industrial, retail or an alternative leisure/recreation use would not only be unviable but would also be detrimental to the existing residential use of the Coach House and the remaining potential equestrian use of the land and would negatively affect the amenity value of nearby residential properties and undermine the rural setting of Flaunden Village".

By ensuring the equestrian use is re-established on the site (via a Unilateral Undertaking) thus supporting the rural economy the proposal now complies with this section (ii) of CS5 of the Core Strategy.

The proposed conversions will be designed in a way which will make minimal external changes to the two buildings thus maintaining the rural character of the buildings and complying with section (i) of CS5 of the Core Strategy.

Strategic Planning consider that the applicant has made a detailed case in support of residential conversion under Policy 110 and taking into account national support for the re-use of buildings in the countryside, particularly for residential purposes.

By providing a Viability Statement prepared by a reputable firm the applicant has demonstrated that every reasonable effort has been made to secure a business, recreation or tourism-related reuse so complies with saved Local Plan Policy 110.

Thus the proposal is appropriate development as described in CS5 (d) "the appropriate reuse of permanent, substantial buildings".

The Government has taken a number of steps to encourage the re-use of rural buildings for residential and other purposes. Given the thrust of national policy, coupled with the proposed development having no adverse impact on the openness of the Green Belt, it is considered that a robust reason for refusal could not be substantiated when considering the impact of the proposed development on the rural economy alone.

The proposed development is in line with recent changes to planning policies at local and national level. The Core Strategy, NPPF and the GPDO now encourage the conversion of rural buildings to residential.

The Coach House

Policy and Principle

The previous planning permission for the Coach House:

4/02292/03/FUL Extension to Cottage and conversion of adjoining stables.
Demolition of tack/feed room.
Granted
18/12/2003

One of the conditions placed on this approval was:

The occupation of the dwelling shall be limited to a person solely or mainly working at Flaunden House Stable or a widow or widower of such a person and to any resident dependants.

Reason: For the avoidance of doubt and to ensure living accommodation is available for the equestrian use which the applicants have previously argued is required.

Application 4/02987/15/FHA for a single storey rear extension to The Coach House has not been determined as yet.

Planning permission could not be granted for an extension to this dwelling while the condition could not be met (ie there was no activity at Flaunden House Stables for the resident to be employed in).

It is proposed as part of this MFA and the attached Unilateral Undertaking that this condition be moved to the 2 bed conversion ie. Barn B. Thus saved Policy 22 of the DBLP can be used to assess the proposed extension.

The site lies within the Green Belt where limited extensions to existing buildings will be permitted provided it has no significant impact on the character and appearance of the countryside and it supports the rural economy and maintenance of the wider countryside.

Green Belt

As the site is located in the Green Belt it is important to consider the five criteria within saved Policy 22 of the DBLP. In this respect it is considered that:

- a) the scheme is compact and well-related in terms of the already approved dwelling, principally because it matches the existing dwelling in terms of design and scale.
- b) the site will have a private amenity space of 165 square metres which will ensure that adequate space around the dwelling remains. The extension will not significantly reduce the area around The Coach House or detrimentally affect the setting of the plot.
- c) the proposed extension is single storey and set to the rear of the dwelling which is already a large gravel area providing amenity space for the existing dwelling so will not be visually intrusive on the skyline or the open character of the surrounding countryside.
- d) the extension would not prejudice the retention of any significant trees or hedgerows.
- e) the extension can be considered limited in size.

Under the previous planning permission 4/2292/03/FUL a 12.64 square metre increase of floor space was allowed. The percentage increase would have been 12%. This was however never constructed.

If the original dwelling is taken as the area allowed to be converted under this application then the floor area of the original dwelling was 108.96 square metres.

The current proposal is for a single storey rear extension totalling 36.54 square metres. This would result in a % increase of 34%.

According to saved Policy 22 of the DBLP limited in size will be judged according to the following:

- **within the Green Belt the resulting building (including any earlier extensions and alterations or replacement) should be less than 130% of the floor area of the original dwelling.**

Based on this advice the extension currently proposed can be considered limited in size.

Effects on appearance of building

As mentioned above the proposed extension will be in character with the existing dwelling in terms of scale and design.

Impact on Street Scene

The site does not have a street scene in traditional terms as it is set back of the road and is well within the Flaunden House Stables site. However as the extension is single storey and set down from the access road it is not considered that the proposal will be visually prominent in any way.

Impact on Trees and Landscaping

There are no significant trees in proximity to the proposal.

Impact on Highway Safety

The means of access is not changing so there will be no impact on highway safety. The proposal provides for two off street parking spaces which is adequate for a 2 bedroom dwelling.

Impact on Neighbours

The single storey rear extension is not in close proximity to any of the adjacent neighbours so will not result in a significant loss of sunlight and daylight. There are new windows at ground floor level in the new bedroom but there is a 1.8 metre close boarded fence along the opposite boundary between the extension and the adjacent neighbour.

As the condition making The Coach House a Flaunden House Stable worker's

dwelling will be transferred to Barn 2 using the Unilateral Undertaking this extension can now be assessed under Saved Policy 22. The proposal complies with this policy for the reasons listed above.

Barn A

Policy and Principle

National Planning Policy Framework

Paragraphs 89 and 90 state the following:

The re-use of buildings provided that the buildings are of permanent and substantial construction is not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green. Paragraph 55 states that, in rural areas, local planning authorities should normally avoid isolated dwellings unless there are special circumstances. One such special circumstance identified is where the development would re-use redundant or disused buildings and result in an enhancement to the immediate setting.

Policy NP1: Supporting Development states that the Council will take a positive approach to the consideration of development proposals, reflecting the presumption in favour of sustainable development contained in the National Planning Policy Framework

The Core Strategy Settlement Hierarchy (p41) states that the village of Flaunden is classified as falling within the "Other small village and the countryside" category and is therefore an area of most development constraint within the Borough.

Core Strategy Policy 5 Green Belt states that within the Green Belt, small scale development will be permitted. This includes the appropriate reuse of permanent, substantial rural buildings provided that:

- it has no significant impact on the character and appearance of the countryside; and
- it supports the rural economy and maintenance of the wider countryside.

Saved Local Plan Policy 110 Agriculture and Re-use of Rural Buildings states that permission will not be granted for residential reuse unless every reasonable effort has been made to secure business, recreation or tourism-related reuse.

Local Plan Policy 81 Equestrian Activities

It is important to note that Local Plan Policy 81 and 110 were saved following adoption of the Core Strategy and have not therefore been checked for compliance with the NPPF. Policy 110 has essentially been superseded by the policies of the NPPF when considering the re-use of rural buildings, and only limited weight can be applied to this policy as a result. This has been confirmed with SPAR.

The Town and Country Planning (GPD) (England) Order 2015.

In 2014, the Government introduced new permitted development rights to allow the conversion of certain agricultural buildings to housing through a prior approval process. Up to 450 sq. metres of agricultural buildings can now be converted to

provide a maximum of three homes without the need for planning permission. Where applicable the permission would not be affected by the site being within the Green Belt. Whilst the building in question is an equestrian building, these recent changes illustrate the Government's stated desire to increase significantly the supply of housing, including through making use of suitable rural buildings.

The Government has taken a number of steps to encourage the re-use of rural buildings for residential and other purposes. Given the thrust of national policy, coupled with the proposed development having no adverse impact on the openness of the Green Belt, it is considered that a robust reason for refusal could not be substantiated when considering the impact of the proposed development on the rural economy alone. It is therefore considered that the proposed conversion is acceptable in principle.

Impact on Green Belt

The Structural report submitted with the application concludes:

- that the structures of the main building, and that of the feed store and tack room are free from defect and are of substantial and permanent type constructions.
- the building is capable of being converted to a residential dwelling without any major demolition works being necessary.

The proposal will not have any significant impact on the character and appearance of the countryside for the following reasons:

- the footprint of the new dwelling will be smaller than the barn, resulting in an improvement to openness;
- the volume of the new dwelling will be smaller than the barn, resulting in an improvement to openness;
- the amenity space for the dwelling will be within the footprint of the original barn and hidden behind fencing so any residential paraphernalia will not be visible and will not impact on the openness of the green belt;
- the car parking and garage space will be included in the footprint of the original barn;
- the existing car parking area will be removed and returned to grassland, resulting in a visual improvement to the site;
- the dwelling will be serviced by an existing access; and
- minimal changes to the exterior of the barn ie. addition of windows and doors.

Complies with CS 5 Green Belt

This current application is a comprehensive approach for the site which addresses the reasons for refusal given for 4/01123/15/FUL for "conversion of an existing stables to form a 4 bedroom house with garage and workshop".

By ensuring the equestrian use is re-established on the site (via a Unilateral Undertaking) thus supporting the rural economy the proposal now complies with this section (ii) of CS5 of the Core Strategy.

The proposal is appropriate development as described in CS5 (d) "the appropriate reuse of permanent, substantial buildings".

The proposed conversions will be designed in a way which will make minimal external changes to the two buildings thus maintaining the rural character of the buildings and complying with section (i) of CS5 of the Core Strategy.

Strategic Planning consider that the applicant has made a detailed case in support of residential conversion under Policy 110 and taking into account national support for the re-use of buildings in the countryside, particularly for residential purposes. By providing a Viability Statement prepared by a reputable firm the applicant has demonstrated that every reasonable effort has been made to secure a business, recreation or tourism-related reuse so complies with saved Local Plan Policy 110.

The Government has taken a number of steps to encourage the re-use of rural buildings for residential and other purposes. Given the thrust of national policy, coupled with the proposed development having no adverse impact on the openness of the Green Belt, it is considered that a robust reason for refusal could not be substantiated when considering the impact of the proposed development on the rural economy alone.

Effects on appearance of building

The proposal will change the exterior of the barn somewhat by adding windows and doors but overall the design maintains the rural character.

Impact on the Conservation Area

The proposal is adjacent to the Conservation Area but the barn does not have any historical value.

There will be no adverse impact on the character or appearance of the Conservation Area and so the proposal complies with CS 27.

Impact on Trees and Landscaping

To convert the barn should not detrimentally affect the adjacent trees. It is considered that the tree screen along the western boundary of the site is very important as a visual buffer between the new dwelling and the neighbours on the western side. Retention will be secured by condition.

Impact on Neighbours

The nearest neighbours are Birch Lane House (61 metres away), The Old Chapel (62 metres away) and Flaunden House (101 metres away). Due to the distances it is not considered that there will be any loss of privacy or loss of sunlight and daylight for any of these neighbours.

Amenity Space

Saved Appendix 3 Layout and Design of Residential Areas states that private gardens should have an average minimum depth of 11.5 metres. The proposals garden area falls short of this but has direct access onto the open countryside so this shortfall is not considered significant.

Parking Requirements

Saved Appendix 5 Parking Provision requires that a four bedroom dwelling has 3 parking spaces. The proposal now has 3 parking spaces.

Barn B

Policy and Principle

National Planning Policy Framework

Paragraphs 89 and 90 state the following:

The re-use of buildings provided that the buildings are of permanent and substantial construction is not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt.

Policy NP1: Supporting Development states that the Council will take a positive approach to the consideration of development proposals, reflecting the presumption in favour of sustainable development contained in the National Planning Policy Framework

The Core Strategy Settlement Hierarchy (p41) states that the village of Flaunden is classified as falling within the "Other small village and the countryside" category and is therefore an area of most development constraint within the Borough.

Core Strategy Policy 5 Green Belt states that within the Green Belt, small scale development will be permitted. This includes the appropriate reuse of permanent, substantial rural buildings provided that:

5. it has no significant impact on the character and appearance of the countryside;
and
6. it supports the rural economy and maintenance of the wider countryside.

A previous application 4/01123/15/FUL for Conversion of an existing stables at the Flaunden Huse Stables site to form a single four bedroom house with garage and workshop was refused at DCC on 6 August, 2015. The site for this application is close to the subject site.

The reason for refusal was:

By removing an existing equestrian use, the proposal fails to support the rural economy, contrary to Policy C5 of the Core Strategy, and has failed to demonstrate that every reasonable effort has been made to secure a business, recreation or tourism-related reuse, contrary to saved Local Plan Policy 110.

The current building is physically separated from the above barn (being near to the access with Birch Lane) and is currently used primarily for storage of equipment.

Impact on Green Belt

The Design and Access Statement submitted with the application states:

- the building has been confirmed to be a permanent and substantial building in a

- report from an independent structural engineer who made a visual inspection;
- the building is not of a temporary structure and was built to accommodate agricultural vehicle storage and other ancillary storage uses;
- the residential conversion can be undertaken without substantial demolition works and alterations to the external appearance;
- the structure of the building is well founded with solid walls but requires the construction of internal stud work and better insulation;
- it has two different roof coverings and would benefit from a more unified approach to the roof by replacing those coverings with slates or clay tiles.

The proposal will not have any significant impact on the character and appearance of the countryside for the following reasons:

- the footprint of the new dwelling will be the same as the existing barn;
- the volume of the new dwelling will be the same as the barn;
- the amenity space for the dwelling will be located at the back of the barn which is adjacent to the rear gardens of dwellings facing Flaunden and any residential paraphernalia will only be visible from these dwellings themselves and will not impact on the openness of the green belt;
- the car parking will be at the western end of the dwelling and only visible from the road;
- the dwelling will be serviced by an existing access; and
- the area to be designated as amenity space is already enclosed with fencing (a variety of different types of fencing enclose the rear part of the site).

The amenity space for the dwelling will be located at the back of the barn which is adjacent to the rear gardens of dwellings facing Flaunden. Any residential paraphernalia will only be visible from these dwellings themselves and will not impact on the openness of the green belt as such but it will extend the urban fabric further into the green belt.

Complies with CS5 Green Belt:

By ensuring the equestrian use is re-established on the site (via a Unilateral Undertaking) thus supporting the rural economy the proposal now complies with this section (ii) of CS5 of the Core Strategy.

The proposal is appropriate development as described in CS5 (d) "the appropriate reuse of permanent, substantial buildings".

The proposed conversions will be designed in a way which will make minimal external changes to the two buildings thus maintaining the rural character of the buildings and complying with section (i) of CS5 of the Core Strategy.

Strategic Planning consider that the applicant has made a detailed case in support of residential conversion under Policy 110 and taking into account national support for the re-use of buildings in the countryside, particularly for residential purposes.

By providing a Viability Statement prepared by a reputable firm the applicant has demonstrated that every reasonable effort has been made to secure a business, recreation or tourism-related reuse so complies with saved Local Plan Policy 110.

The Government has taken a number of steps to encourage the re-use of rural

buildings for residential and other purposes. Given the thrust of national policy, coupled with the proposed development having no adverse impact on the openness of the Green Belt, it is considered that a robust reason for refusal could not be substantiated when considering the impact of the proposed development on the rural economy alone.

Effects on appearance of building

The proposal will change the exterior of the barn by adding some windows and doors but the changes still maintain the rural character of the building.

Impact on the Conservation Area

The applicant has made some amendments based on the Conservation Officer's comments and any other requirements will be met via condition.

There will be no adverse impact on the character or appearance of the Conservation Area and so complies with CS 27.

Impact on Trees and Landscaping

As there is no extension to the building involved as part of the proposal the trees located near the access should not be affected.

Impact on Neighbours

The nearest neighbours are The Coach House (which is part of the Flaunden House Stables) and the dwellings facing Flaunden.

Due to the distances between the dwellings it is not considered that there will be any loss of privacy or loss of sunlight and daylight for any of these neighbours. There are no side windows proposed looking towards The Coach House which would be the nearest neighbour.

Amenity Space

The amenity space is 650square metres which is considered more than adequate for a 2 bedroom house.

Parking Requirements

Saved Appendix 5 Parking Provision requires that a 2 bedroom dwelling has 1.5 parking spaces. The proposal has 2 parking spaces which is more than adequate.

The British Horse Society has stated that in order for the equestrian use to be viable provision for parking for horse boxes and emergency care visitors will be required. Additional plans were requested and submitted showing provision of parking for this use to be located to the rear of the stables and near to Barn A. Further details will be requested via a condition to any approval granted.

Sustainability

Policy CS29: Sustainable Design and Construction requires that new development will comply with the highest standards of sustainable design and construction possible. The applicants have been asked to prepare a Sustainability Statement.

CIL

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 2 within which a charge of £150 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 for the following reasons:

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

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

- 2 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in size, colour and texture those used on the existing buildings.**

Reason: To ensure a satisfactory appearance to the development and to comply with CS 11,12 and 27.

- 3 No development shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- **hard surfacing materials;**
- **means of enclosure;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **trees to be retained and measures for their protection during construction works;**

- car parking layouts and other vehicle and pedestrian access and circulation areas;
- minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);
- retained historic landscape features and proposals for restoration, where relevant.

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area and to comply with CS5,11,12 and 27.

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

For the purposes of this condition:

A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.

A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.

A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.

Reason: To ensure that the issue of contamination is adequately addressed

and to ensure a satisfactory development.

- 5 **Prior to commencement of development further detailed plans to be provided to the local planning authority showing designated on-site parking areas for livery yard staff, horse owner's and regular visitors motor vehicles. These details must be approved by the local authority and then maintained on site in perpetuity.**

Reason: to prevent offsite parking in a narrow country road and local lanes creating congestion and damage to verges in the rural area - regular visitors will include Vet's, Farriers, Physio's, and Equine Dentists. For the proposed yard a minimum of six defined parking spaces.

- 6 **Prior to commencement of development plans to be submitted for approval by the local planning authority to demonstrate the stables and the supporting buildings and infrastructure for the operation of the livery yard are in accordance with:**

DEFRA Code of practice for the Welfare of Horses, Ponies, Donkeys and Hybrids.

NEWC Compendium for the Welfare of Horses, Ponies and Donkeys.

BHS Approval Criteria for Livery Yards.

Reason: to ensure the livery yard development is suitable for purpose and designed, planned and erected in accordance with advice from an appropriate source of information.

- 7 **Detailed proposals for the fire hydrants serving the development as incorporated into the provision of the mains water services for the development whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and in accordance with the approved details thereafter implemented prior to occupation of any building forming part of the development.**

Reason: To enable appropriate development to occur, ensure a safe, sustainable form of development which provides for its own infrastructure for fire emergencies in accordance with core strategy policies CS1, CS4, CS12 & CS29.

- 8 **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, F and G]

Part 2 Classes [A, B and C].

Reason: To enable the local planning authority to retain control over the

development in the interests of safeguarding the residential and visual amenity of the locality.

Reason: In the interests of safeguarding the openness of the Green Belt; the rural character of the building and the site; and the visual amenity of the surrounding countryside. The proposed development comprises of the conversion of two agricultural buildings in a rural area and it is important for the local planning authority to retain control over certain future development which would normally represent permitted development, in order to safeguard the rural character of the surrounding countryside.

- 9 **The occupation of the two bed conversion shall be limited to a person solely or mainly working at the stables located immediately north-east of the dwelling or a widow or widower of such a person and to any resident dependants.**

Reason: For the avoidance of doubt and to ensure that the stables opposite will be retained and offered to local people for the stabling of their horses.

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

Reason: To ensure a satisfactory appearance to the development and to comply with CS 11 and 12.

Reason: In the interests of the visual amenities of the Conservation Area and to comply with CS 27.

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

Design and Access Statement

Heritage Statement

CIL Form

Site Location Plan P7 001

P7 100 Existing Site Plan

P7 201

P7 200

P7 202

P7 203

P7 300.A

P7 301.A

P7 400

P7 401

Master Plan 15.149.P7.500 - showing proposed ownership of land parcels.

Unilateral Undertaking - tying Barn B and all land not under the ownership of Barn A and The Coach House to the stables for the equestrian use

Viability Report

EIA Analysis and screening proforma

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) (England) (Amendment No. 2) Order 2012.

Informatives:

Highways:

AN1. The applicant is advised that storage of materials associated with the development should take place within the site and not extend into within the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary further details can be obtained from the County Council Highways via either the website <http://www.hertsdirect.org/services/transtreets/highways/> or telephone 0300 1234047 to arrange this.

AN2. The developer should be aware that the required standards regarding the maintenance of the public right of way and safety during the construction. The public rights of way along the carriageway and footways should remain unobstructed by vehicles, machinery, materials and other aspects of construction works.

Transport maintained and available on site should emergency veterinary treatment be required.

(Reason - the provision of a trailer and towing vehicle and or horse box is a welfare requirement for the transportation to a Veterinary hospital for sick animals requiring urgent lifesaving surgery if diagnosed by a veterinary surgeon or other competent person).

Protected Species:

- "Bats and their roosts remain protected at all times under National and European law. If bats or evidence for them is discovered during the course of works, work must stop immediately and advice sought on how to proceed lawfully from Natural England (Tel: 0300 060 3900) or a licensed bat consultant."
- "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 building/surrounding vegetation should be made by a suitably experienced ecologist and if active nests are found, then works must be delayed until the nesting period has finished."

It is possible that bats may be using areas of the existing building.

UK and European Legislation makes it illegal to:

Deliberately kill, injure or capture bats;

Recklessly disturb bats;

Damage, destroy or obstruct access to bat roosts (whether or not bats are present).

If bats or evidence of them are found to be present a licence will be required before any relevant works can be undertaken and this will involve preparation of a Method Statement to demonstrate how bats can be accommodated within the development.

If bats are discovered during the course of any works, work must stop immediately and Natural England (0300 060 3900), Bat Conservation Trust Helpline (0845 1300 228) or the Hertfordshire & Middlesex Bat Group Helpline (01992 581442) should be consulted for advice on how to proceed.

Thames Water:

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.

Appendix 1:

31 December 2015

Dear Ms Palmer,

**Dacorum Planning Ref: 4/03481/15/MFA
Conversion of two stables and extension to The Coach House at
Flaunden House Stables.**

On behalf of the British Horse Society Hertfordshire Committee, I enclose for your attention a comprehensive history of the ownership and commercial business activities for Flaunden House Stables and Equestrian Centre over the past 30 years.

Due to the tight deadline and restrictions created by the holiday periods the report is forwarded direct to you at the request of Ms Lynn Myland the current BHS Herts County Chairman.

The BHS Hertfordshire Committee requests that the above planning application for change of use be refused in in light of misleading information in the application and supporting documentation.

The report was researched and produced following complaints received from Society members evicted from the above venue as a result of the purchase and immediate closure of the equestrian business. This confirms the view that the above and previous planning applications are inaccurate and misleading in a great number of ways. In particular the applications are incorrect by suggesting the American Barn and stables at this this equestrian venue have an agricultural status. For example:

The following key statements of the application (page 6 para 4) do not reflect the data available:

1. “the applicant has since established that there was no viable equestrian business here; no records held in Companies House; and no accounts submitted”.

As shown in the report a simple search on the internet for Flaunden House Stables revealed a number of records at Companies House and they indicate accounts submitted.

A search also revealed St Albans Valuation Office records show this venue is assessed as a business unit and non-domestic rates apply. No rate relief records were found for agricultural buildings.

The owners of the livery yard businesses renting the large barn and buildings from 1999 confirm their operations were both viable and they paid business rates direct to Dacorum Borough Council.

2. “Hamptons confirmed they did not market the site as a business”.

The Hamptons Equestrian Sales Literature for the venue states:

“A viewing is essential to appreciate the impressive equestrian set up that is currently operational and could provide a business revenue”.

This statement clearly indicates the venue was marketed to be attractive to either:

1. A buyer requiring a self-contained equestrian competition yard.
2. A buyer keen to find and purchase an established operational equestrian business.
3. A private buyer seeking established equestrian premises and land. In the 1980's and 90's Flaunden House and stables and land was a successful yard operated by professional showjumpers. It was sold in 1998 to a developer who eventually sold off the main house and a few acres but retained and rented out the yard, stables and majority of the land. Eventually the yard was sold in 2009 and returned to being a competition yard. The new owners continued renting the American Barn stables and land to the established livery yard business owner.

In 1998 the owners who had purchased Flaunden house and equestrian venue installed 18 internal stables in the larger barn and rented this and other facilities to a Limited Company operating a livery yard business. It appears the developer may have failed to apply for permission for change of use.

It is suggested locally that you are aware of this and accept with the passage of time of some 15 years the initial unapproved change of use to commercial equestrian premises has become valid.

No doubt you would have expected an application to be made for a Certificate of Lawful Use to regularise the situation, as presumably would a solicitor handling a sale or purchase of the property.

We suggest the Barns with stables, rated as non-domestic premises, housing horses from 1999 until 2015, cannot be classed as agricultural buildings as is claimed in the planning applications.

Local information confirms that the yard, house, stables and land were then put up for sale due to the owner's illness, with completion taking place in May 2015.

Relic Homes applied for planning permission in March 2015 claiming a change of use from "agricultural buildings, unlawfully used as stables", to domestic use. As has been reported they required as a condition of purchase – vacant possession of all the premises prior to completion.

This in effect closed a viable rural commercial equestrian business considered locally as a community asset also involving the loss of a number of local rural jobs. This is hardly in line with national, county or borough strategies and policies for rural areas. Worthy of note, is a previous livery business owner for this site, who took time out to raise a family, approached the new owner of the venue and explained she was keen to rent the stables and restart her business but heard nothing for months.

At some stage after taking possession Relic Homes demolished the stables and fittings in both barns and removed much of the supporting infrastructure required to operate the remaining stables.

The current planning application suggests that some remaining stables and some land could be designated for local livery purposes. It is important that these proposals should include the necessary supporting infrastructure to ensure that such operations could be run successfully.

A further letter will follow dealing with both this issue in more detail and the 106 Agreement and include our comments on the Commercial Appraisal report – only just received.

We trust you will find the above information useful and should you require clarification on any points please do not hesitate to contact either the undersigned, the BHS Hertfordshire Committee or the Society's Regional Development Officer. Details can be obtained from the following website: <http://www.bhs.org.uk/bhs-in-your-area/east-of-england/hertfordshire>.

Report produced for The Hertfordshire Committee of the British Horse Society

Flaunden House Stables re: – Dacorum Planning Ref: 4/03481/15/MFA

Background

Flaunden House with its Stables, Equestrian Centre and land have been successfully managed for over 30 years by professional horse owners and independent proprietors.

Records available from The Land Registry, Companies House, Dacorum Borough Council, the Valuation Records Office St Albans (VRO) and Electoral Roll demonstrate the ownership and continuous operation of professional and commercial equestrian businesses at this location:

This included the keeping, breeding, buying and training of horses, plus the sale of competition horses, the provision of livery services and the trading of bloodstock.

Professional instructors regularly used the arena for training and education clinics for local livery yard clients and visiting horse and pony club owners.

Current Status

Flaunden House and some adjacent land was sold in 2006. The remaining Equestrian venue and stable yards include a residential house plus outbuildings and 16.5 acres of fenced land.

This continued as an ongoing mix of equestrian businesses until the latest change of ownership.

The new and current owners required vacant possession; the horses and tenants were evicted by the time of completion and change of ownership in May 2015.

The result was the closure of both a long established rural business plus the loss of a number of full and part time local rural employment positions.

The equestrian complex and livery yards contained four separate stable blocks.

1. The large American style barn with 18 internal stables.
2. 4 stables in a small unit by the American Barn at the end of the arena.
3. 12 stables arranged in the traditional U shape around a central yard.
4. The top barn partially converted to include 4 stables within the past 5 years.

Chronological History.

In the 1980's Flaunden House and the associated land, stables, coach house

and outbuildings were owned and managed by Mr & Mrs Meyerding. Lutz Meyerding - a businessman and professional showjumper kept horses in the upper stable yard and trained these in the arena (manege). His business interests also included importing horses and bloodstock from the continent and he was a director of a number of companies including Peden Bloodstock Ltd (Company number

Susan Meyerding also dealt in horses and bred from her brood mares, who with their foals were stabled in the large barn with open sides configured with a series of corrals and pens using hurdles and gates.

This configuration is confirmed by Mr D Burgin of Flaunden who amongst others delivered straw and hay direct to the corral type stables within the barn in the mid 1980's.

Tim Stockdale (now an established British Olympic showjumper and trainer) then joined them and took up residence at the Flaunden House yard in order to gain further experience and be trained and coached by Lutz Meyerding. This is confirmed in his brief biography in the Nottingham Trent University archives following the award of an Honorary Masters degree. Tim was well known in the village for some years and kept his large horsebox on site – travelling around the UK and continent to competitions.

Tim Stockdale initiated evening and day time training classes including jumping lessons, horsemanship and horse management for owners visiting the yard with their own horses and ponies. No doubt providing a useful source of extra income and set the precedent for his youth development training and coaching clinics that continue to this day.

Tim Stockdale moved on to be replaced by two more Professional showjumpers with horses, Stuart Harvey and then Philip Spivey, who rented the whole yard complex. Both of whom became very successful international showjumping competitors and trainers.

Mrs. Sue Featherstone, a British Horse Society Registered Instructor and Chief Examiner, confirms she undertook freelance teaching to owners on their horses at Flaunden House yard when Philip Spivey was in residence. Mrs. Featherstone, as well as examining local BHS candidates, regularly taught and trained clients at the regions equestrian centres.

Philip Spivey joined Tim Stockdale on the prestigious showjumping team sponsored by Traxdata.

In 1998 Flaunden house, land, stables, coach house and associated outbuildings were sold to new owners - Mr & Mrs Goldie. It is understood that Lutz Meyerding moved to America and he and Susan Meyerding separated (*see note below*).

Mr & Mrs Goldie were directors of the property developers, Huntley Construction and took up residence in Flaunden House with their family. They modified the large barn - removed the corral pens, erected solid external walls and fitted out the inside with stables in an American barn style.

In Feb 1999 they rented out the American Barn and part of the land to The

Equestrian Trading Company Ltd run by Sarah Franklin. She used the barn for her "Equus business" and with her staff operated a full and part livery service to local horse owners.

Records show non-domestic business rates for Flaunden House Stables increased following the

Five year VRO re-assessment that took place for premises in England and Wales in 2004.

Mr & Mrs Goldie rented out the remaining 12 stables on the top yard to local horse and pony owners on a simple DIY livery basis. Grooms from the American barn provided services at times to the DIY clients whilst others used local grooms including Miss Tammy Bright who kept her horse at the yard. This included the turning out or bringing horses in from their exercise fields during the day, particularly when DIY clients were unable to attend.

The open area of the top barn opposite the stables was used as a store by local feed, hay and straw merchants who sold small lots of the items to the DIY Clients. At some stage the tack room and DIY support facilities at the coach house were rebuilt in the feed barn store.

In 2006 Sarah Franklin moved with her business to the South West and the American Barn livery business was taken over by Pelly Kouzelis also renting the premises from Mr & Mrs Goldie and she continued paying the "business rates" direct to Dacorum Borough Council.

In 2006 Mr & Mrs Goldie also sold Flaunden House along with a smaller parcel of adjoining land and moved into the nearby Honeysuckle cottage. They retained the yard and stables and continued to rent out the stable blocks, the American Barn and remaining land.

In 2009 Mr & Mrs Goldie put the equestrian yard and remaining land up for sale. The sale was completed in December 2009 with the new owners being Mr & Mrs Turner.

Brian and Georgina Turner moved in with their Hackney horses and carriages. They are well known long established trainers of Hackney horses. Georgina judged at horse shows around the UK and has for many years competed at national hackney carriage driving competitions including the Horse of The Year Show.

They ran the business by continuing renting out the large barn to Pelly Kouzelis for her business whilst the Turners managed the DIY stables and clients. However their long experience and professional knowledge enabled them to improve the type of service to DIY clients with advice and assistance at times on horse management and welfare requirements.

In order to segregate and ensure no harm came to their Hackney horses from mixing with the livery client's horses - they rebuilt and converted much of the top barn to stables for their exclusive use and also operated a segregated exercise regime. They invested more capital in the business and erected a further storage barn specifically for equestrian storage purposes.

They also supported the continuation of on-site clinics and training by visiting professional trainers and coaches for clients at the yard plus outside horses/owners and this continued up until 2015.

Mr & Mrs Turner advertised the equestrian complex for sale including the domestic accommodation and land and completed the sale in May 2015. Hamptons Equestrian sales literature includes "A viewing is essential to appreciate the impressive equestrian set up that is currently operational and could provide a business revenue".

Notes

In March 2015 the purchaser applied, in advance of the May 2015 completion and change of ownership, for planning permission for a change of use to convert a number of what became the vacant commercially rated outbuildings (demolished stables) to domestic dwellings. No record can be found of any attempt to secure a commercial business, equestrian or otherwise, for the site despite the local high demand from horse owners for properly managed equestrian livery premises.

Planning permission was eventually refused by Dacorum Borough Council Development Committee.

Pelly Kouzelis, has approached the new owner about the possibility of the yard being reopened and or used again but has yet to receive a clear answer. It is understood the domestic accommodation in the coach house has been let to tenants.

Information:

Professional Trainers who worked with clients at the yard include:

*Ernest Dillion. Fellow British Horse Society
Specialises in Horsemanship and all aspects of training & coaching.*

*Chris Haywood. British Horse Society - instructor.
Production of riders at all levels – former riding master*

*Household Cavalry.
Louise Spate International Dressage rider, judge and coach.
Coaches at all levels from Pony Club through to National levels.*

*Lisa Keys. British Horse Society - instructor.
International Event Rider – teaches all levels including Pony Club.*

For information:

Susan Ricketts Sue (Meyerding) is married to Derek Ricketts – co selector with Di Lampard for the UK show jumping 2015/16 European and Olympic team.

4 January 2016

Dear Ms Palmer,

**Dacorum Planning Ref: 4/03481/15/MFA
Conversion of two stables and extension to The Coach House at
Flauden House Stables.**

On behalf of the British Horse Society (BHS) Hertfordshire Committee, I now provide the further information as promised in our report and letter 31 Dec 2015.

This is to address the proposed Section 106 agreement for the above application plus some additional information received over the holiday period. We have yet to complete our observations on the Aitchison Raffety Viability Report circulated on 24 December and will forward this separately.

Section 106 Agreement.

The current planning application suggests that some remaining stables and some land could be designated for local livery purposes. It is important that these proposals meet the necessary welfare, legislative and infrastructure requirements to ensure such operations can be well managed.

You will be aware that a large number of Local Planning Authorities, particularly in areas with a large equine population, have produced and adopted Local Policy Guidelines (LPG) to assist them in determining both planning applications for recreational and commercial riding establishments or livery yards and the production of accompanying Section 106 agreements.

A number of the common features in the DEFRA and the National Equine Welfare Council (NEWC) guidelines and the LPG's are highly appropriate for the above application and we request the three items underlined below are included in the Section 106 agreement/deed proposed:

Plans to be submitted for approval to demonstrate the stables and the supporting buildings and infrastructure for the operation of the livery yard are in accordance with:

DEFRA Code of practice for the Welfare of Horses, Ponies, Donkeys and Hybrids.

NEWC Compendium for the Welfare of Horses, Ponies and Donkeys.

BHS Approval Criteria for Livery Yards.

(Reason: to ensure the livery yard development is suitable for purpose and designed, planned and erected in accordance with advice from an appropriate source of information).

Details to be provided for designated on-site parking areas for livery yard staff, horse owner's and regular visitors motor vehicles.

(Reason – to prevent offsite parking in a narrow country road and local lanes creating congestion and damage to verges in the rural area - regular visitors will include Vet's, Farriers, Physio's, and Equine Dentists. For the proposed yard a minimum of six defined parking spaces).

Transport maintained and available on site should emergency veterinary treatment be required.

(Reason - the provision of a trailer and towing vehicle and or horse box is a welfare requirement for the transportation to a Veterinary hospital for sick animals requiring urgent lifesaving surgery if diagnosed by a veterinary surgeon or other competent person).

Additional information received and verified following our report and 31 Dec letter.

Flauden House stables and land as has been demonstrated was a professional show jumping and horse breeding establishment in the 1980'/1990's and then became a long established commercial equestrian venue until the purchase, closure and eviction of tenants and horses in April/May 2015.

We understand the LPA had asked Relic Studio to provide: *strong evidence that every reasonable effort has been made to secure business, recreation or tourism-related reuse, before residential conversion is considered.*

Our extensive enquiries found no evidence of this having taken place amongst recreational riders a number of whom kept their horses for many years at this equestrian venue.

We wish to place on record that two local experienced livery yard managers made enquiries expressing an interest to rent or lease all or part of the equestrian premises and land.

They heard nothing from Relic for a long period of time but by then partial demolition of the yard infrastructure had taken place plus land maintenance had been abandoned resulting in a site looking semi derelict. Local contractors have suggested it would not take long to restore the land and surrounds back to good order given suitable weather conditions.

We also understand Dacorum Borough Council include the following as part of their policies:

An applicant for planning permission may seek to demonstrate through an independent assessment that the land or buildings are surplus to requirements. Developers will need to consult the local community and demonstrate their proposals are widely supported by them.

We understand the Developers have met with the local parish council and some residents but learn that they did not support the proposals.

As indicated above no evidence can be found of the developer consulting with the displaced horse owners or business tenants from the equestrian venue they purchased.

We assume the independent assessment is the Aitcheson Rafferty Viability Report - Relic Studio forwarded to the LPA circulated as a public document on 24 Dec 2015.

Our comments and observations as previously indicated will be forwarded separately.

It remains our opinion that this venue should remain in equestrian use and the provisions requiring the Coach House to be used in conjunction with this

activity be maintained.

4 January 2016

Dear Ms Palmer,

**Dacorum Planning Ref: 4/03481/15/MFA
Conversion of two stables and extension to The Coach House at
Flaunden House Stables.**

**British Horse Society Hertfordshire – observations on the Aitcheson
Rafferty – Viability Report.**

We regret to note that this Viability Report is incomplete and repeats the misleading and inaccurate information included within and submitted with the above application.

The author in 2.1 of the Viability Report describes this venue as a farm establishment set within 16.5 acres of land, despite evidence readily available from a few simple searches and local enquiries that it is a long established equestrian centre.

In 10.2 the report states:

There is no evidence of any previous viable equestrian business at the Property, and no records of any business operating at the Property at Companies House. No accounts have been produced. Any previous equestrian use must have been on a low key basis.

The following clearly demonstrates the errors in these misleading statements.

This venue is well documented in a variety of records as having been an established professional showjumping equestrian yard with four international riders in residence from the early 1980's until the early 2000's. Three of whom represented GB teams internationally and one as part of the British Olympic Team. The contact details of the three riders are available from The British Show Jumping Association should the LPA require them to provide confirmatory evidence.

Companies House records a number of companies registered at this address for this period but we have assumed the accompanying accounts to be irrelevant for this exercise.

The equestrian venue was sold in 1998 to Mr & Mrs Goldie who leased and rented out the stables and the large American barn as livery yards to commercial equestrian businesses and individual tenants. They later sold Flaunden House and some land but retained possession of the coach house, stables and the majority of the land - trading as Flaunden House Stables.

Companies House records show Mr & Mrs Goldie at Flaunden House as Directors of Huntley Construction Limited – General Construction, Civil

Engineering and Property Developers.

The last annual return was shown to be in 1999 and the company was dissolved in 2002.

Companies House records show Mr Goldie was a director of Crownband Limited registered and recorded as - Management of Real Estate. The records show accounts were made up to 2008, 2009 and 2010 for a dormant company and in Jan 2012 an application was submitted to have the company struck off. It is our understanding that accounts for such companies when struck off are forwarded to HM Revenue and Customs and will not be available in the Companies House Records.

It is not known where Mr Goldie recorded the income derived from Flaunden House Stables and as he and his wife moved abroad some years ago it has not been possible to obtain any further information.

Companies House records also show Sarah Franklin of The Equestrian Trading Company Limited was trading at Flaunden House Stables from 1999 to 2006. The company is still in existence but relocated to Tiverton, Somerset in 2006. Accounts are available.

The Equine Chartered Physiotherapist Mrs Lorna Skinner MCSPC. HPC MBacC ACAPT has records to demonstrate she has treated clients horses at the yard from 1991, initially at the request of a veterinary surgeon of Park Veterinary Centre. She entered into a contract with Mr Goldie to rent 8 stables in the American barn for 2004 and 2005 for her own horses and as a rehabilitation unit for clients' horses. She continued with regular visits to the yard to treat clients' horses up until shortly before the then new yard owners Mr & Mrs Turner left.

Mrs Skinner now divides her physiotherapy practice time between her many clients in and around SW Herts. and her stables in Derbyshire.

Both Lorna Skinner and Sarah Franklin paid business rates for the commercial premises (stables) to Dacorum Borough Council.

Ms Kouzelis rented the American barn from 2006 to operate her livery business, paying rent initially to Mr & Mrs Goldie and then to the new owners - Mr & Mrs Turner.

She paid business rates direct to Dacorum Borough Council.

As she and Mrs Skinner are sole traders their accounts are submitted to HMRC and are not available as public records.

The equestrian venue was purchased by Mr & Mrs Turner in 2009 and whilst Companies House records show Georgina Turner as a director of the Hackney Horse Society based at Flaunden House Stables, the accounts are those of the Society and therefore not relevant.

Mr & Mrs Turner sold the business due to illness and moved to Devon. We assume the accounts for their professional Hackney Horse training yard and the continuing livery business they controlled were also declared as sole traders.

In view of the fact that the author of the Viability Report was not able to take the above information and commercial operations of this venue into account we suggest the conclusions are incomplete as it fails to provide an assessment of the potential to retain the venue as a viable equestrian venue and livery yard and the estimated revenue.

Prior to receipt of the Viability Report we had already researched the supply and demand for livery yards in this area and confirm there is a shortage of such yards and most have waiting lists and no vacancies. There is a high demand from amateur competitive riders who seek a venue with good training facilities through to recreational riders with less demanding requirements.

The British Horse Society members who were evicted from Flaunden House Stables have maintained a social media group and with others in the group have provided Flaunden Parish Council with names of the horse owners keen to return to this equestrian venue should it reopen.

Flaunden House Stables prior to the latest purchase operated as a long established livery yard and equestrian centre. Our enquiries reveal a number of local livery yards of a similar size with about 30 stables, have been operating for many years as viable businesses.

Some registered with local authorities where they also hire out horses and others only provide livery services ranging from full livery to DIY livery.

We also checked with two yards and a local builder who provide maintenance services to farms and equestrian yards as to what level of annual maintenance costs they would apportion per stable. They could not immediately provide a definitive answer but suggested the figure of £500 per stable quoted in the Viability Report was fanciful and unrealistic. The builder suggested the figure probably applied to a large firm of contractors who operated in the commercial buildings sector changing high man hour and travelling costs that would be an unattractive supplier to a rural equestrian business.

It is our conclusion from the information we have obtained that Flaunden House Stables has the potential to remain as a viable equestrian commercial business.

We therefore suggest that the current owners should actively market the site in this manner as required by Dacorum Borough Council and the latest planning application be refused.

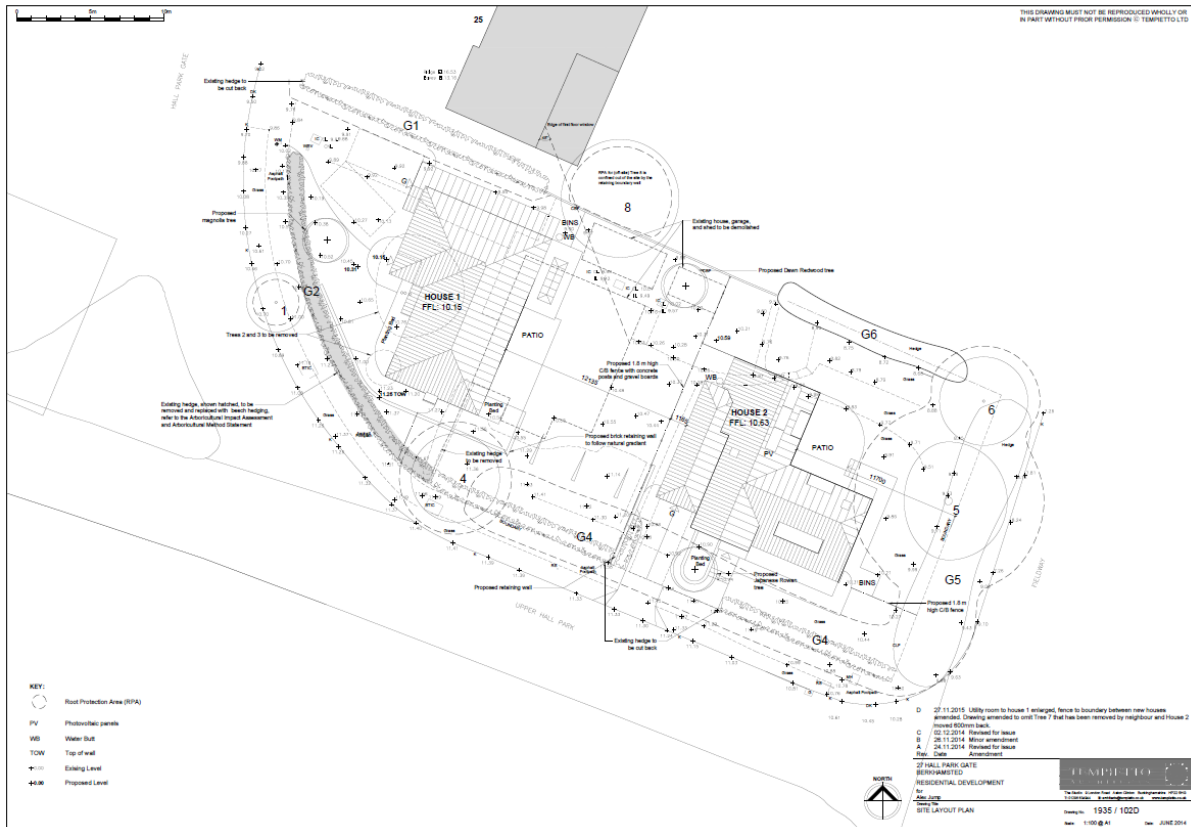
The Coach House domestic accommodation has a long standing restriction in place that it can only be used in conjunction with the equestrian establishment. We strongly recommend that this be retained and be continues to be occupied by a proprietor or their staff to fulfill this requirement.

Agenda Item 5e

Item 5.05

4/03985/15/ROC - VARIATION OF CONDITION 2 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION 4/03613/14/FUL (DEMOLITION OF EXISTING HOUSE AND REPLACEMENT WITH 2 DETACHED DWELLINGS WITH ASSOCIATED ACCESS ARRANGEMENTS (REVISED SCHEME).)

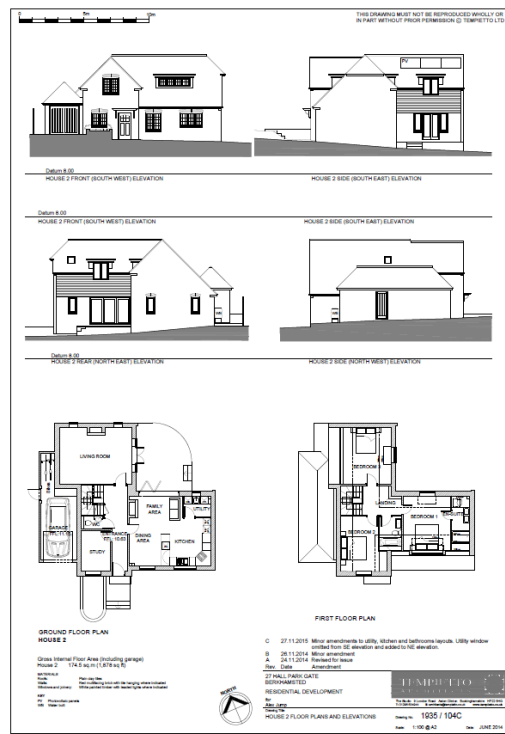
27 HALL PARK GATE, BERKHAMSTED, HP4 2NL



Item 5.05

4/03985/15/ROC - VARIATION OF CONDITION 2 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION 4/03613/14/FUL (DEMOLITION OF EXISTING HOUSE AND REPLACEMENT WITH 2 DETACHED DWELLINGS WITH ASSOCIATED ACCESS ARRANGEMENTS (REVISED SCHEME).)

27 HALL PARK GATE, BERKHAMSTED, HP4 2NL



**4/03985/15/ROC - VARIATION OF CONDITION 2 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION 4/03613/14/FUL (DEMOLITION OF EXISTING HOUSE AND REPLACEMENT WITH 2 DETACHED DWELLINGS WITH ASSOCIATED ACCESS ARRANGEMENTS (REVISED SCHEME)).
27 HALL PARK GATE, BERKHAMSTED, HP4 2NL.
APPLICANT: MR JUMP.**

[Case Officer - Jason Seed]

Conclusion

This application is recommended for approval for the following reasons:

The proposed variation of Condition 2 (approved plans of planning permission 4/03613/14/FUL) is considered to consist of minor amendments which would not adversely impact upon the visual amenity of the immediate street scene, or the residential amenity of neighbouring properties. The proposed minor material amendments therefore remain in accordance with saved appendixes 3, 5 and 7 and policies 21, 58, 99 of the Dacorum Local Plan (1991), policies CS1, CS4, CS11, CS12 of the Core Strategy (2013), the NPPF (2012) and the BCA1 Hall Park Area Character Appraisal (2004).

Site Description

The application site is located on Hall Park Gate Road in Berkhamsted and resides within the BCA1 Hall Park Area Character Appraisal. The application site comprises of an end plot occupied by a detached bungalow which is set well back from the road.

The surrounding area is characterised predominantly by individually designed, detached, two storey dwelling houses which have a linear relationship to the street and large front gardens. The area has a verdant character emphasised by the generous garden plots serving the properties and countryside views.

Proposal

Consent is sought to vary Condition 2 of planning permission 4/03613/14/FUL, which relates to the granted plans for the demolition of the existing bungalow and replacement with two detached dwelling and associated access arrangements.

Condition 2 reads as follows:

“The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan Drawing No 1935/101, Site Layout Plan Drawing No 1935/102C, Upper Hall Park Street Elevation Drawing No 1935/105B, Hall Park Gate Street Elevation Drawing No 1935/106B, Extended Street Elevations Drawing No 1935/107B, House 1 Floor Plans and Elevations Drawing No 1935/103B, House 2 Floor Plans and Elevations Drawing No 1935/104B.”

The proposed variation seeks the following revisions to the two dwellings:

House 1

- Enlargement of utility room

House 2

- Relocating 0.60 metres further away from Upper Hall Park Road
- Repositioning of utility room window from SW to NE elevation

Referral to Committee

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

Planning History

4/03613/14/FU DEMOLITION OF EXISTING HOUSE AND REPLACEMENT WITH
L 2 DETACHED DWELLINGS WITH ASSOCIATED ACCESS
ARRANGEMENTS (REVISED SCHEME).
Granted at Appeal
06/03/2015

4/01812/14/FU DEMOLITION OF EXISTING HOUSE AND REPLACEMENT WITH
L 2 DETACHED DWELLINGS WITH ASSOCIATED ACCESS
ARRANGEMENTS
Refused
06/10/2014

4/01121/93/4 FORMATION OF PITCHED ROOFS OVER EXISTING DORMERS
Granted
22/09/1993

Policies

National Policy Guidance (2012)

National Planning Policy Framework (NPPF)

Dacorum Core Strategy (2013)

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

Saved Policies of the Dacorum Borough Local Plan (1991-2011)

Appendix 3 - Gardens and Amenity Space
Appendix 5 - Parking Provision
Appendix 7 - Small-scale House Extensions

Policy 21 - Density of Residential Development
Policy 58 - Private Parking Provision
Policy 99 – Preservation of Trees, Hedgerows and Woodlands

Supplementary Planning Guidance (2004)

BCA1 Hall Park Area Character Appraisal

Summary of Representations

Thames Water - The application does not affect Thames Water and as such we have no comments to make.

Building Control - Depending on the sloping nature of the site consideration may be given to a level access from the parking spaces to the front entrance doors.

Highway Authority - The above condition that the applicant is wishing to have removed is unlikely to have a detrimental impact on the adjacent highway.

78 Upper Hall Park - I refer to the above proposed variation to Condition 2 of Planning Permission 4/03613/14/FUL. We strongly object to the proposed planning variation as it appears to breach the Conditions attached to the approved planning permission (as defined at the Appeal stage). The proposed variation application appears to include a significant upscaling of both properties and a significant amendment to their setting. From the new information provided and our calculations (set out below), the square footage of both properties is significantly greater than that contained within the original approved plans. As you will see from the case file, the original planning application in July 2014 was refused and the second submission in December 2014 reduced the square footage by a very small amount. This application was also refused. However, as you will be aware, this was overruled at the Appeal stage. However, within the Planning Inspectorate's appeal document it clearly states under point 24 of Conditions: "I have restricted extensions to the new dwellings which, it appears to me, could otherwise be enlarged excessively in relation to their plots". Also, within the Schedule of Conditions, point 10 clearly states that "*the new dwellings hereby permitted shall not be enlarged under the provisions of Schedule 2*" As you can see from the table set out below the proposed increase in square footage is significant for both House 1 and 2, being 12% and 15% respectively. In addition, within the site and block plans, the rear of House 1 (HPG) the approved plans showed 12400 cm to the boundary of House 2 (UHP). House 2 then had 900 cm to the boundary. However, this has now changed within the new plans to 12135 cm and 1165 cm respectively. This therefore looks as though the garden has once again been reduced on House 1 which is the executive style house. House 2 is only able to be pushed back from the road due to 25 HPG removing a large Oak tree.

84 Upper Hall Park - Please find overleaf comparisons in respect of the square footage of the properties. You will see that the square footage is far greater than the original plan. Therefore, the application appears to be less a variation of a condition but an attempt to amend the scale of the properties and their settings. As you will see from the case file, the original planning in July 2014 was refused and the second submission in December 2014 reduced the square footage by a very small amount. This application was also refused. However, as you will be aware, this was overruled by an Appeal. However, within the Planning Inspectorate's appeal document it clearly states under point 24 of Conditions *"I have restricted extensions to the new dwellings which, it appears to me, could otherwise be enlarged excessively in relation to their plots"*.

Also, within the Schedule of Conditions, point 10, it clearly states *"the new dwellings hereby permitted shall not be enlarged under the provisions of Schedule 2"*

As you can see from the numbers the increase in square footage is significant for both House 1 and 2 being 12% and 15% respectively.

I appreciate that modifications may take place as all best laid plans do change, but feel that the new plans are changing the "goal posts" significantly.

Another element to raise which I cannot understand is, within the site and block plans, the rear of House 1 (HPG) showed 12400 to the boundary of House 2 (UHP). With House 2 then having 900 to the boundary. However, this has now changed within the new plans to 12135 and 1165 respectively. This therefore looks as though the garden has once again been reduced on House 1 which is the executive style house.

House 2 is only able to be pushed back from the road due to 25 HPG removing a large Oak tree.

Also below (on the third page) you will see a layout of House 1 which is currently being advertised on Fine & Country's website and including the garage adds up to 1,988 as shown below in the table. If I have misinterpreted anything from the documents available on the website, please let me know otherwise I should be grateful if you would log the above as an objection to the proposed variation to planning application.

32 Hall Park Gate - We refer to the above application. We wish to object to the planning variations being put forward due to the following observations

The initial two requests for development of the site were refused by Dacorum and only granted following appeal granted with the following conditions within the Planning Inspectorate's appeal document it clearly states under point 24 of Conditions *"I have restricted extensions to the new dwellings which, it appears to me, could otherwise be enlarged excessively in relation to their plots"*. Yet looking at the revised plan from Dec 2015 it appears that both houses square footage have increased by 12% & 15%. Therefore, the application to us appears to be less of a variant of a condition but rather more an attempt to amend the scale of the properties. The scale of which previously was a concern, and an increase in size would make the property of house 1 in particular more dominating and overbearing in size, and if this is the case contravenes the condition of the successful appeal.

Also, within the Schedule of Conditions, point 10, it clearly states *“the new dwellings hereby permitted shall not be enlarged under the provisions of Schedule 2”*

We appreciate that modifications may take place as other parties become interested in purchasing the proposed house, but feel that the new plans, if indeed are larger in size are changing the “goal posts” significantly. Indeed Fine & County estate agents, who are marketing house 1, refer to it as a 4 bed house that could be extended to 5 bed which is not what it has planning for and this concerns us.

Another element which my neighbour raised is, within the site and block plans, the rear of House 1 (HPG) showed 12400 cm to the boundary of House 2 (UHP). With House 2 then having 900 cm to the boundary. However, this has now changed within the new plans to 12135 cm and 1165 cm respectively. This therefore looks as though the garden has once again been reduced on House 1 which is the executive style house and is therefore not in keeping with the garden sizes of the other properties on the road. Moving a house and adjusting share of garden size does not seem a “minor adjustment”.

House 2 is only able to be pushed back from the road due to 25 HPG removing a large Oak tree.

21 Hall Park Gate - The size of House 1 has increased from 184.8 sq m to 206 sq m. The size of House 2 has increased from 151.4 sq m to 174.5sq m. The changes to achieve this increase have not been documented in the amendments list or consulted on. The roof profile of House 1 and House 2 has changed and not been documented in the amendments list or consulted on. The garage for both properties is 2m by 5m, only fractionally larger than the average family car and therefore unlikely to be used to park a car. Therefore both properties require more car parking space to avoid cars being parked on the road.

12 Fieldway - Comments received in respect of reduction in amenity of House 1, impacts associated with house 2 relocation.

80 Upper Hall Park - I am concerned to see from the submitted plans that the applicant appears to be using this new application to increase the area of the 'as built' units and as such it would seem that the development footprint appears to be increasing by some 10% overall from the plans submitted.

Mr. P Tyler - It appears from calculations regarding the proposed revision to the floor plans that the properties will increase in size. The size and scale of this proposed development has been a continuing topic of objection by more than 20 local households, across many amended applications, and these concerns have been upheld throughout the planning application process. Eventually the final rejected application was overturned by the appeal process however, this decision to grant was constrained by significant compliance requirements. The Planning Inspectorate's appeal document states under Conditions point 24 'I have restricted extensions to the new dwellings which, it appears to me, could otherwise be enlarged excessively in relation to their plots'. Further, Schedule of Conditions point 10 identifies 'the new dwellings hereby permitted shall not be enlarged under the provisions of Schedule

2'. Unless I have missed something, for which I apologise, I deduce from the documents and information available on-line that the approximate proposed increase in floor space for House 1 is 12% and House 2 is 15%. I propose that this planning revision is not in compliance with a condition set by the Planning Inspectorate, it is an application to significantly amend the scale of both the properties.

84 Upper Hall Park - The original planning application in July 2014 was refused and the second amended application in December 2014 which showed a very small reduction in area of both houses was also refused. Unfortunately this refusal was overturned on appeal.

The Planning Inspectorates ruling made a number of observations and conditions. One of the conditions, point 10 clearly states "*the new dwellings hereby permitted shall not be enlarged under the provisions of Schedule 2*"

The application for variation applies for a substantial increase in size of both houses of around 12% for house 1 and 15% for house 2. Also both houses have been repositioned which appears to reduce the size of the garden for house 1.

23 Hall Park Gate - The original plans were subjected to detailed scrutiny at each stage of the planning process and the Planning Inspector was clear when giving judgement on appeal that there were to be no enlargement permitted to the plans. To permit the Revised Scheme would go against the Schedule of Conditions itemised in the Appeal decision.

The Planning Inspector, in considering the original plans, took into account the positioning of the two houses on the plot. Repositioning of the houses as proposed in the planning variations will diminish the distance between the two houses and further reduce the size of the garden to House 1.

There is a considerable slope on Fieldway / Hall Park Gate. Any repositioning of House 2 closer to the boundary with 25 Hall Park Gate will have an adverse effect on my property, 23 Hall Park Gate.

12 Fieldway - Objections on the following grounds:

- 1) The square footages of BOTH proposed properties (Houses 1 and 2) have significantly increased – from those originally rejected by all planning committees around July 14 – how on earth the applicant thinks that this is going to pass unnoticed I'm really not sure:-
 - a. House 1 **PLUS circa 12%**
 - b. House 2 – **PLUS circa 15%**
- 2) This is certainly a 'material' planning change and not a so called variation. It is effectively a 'new' scheme altogether and therefore **MUST** go through the complete planning/approval process again.
- 3) The garden size on house number 1 has reduced in size from the approved proposal, making it far too small for the size of proposed dwelling.

- 4) One of the conditions of 'approval' was "dwellings permitted shall not be enlarged" – therefore this is an obvious breach.

Berkhamsted Town Council - Considered that this was not a minor variation. The proposal increased the scale of the development and reduced the amenity space. If this amendment were to be allowed, the Inspector's recommendations will be disregarded.

8 Fieldway - The revision of plans proposes houses that are larger in area than those approved on appeal despite the provisions of the approval not permitting any enlargement of the properties. It looks as if the size of garden for house 1 "the executive home" has been reduced thus increasing housing density.

Constraints

No specific policy designations, established residential area of Berkhamsted

Key Considerations

Principle of Development

The principle of the development was confirmed as acceptable by virtue of the previously approved appeal (ref: APP/A1910/W/15/3028164) which granted permission for 2 detached dwellings with associated access arrangements. As such, the main issues to the consideration of this application relate to the impact of the proposed minor alterations upon the character and appearance on the immediate street scene, the residential amenity of neighbouring properties, proposed parking provision and Trees and Landscaping.

Effect on Appearance of Building and Street Scene

Saved appendix 7 of the Dacorum Local Plan (1991), policies CS11, CS12 of the Core Strategy (2013) and the NPPF (2012) all seek to ensure that any new development/alteration respects or improves the character of the surrounding area and adjacent properties in terms of scale, massing, materials, layout, bulk and height.

Furthermore, the Area Character Appraisal for BCA1 Hall Park highlights that new dwellings should be two storey in height and detached in form; maintaining a separation distance between neighbouring properties of 5 - 10 metres and featuring generous front gardens.

House 1

The proposed amendment for House 1 would marginally alter its external appearance by adding 0.67 metres in width to the ground floor utility room. This would result in an

increase in dwelling house size by 1.27m², or 0.6% (approximately). Furthermore, this addition would not project beyond the flank North East elevation, maintaining the originally proposed separation distance from House 2, and size of surrounding external amenity space.

In addition to this the only other change would be an alteration to the internal ground floor layout or the study, downstairs toilet and added storage cupboard. Internal alterations to any dwelling which is not Listed would not require planning consent.

House 2

The main visual alteration to House 2 would be the proposed repositioning 0.6 metres further away from Upper Hall Park Road. Such an amendment would marginally increase the size of the front garden serving the dwelling. Such an alteration is encourage within the Hall Park Area Character Appraisal and would enhance the visual appearance of the proposed dwelling from the street scene.

No increase in dwelling size would result. Changes to the internal layout of the property would not require planning consent.

In sum, the minor variations to the approved scheme would not further impact upon the character, appearance or pattern of the proposed dwelling houses within the immediate street scene.

Effect on Amenity of Neighbours

The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Appendix 3 of the Local Plan (1991) and policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact upon neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way visual intrusion, loss of light and privacy. It is noted that adequate amenity space for a unit of this size is provided and is comparable to other garden sizes within the locality.

House 1

The proposed increase in width to the ground floor utility room would not have any further adverse impacts to the residential amenity or privacy of surrounding properties.

House 2

The proposed repositioning of the dwelling house would not result in a further loss of outlook or privacy to neighbouring residents at 25 Hall Park Gate, due to retaining the 17 metres (approximate) separation distance between both properties.

The second alteration to House 2 involving the relocation of the utility room window

from the South East side elevation to rear (North East) elevation would not result in a loss of privacy to neighbouring residents. It is important to note that the proposed alteration reduces the window's size and that the utility room is not a habitable room.

A maximum 10 metre deep (approximate) garden would be preserved as a result of the repositioning of the dwelling house. Although this falls short of the external amenity standard set out in saved appendix 3 of the Local Plan, garden depth would only be reduced by 0.6 metres. Furthermore, significant additional external amenity provision is available to the side of the dwelling; accommodated by the removal of the retaining wall between Houses 1 and 2), in addition to the cut back of the rear hedge in order to accommodate further garden space. As a result this shortfall is not considered sufficient reason to refuse the application as an adequate functional garden area will be provided particularly bearing in mind the minor differences compared to the extant approval.

In sum, no further impact to the outlook, light or privacy serving neighbouring residents would result from the proposed minor amendments.

Impact on Trees and Landscaping

Saved policy 99 of the Dacorum Local Plan (1991) and Policy CS12 of the Core Strategy (2013) seek to ensure that retained trees are protected during development and that new planting is a suitable replacement for any removed trees.

The proposed minor amendments would result in the loss of the neighbouring properties' (27 Hall Park Road) tree- T7. Although, loss of existing vegetation is discouraged by the LPA, removal of Trees which fall outside a Conservation Area or Tree Protection Order can be carried out without formal consent. The site would retain a sufficient level of vegetation to maintain the verdant character aspect of the area.

Impact on Parking and Access

In terms of parking provision, Appendix 5 requires a maximum standard of 3 spaces for a 4 bed house (3 spaces are provided for the 4 bed House 1) and 2.25 spaces for a 3 bed dwelling. House 2 has 3 beds and is provided with 2 on-site spaces. As these figures relate to maximum standards and not minimum standards, then the provision of 2 spaces for House 2 could not justify a refusal on these grounds. Furthermore, House 2 is provided for cycle storage to the rear of the garage.

House 2

The proposed minor amendment to House 2 would ensure a more functional and generously sized parking bay serving this property.

Hertfordshire Highways were consulted and provided the following conclusive

comments:

“The assessment does not indicate any significant issues with the request and therefore the highway authority would not wish to restrict the grant of permission.”

Bearing in mind the above and the fact that the proposal does not change the number of bedrooms/amount of parking grounds for refusal relating to parking could not be sustained.

Other Matters

It is important to emphasise that the floorspace size of the two dwellings stated on the amended plans has increased due to the proposed garages floorspace being included within the measurements. The reason for this change in calculation is because the CIL charge relates to floor area including garages. When the application was originally submitted CIL had not been implemented.

The objections received note that Permitted Development rights for Class A extensions were removed in the planning permission granted by the Inspectorate, and refer to paragraph 24 where the Inspector reasoned that the houses could be enlarged excessively in relation to their plots. The enlargement of approximately 1 m² proposed for House 1 is not considered the quantum of extension that the Inspector was envisaging under Class A.

Community Infrastructure Levy (CIL)

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.

Conclusion

No impact upon key planning considerations has resulted from the proposed material amendments. As a result the proposed variations are all considered minor in nature and acceptable.

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

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

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

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

Reason: To ensure a satisfactory appearance to the development; in accordance with policy CS12 of the Core Strategy.

- 3 **No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:**

- proposed finished levels;
- means of enclosure;
- hard surfacing materials;
- proposed trees;
- shrubs; and
- hedgerow planting.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area; in accordance with policies CS11 and CS12 of the Core Strategy (20130).

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area; in accordance with policies CS11 and CS12 of the Core Strategy (2013).

- 5 **In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (i) and (ii) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.**

i) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

ii) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

iii) No development shall take place and no equipment, machinery or materials shall be brought on to the site for the purposes of the development until (a) precise details and a specification of the fencing for the protection of any retained tree has been submitted to and approved in writing by the local planning authority; and (b) the erection of protective fencing has been undertaken in accordance with the approved details. The fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition or under the canopy of any tree to be retained and the ground levels within those areas shall not be altered without the written approval of the local planning authority.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area; in accordance with saved policy 99 of the Local Plan (1991) and policy CS12 of the Core Strategy (2013).

- 6 Prior to the commencement of development, details of a 2m x 2m pedestrian visibility splay at the access to house 2 shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented before the building is occupied. Development shall be carried out in accordance with the approved details and the visibility splays shall thereafter be kept free of all obstructions over a height of 600mm above the adjacent footway level.**

Reason: In the interests of highway safety.

- 7 Development shall be carried out in accordance with the approved parking layout plans and the car parking spaces shall be retained for this use thereafter.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities; in accordance with saved appendix 5 and policy 58 of the Local Plan (1991).

- 8 None of the buildings shall be occupied until details for the disposal of surface water from the new and altered parking areas have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved before the buildings are occupied.**

Reason: To ensure that the site is subject to an acceptable drainage system serving the development; in accordance with policy CS12 and CS29 of the Core Strategy (2013).

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the new dwellings hereby permitted shall not be enlarged under the provisions of Schedule 2, Part 1, Class A of that order.**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality; in accordance with policies CS11 and CS12 of the Core Strategy (2013).

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

1925/104C

1935/103

1935/109A

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

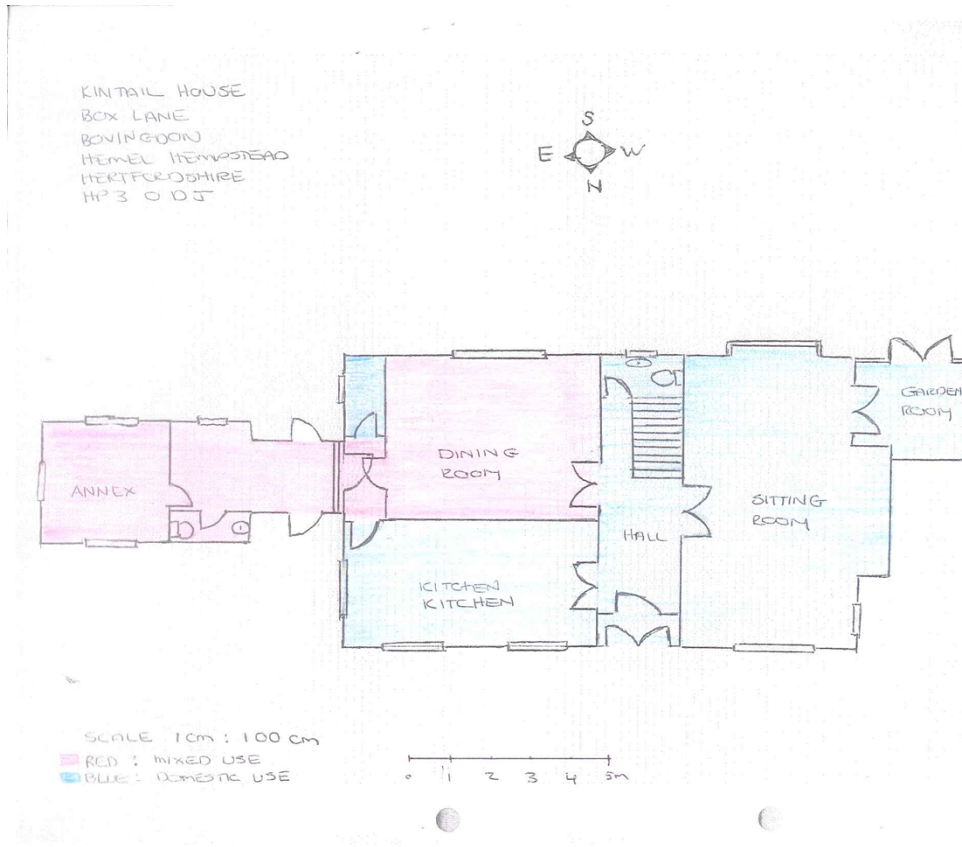
Article 35 Statement:

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) Order 2015

Item 5.06

4/04042/15/FUL - CHANGE OF USE FROM C3 (RESIDENTIAL) TO MIXED USE C3 (RESIDENTIAL) AND D1 (CHIROPRACTIC CLINIC).

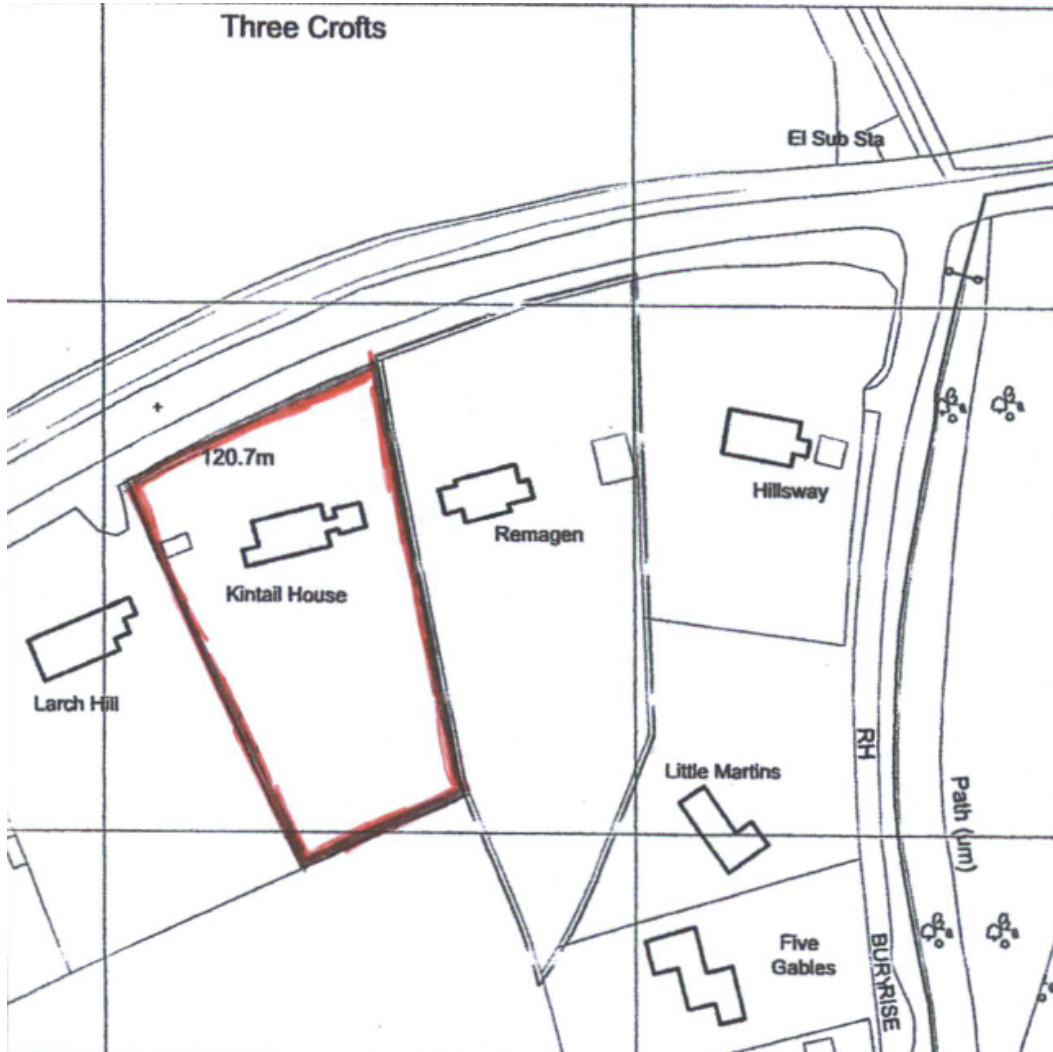
KINTAIL HOUSE, BOX LANE, HEMEL HEMPSTEAD, HP3 0DJ



Item 5.06

4/04042/15/FUL - CHANGE OF USE FROM C3 (RESIDENTIAL) TO MIXED USE C3 (RESIDENTIAL) AND D1 (CHIROPRACTIC CLINIC).

KINTAIL HOUSE, BOX LANE, HEMEL HEMPSTEAD, HP3 0DJ



**4/04042/15/FUL - CHANGE OF USE FROM C3 (RESIDENTIAL) TO MIXED USE C3 (RESIDENTIAL) AND D1 (CHIROPRACTIC CLINIC)..
KINTAIL HOUSE, BOX LANE, HEMEL HEMPSTEAD, HP3 0DJ.
APPLICANT: MS LISA GREIG.**

[Case Officer - Thomas Gabriel]

Summary

The application is recommended for approval. The change of use to mixed C3 (residential) and D1 (chiropractic clinic) use of the dwelling has not had a materially greater impact on the Green Belt than the previous full residential use of the property by virtue of the limited extent and nature of the chiropractic clinic use. The use has similarly not had an adverse impact upon the character of the building, the amenities of the neighbouring properties or highway safety.

Site Description

Kintail House is a large detached dwelling in a substantial plot on the southern side of Box Lane, 80m to the west of the junction of Box Lane and Bury Rise. The dwelling is set back within the plot by around 15m and is set above the level of the lane by several metres. The dwelling is largely screened from view from the road by a 2m high hedge set back from the lane by around 4m. This space is occupied by a grass verge. The property has the benefit of a detached double garage and parking and turning space for several cars. The property is one of five in this part of Box Lane fronting the lane, though all set back by generous distances with well-screened frontages. The site is located within the Green Belt.

Proposal

The application is for the retention of the change of use of the property from C3 (Residential) to mixed use C3 (Residential) and D1 (Chiropractic Clinic). The annex at the eastern end of the building and the dining room of the dwelling are used for the treatment (with one chiropractic treatment bed in each) with a reception area between the two. The entrance for the clinic is separate from the main entrance to the dwelling house and leads directly into the reception area. Both the annex and the dining room are used by the residents of the dwelling for domestic purposes as well as for the clinic.

The applicant advises that no more than 12 - 15 clients are treated per day. Each appointment is 20 or 40 mins in length. The hours of opening are;

Monday	Closed
Tuesday	12.40 - 6.20
Wednesday	9.00 - 3.00
Thursday	1.00 - 7.00
Friday	9.00 - 4.00
Saturday	9.00 - 1.00

The clinic is run by the owner of the property. One other person works as part of the clinic, a few appointments a week (not full time).

Referral to Committee

The application is referred to the Development Control Committee at the request of Councillor Stewart Riddick.

Planning History

4/0795/83 Detached double garage. Conditional permission -19/07/83.

The dwelling also has the benefit of a single storey side extension (used for the clinic).

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)
Circular 1/2006, 05/2005

Adopted Core Strategy

NP1 - Supporting Development
CS5 - Green Belt
CS8 - Sustainable Transport
CS12 - Quality of Site Design
CS14 - Economic Development

Saved Policies of the Dacorum Borough Local Plan

51 - Development and Transport Impacts
57 - Provision and Management of Parking
Appendix 5

Summary of Representations

Trees and Woodlands

No comment as no vegetation will be affected by the planned works.

Response to Neighbour Notification / Site Notice (in summary)

I strongly object. All the houses on Box Lane are residential. It is not appropriate to change a house such as this to commercial premises. It could damage the character of the area and act as a precedent. This is Green Belt land and it must be preserved!

There are plenty of existing, empty commercial properties in this area that at suitable for such a clinic

There is insufficient parking at Kintail House, that results in visitors parking on the grass verge on the road, which is dangerous.

How has Miss Greig been permitted to use her residential property as a clinic up to date? She has done so since she purchased the property some years ago, without

permission for such commercial use.

Please note these comments are in confidence because Miss Greig is a neighbour and I have no objection to her living next to me as a 'residential' neighbour and I don't wish to cause any bad neighbour feeling. However, I do very strongly object to my home being next to a commercial property.

Considerations

Policy and Principle

The use of the site as a mixed C3 (residential) and D1 (chiropractic clinic) in the manner established would usually be considered as being outside planning control as the chiropractic use would be viewed as being ancillary to the primary use of the property as a residential dwelling house. However, as a planning application has been submitted for the mixed use of the property, it is appropriate to address the issues surrounding the case.

The application site is located in the Green Belt wherein, under policy CS5 of the Core Strategy, only limited forms of development are acceptable in principle.

The main issues in this case are the increase in the intensity of use of the site and the impact of this upon the Green Belt and the impact of the development upon the character of the building as a residential dwelling house, upon the amenities of the occupiers of the surrounding properties and highway safety.

Given that the chiropractic use of the property is very much ancillary to the residential use of the property, and has not had a material impact upon the character of the site or the area, the mixed use of the property has not had a material impact upon the openness of character of the Green Belt in this location. The amenities of the Green Belt have not been harmed by the mixed use.

Paragraphs 19 and 20 of the National Planning Policy Framework state "The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century". The sixth bullet point of paragraph 21 states Local Planning Authorities should "facilitate flexible working practices such as the integration of residential and commercial uses within the same unit". This is therefore in support of the use at Kintail House.

Only a small part of the dwelling is used for the chiropractic clinic - the single storey side projection and the dining room. While these rooms are laid out for the clinic (with a treatment bed in both), the rooms are both used for domestic purposes too - they are not purely used for business purposes.

The clinic is open for the equivalent of four days a week and while this results in a potentially large number of visits by clients each week (the number varies), it is officer opinion that given the scale and nature of the property, this does not have a material

effect on the character of the dwelling. The clients' cars are able to park within the curtilage of the dwelling where there is sufficient space for five or six cars to park and turn (the owner's and the part time staff's cars are parked in the garage on the site), and while their movement creates a little additional disturbance, this is not significant and does not have an adverse impact on neighbour amenity, given the well screened boundaries of the site and the low speeds at which the cars visiting the site would be travelling). Clients' parking on the grass verge to the front of the site is noted though as this is highway land, it is a highway issue and need not be controlled by planning. Visibility splays on exit from the site are adequate. The chiropractic use of the site is not one that creates any significant noise. The character of the dwelling is not affected by the use.

Paragraph 17 of the National Planning Policy Framework seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

The impact of the chiropractic use upon the amenities of the neighbouring properties is also insignificant. Both of the immediately neighbouring properties are sited a reasonable distance from Kintail House and are well screened from it by trees and hedges. The limited noise arising from the use of the building as a clinic over and above that as a residential dwelling house is limited and cannot be considered to materially impact upon the amenities of the neighbouring occupiers.

As the change of use has not resulted in any alterations to the building, its residential appearance has been retained.

Considering the limited impacts arising from the chiropractic use of the site, it is not felt that the use has a material impact upon the Green Belt.

Accordingly, it is considered that the limited use of the ground floor rooms of the dwelling as indicated on the plans submitted with the application does not have an adverse impact upon neighbour amenity or highway safety. The character of the dwelling has not altered as a consequence of the use. The intensity of use of the site has not materially altered as a consequence of the use and therefore the impact of the development upon the Green Belt is acceptable. The hours of operation of the business are considered acceptable and can be controlled by condition to ensure that the use does not increase to a level which may adversely impact upon neighbour amenity or highway safety.

There is no impact upon the appearance of the dwelling or the street scene and the trees on the site have not been impacted upon.

The comments of the occupiers of the neighbouring property are noted. However, the use of Kintail House for the running of a chiropractic clinic has not had a material effect on the character of this residential property. Box Lane has not been spoiled by the use. The grant of permission of the application would not open the door to all residents or developers changing a residential street into a commercial street as each application is dealt with on its own merits. While there may be empty commercial properties nearby, this does not prevent the consideration of this application in the appropriate manner and the grant of permission for it as appropriate. There is parking within the curtilage of the dwelling for up to five or six cars (in addition to the two garage spaces for the owner and the part-time member of staff).

The proposed change of use is therefore considered to be acceptable.

Conclusions

The change of use of the dwelling from C3 (Residential) to mixed use C3 (Residential) and D1 (Chiropractic Clinic) has not had an adverse impact upon the character of the building, the amenities of the neighbouring properties, highway safety or the openness and visual amenities of the Green Belt. The development is therefore considered to be acceptable.

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

1 The hours of opening for the clinic shall be;

Tuesday	12.40pm - 6.20pm
Wednesday	9.00am - 3.00pm
Thursday	1.00pm - 7.00pm
Friday	9.00am - 4.00pm
Saturday	9.00am - 1.00pm

The clinic shall not operate on Sundays, Bank Holidays and Public Holidays.

Reason: In the interests of the amenities of the occupants of neighbouring dwellings and for the avoidance of doubt.

2 The permission hereby granted shall only refer to the rooms shaded pink on the ground floor plan of the dwelling submitted with the application.

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

3 The use hereby permitted shall be carried out only by Ms Lisa Greig as the owner of the property and the chiropractic clinic there and by no other named individual. In the event that Ms Lisa Greig is not the owner of the property, the part D1 business use of the site shall cease.

Reason: Permission would not normally be granted but regard has been paid to the particular circumstances of the applicant and the ancillary nature of the use.

Agenda Item 5g

Item 5.07

4/03464/15/FUL - CONSTRUCTION OF ONE 3-BED DWELLING

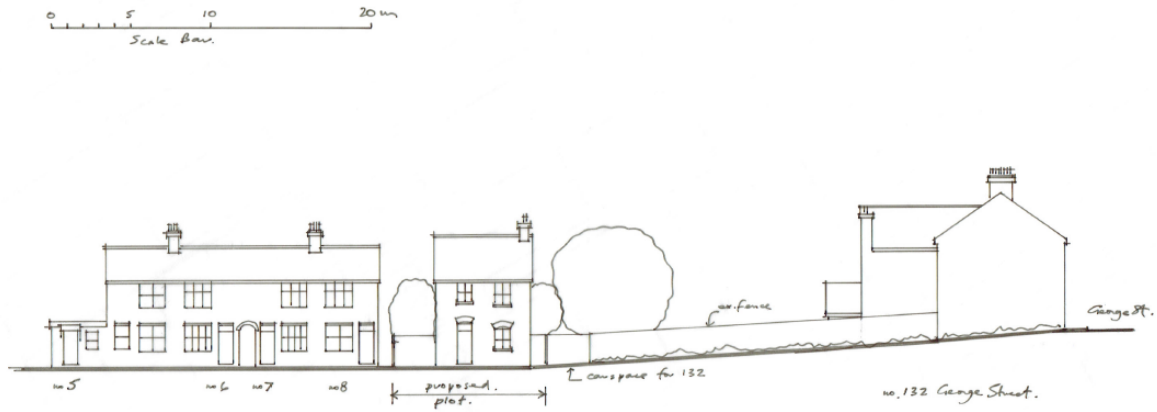
LAND REAR OF 126-132 GEORGE STREET, BERKHAMSTED, HP4 2EJ



Item 5.07

4/03464/15/FUL - CONSTRUCTION OF ONE 3-BED DWELLING

LAND REAR OF 126-132 GEORGE STREET, BERKHAMSTED, HP4 2EJ



**4/03464/15/FUL - CONSTRUCTION OF ONE 3-BED DWELLING.
LAND REAR OF 126-132 GEORGE STREET, BERKHAMSTED, HP4 2EJ.
APPLICANT: Rivergate Homes Limited.**

[Case Officer - Tass Amlak]

Summary

The application is recommended for approval. The proposal is for the demolition of an existing garage and the construction of a two storey three bedroom house within land to the rear of 126-132 George Street. Overall it is considered that the proposed development will be an efficient use of urban land and will provide a new dwelling which would be in keeping with the character and appearance of the street scene and the wider character and appearance of the conservation area. Adequate parking and amenity space will be provided. In addition to this the proposal is not considered to result in significant harm to the residential amenities of the neighbouring properties on William Street.

Site Description

The application site relates to land in the rear gardens of 126-132 George Street and the main frontage of the property will be located on the south western side William Street adjacent Number 8. William Street which is a unmade road that leads down to the canal from George Street with a short terrace of mid-20th century housing directly neighbouring the site with two set of semi-detached properties on the opposite side of the road of which one is pair (nearest the canal) is locally listed.

Proposal

The application seeks to replace the existing garage on William Street with a two storey detached dwelling of traditional brick and tile construction. The proposed property will be two bedroomed and have a depth of 8.3 metres, a width of 5.8 metres and a height of 8.2 metres with a gable roof.

The proposed property will provide two parking spaces and a rear garden of 8.5 metres.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Berkhamsted Town Council and a number of residents.

Relevant history

None.

Constraints

Conservation Area
Flood Zone 3
Grand Union (North Bank) 25m buffer

Relevant policies

National Policy Guidance

National Planning Policy Framework (NPPF)

Dacorum Core Strategy (2013)

CS4 – The Towns and Large Villages
CS8 - Sustainable Transport
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13- Quality of Public Realm
CS17 - New Housing
CS27-Quality of the Historic Environment
CS28 - Carbon Emission Reduction
CS29 - Sustainable Design & Construction
CS31 - Water Management
C32 - Air, Water and Soil Quality

Saved Policies of the Dacorum Borough Local Plan (1991-2011)

Policy 106 - Canalside Environment Policy
Policy 13 – Planning Conditions and Planning Obligations
Appendix 3 - Layout and Design of Residential Areas
Appendix 5 - Parking

Summary of Representations

Comments received from local residents:

136 George Street

WE would like to put our points of view AGAINST the development proposal.

- 1) Firstly this is a conservation area and the terms conservation and redevelopment contradict each other.
- 2) The addition of another house in the area of William Street/George Street will cause additional congestion. This area is already very dangerous due to cars having to drive or back out from William Street into George Street.
- 3) William Street is very narrow and what if any arrangements have be made to keep road clear during construction.
- 4) Access to car parking for new house will be very limited especially if cars are parked opposite, the residents will then probably park in road, limiting spaces even more than is the case now.
- 5) Ridge height of new house is NOT in keeping with existing houses.
- 6) William Street is an unmade road and therefore will deteriorate with heavy delivery lorries and plant travelling to and fro. Who will be responsible for repairing the road following completion of construction of dwelling?

7) Unkempt area of William Street will only be moved further up towards George Street.

8) No provision made for re-cycling bins. William Street is already being used as a storage area for these!

9) At the moment from our house we have a good view of trees and the canal, these will be lost.

10) Main objection is why do we need another house in such an over crowded area taking away the few trees and open aspect available we have.

134 George Street

We wish to comment on the above application and planning statement. There are 3 points of objection to the application:

The development will cause loss of amenity and environment: the active reduction of established green space contradicts the conservation status of the area, regardless of the quality and value of the existing vegetation and trees

The removal of an estimated one/two parking spaces by the development will exacerbate the existing scarcity of informal parking for residents

Heavy construction vehicles will inevitably cause permanent deterioration to the surface at the top of William Street: the supporting planning statement makes no reference to making good the damage.

Resident of George Street

I am writing to object to the proposed development in George Street, Berkhamsted. The area is already congested with traffic and the streets are at bursting point for parking.

There is limited room to bring in building materials and this would also reduce green space.

139 George Street

I am writing to object to the proposed building of a three bedroom house behind numbers 126 - 132 George Street. The street is already congested enough without having to witness yet more reduction of green space and gardens.

The exit from William Street is problematic as it is without having lorries and other large vehicles trundling down it and speaking from my own experience my car has had a dent put in it from a large van turning out from William Street onto George Street recently!

I strongly object to this proposed new dwelling and cannot see how it can possibly benefit any of the local residents.

89 George Street

It seems to me that often developers are the ones who gain in these cases, while their profiteering adversely affects the quality of life of the local residents. The people who already live in George Street, Little Bridge Road and William Street presumably like me have chosen to live in this location because of its convenience to the town and station alongside its closeness to open countryside just the other side of the railway line, the Grand Union Canal and sites such as Ashridge and the Chilterns.

Sadly parking is one of the downsides of residing in George Street and often at night

and weekends I have to park up at the far end of George Street just before where the road crosses the railway line. As I am some years into retirement, this is far from ideal. I would definitely object to any proposal which may or would result in more congested parking in this road. As it is my car has received a number of knocks, dents and scratches from inconsiderate drivers who have not had the courtesy to leave a note on the windscreen.

There is also the issue of road safety and about 3 years ago a young boy was knocked over by a van just opposite my house. He was badly injured and was airlifted out by helicopter. Cars and vans are driven far too fast along this road which is used by school children going to and from school each day. There is also the playground which is very popular with young families and children of all ages. Lorries also use the road far more than one would imagine. George Street is used as a through road and cars are constantly needing to turn, as well as traffic coming out of William Street, Cambridge Terrace and the roads either side of the playground when it is difficult to see oncoming traffic in George Street.

Building works are a constant it seems in George Street, with noise, dust and huge building machines and vehicles. My feeling is that this little area is congested enough and we do not need any more new buildings going up. It is great that with so many dwellings in a small area there are trees around and it would be a detriment to the area if any more are cut down. Surely the enormous housing development between the canal and the main road is more than enough for this part of Berkhamsted. That already is going to adversely affect the environment in this neighbourhood dramatically.

91 George Street

I live at 91 George St and I would like to express my objection to the proposed Planning Application for a new dwelling behind nos 126-132 George St, half way down William St submitted by Rivergate Homes.

The Developer is obviously trying to squeeze in a property in a narrow plot without any regard to the inconvenience this will cause the residents of George St and William St. The parking in George St is already a big problem with residents needing to park their cars where they can find space. This often means that residents also use William St when necessary which means cars will often park very close to the corners of George St and William St.

How then will big builders lorries navigate the tight turn into William St without closing off more parking spaces to get through without further damaging cars, which happens on a regular basis. This will create more parking problems for all residents and further disruption and frustration.

This is infilling of land for profit which will cause all residents in George St and William St great disruption for many months.

39 George Street

We feel that this application will be detrimental not only to the conservation area but to our road and impact us as residents.

We are severely concerned about the parking situation which will be worsened by this development. Parking on George Street is already extremely limited for residents. We also have to share the road with those driving to the two local pubs, The Boat and Rising Sun, which is particularly bad during peak times in the summer and at Christmas. If this application is granted, the neighbours that currently use the fenced area down William Street to park will be forced to park on George Street. The spaces suggested for the new house also are not practically workable as the limited space of William Street will not be enough to turn into side of house parking. The road is too narrow for this usage. It is already dangerous to exit William Street onto George Street and an increase in traffic will only add to this.

Finally, the proposed dwelling would appear to be too tall and will tower over the other housing causing a detrimental visual impact on the area.

1 William Street

I strongly object to this application. I live at 1 William Street and this house will be directly in front of my house, so it will cause loss of light to my front room, it will overlook my main bedroom causing loss of privacy. The parking in William Street is already inadequate as a lot of people from George Street are parking their cars there, and causing congestion to the road and as it is an unmade road, the high use of it is causing damage to the top of the road where it meets George Street. There is no turn points, apart from where the house is planned, and the parking area at the end of the road, I and other neighbours will lose our views of the canal and conservation area. As there are still no plans available to view, I can't comment on the design, it will visually intrude as it will be opposite my house destroying my view of the canal. The noise and disturbance will be unacceptable as Berkhamsted is a peaceful, quiet lovely place to live, the very reason we moved here to raise a family. Berkhamsted has by far enough housing with the new development almost completed on the main road and the new houses built in George Street. This is a conservation area, there is very little conservation going on here. Its only one house, but it will cause immense worry, suffering, and aggravation to the people of William Street and George Street, with little or no benefit to others, apart from the people selling the land for it to be built on. I will oppose this build every step, as I believe it is completely wrong on every level and will bring nothing to Berkhamsted.

Flat 4 Union Court

We have been forwarded notification to build on land; rear of 126-132 George Street, HP42EJ.

As a flat owner Union Court, Bedford Street, (parking accessed via William Street), I am very concerned that access to my property will be restricted through the course of construction and thereafter by increased traffic into William Street.

140 George Street

1. The Parking issue. I'm all for and understand we need more housing and in fill is a great way of doing that rather than encroaching onto the green belt, however, as I understand it, there will be a parking space allotted to this development but it appears it will only replace what already exists and could potentially decrease the informal

parking along fences etc. Parking is a REAL issue on William St/George St and causes real frustration; it would not take much to push things over the edge. Currently it is a lovely place to live with a great sense of community; we would hate to lose that. Developments just don't take parking into consideration in any real sense. Why would they, that's not what they make their money on!

2. The added disruption during construction would not be welcome although I understand it wouldn't last for ever. The entrance to William Street is tricky enough as it is. I myself have had a truck driver reverse into me as I reversed out of the narrow street. It is impossible to see round the corners as there are always parked on them.

4 William Street

1)The proposed height/size of the dwelling. After looking at the front elevation drawing, it looks like the height will be taller than that of the buildings next to it (Numbers 7 and 8 William St).

It is also unclear what the height of the proposed new dwelling will be in comparison to the roof height of numbers 1 and 2 William St, which are situated directly opposite to the site of the proposed new dwelling.

My concern is that this new build (particularly in view of the fact that this new build has the addition of a 2nd floor attic/study room) may tower over these properties, which for many years have enjoyed an unobstructed view.

At the very least I would suggest that the plans are altered to reduce the ceiling height and make it more in keeping with the rest of the street. this may mean scrapping the 2nd floor attic/study room.

2)William St as you know is an unmade road, it is not tarmacked and is constantly vulnerable to deterioration from vehicles. The street just about copes with the residential vehicles, delivery vans etc and occasional works vehicles when residents are renovating. However I am concerned that the heavy traffic necessary for the construction of this build will churn up and permanently leave ruts and damage to the street.

A solution to this would be to suggest that the development company agrees to tarmac the entire street to avoid any damage/ make good any damage caused by their vehicles during the build. Furthermore, access along George St is not an easy task and there is no turning circle on William Street. I cannot see how construction vehicles can easily make deliveries to the site.

3)Despite the fact that the proposed build is adding valuable parking spaces for the new residents, the matter remains of where vehicles can park during the build. As mentioned previously there will be large heavy vehicles delivering to the site and they will need space. (which is a premium).

4)The above proposal will inconvenience many residents during its build and will permanently affect the properties opposite No.s 1 and 2, and also the property at the side, No. 8.

Not to mention the fact that the properties on George St are permanently affected by the loss of their garden spaces.

It seems like an awful lot of fuss and bother for the proposal of ONE dwelling which will effectively provide a home for just ONE couple or young family.

I am not opposed to development, there is a considerable amount going on in Berkhamsted on larger sites and for many more homes. It just surprises me that it is

even a possibility to propose development in the conservation area.

What use is having a label "conservation area" if ultimately construction is allowed which changes the shape of the buildings and landscape which make up the conservation area?

If we build like this on back gardens, and other "available" green spaces, then the conservation area does not remain a conservation area with unique character, it becomes just the same as any urban residential area with houses crammed in wherever possible.

5) Should this proposal go through, then what message does that send to other property owners in Berkhamsted and developers about cashing in their back gardens for new dwellings?

25 George Street

I am a resident on George Street. I am writing to say that i feel the above application would have a negative impact on the area and would be concerned if this were to happen.

142 George Street

As a local resident, I would like to voice my disapproval to the proposed planning application.

As a conservation area, I feel we are over running it with extra buildings, to the reduction of the already limited green spaces.

142 George Street

I would like to raise an objection to the proposed dwelling at William Street, Berkhamsted. This would have a negative impact on our living environment, will likely increase congestion and make parking even more difficult in an already extremely overcrowded street (George Street). The work itself will cause serious upheaval to us residents and there is already enough work going on with developers on or around our street. With two small children, I'd ask you to consider our objections to this development as this will really impact our family for the above reasons.

2 William Street

William Street is an unmade road comprising of two bedroom Victorian terraced cottages. The proposed development is for a modern three bed detached house with a large depth so the pitch of the roof will stand higher than the adjacent cottages and the houses opposite. It will not be in keeping with the other houses in this conservation area and will ruin the charm of the street. It is being built on two existing parking areas in William Street and part of the back gardens of four houses in George street no 126 - 132; basically it's land grabbing for profit.

Our house, no 2 William Street is directly opposite the proposed site and currently

overlooks gardens. William Street is only 7.5m wide and our concern is that this development will completely overbear our property. It will overshadow and cut out the direct sunlight into the sitting room and Master Bedroom. More importantly it will overlook directly into our property leading to a loss of privacy. I invite you to visit the site so you can see the implications of this development on our own property but appreciate you are busy so I have attached pictures of the view from my sitting room and bedroom for your reference.

Further to this, the development will take away valuable parking in the Street. The developers claim that they are providing two parking spaces to the side of the property, with one parking space behind the other. In practice the spaces will not be adequate for the cars to turn into the street so will be effectively redundant.

The plans intend to build on existing parking areas for no 132 George Street which will move up the road to the right side of the new development. This will effectively wipe out two informal parking spaces. In truth, the development will add to the parking needed but take away existing parking spaces.

Contamination

The site is located within the vicinity of potentially contaminative former land uses. Consequently there may be land contamination issues associated with this site. I recommend that the standard contamination condition be applied to this development should permission be granted. For advice on how to comply with this condition, the applicant should be directed to the Council's website (www.dacorum.gov.uk/default.aspx?page=2247).

The Canal and River Trust

After due consideration of the application details, the Canal & River Trust has no comments to make.

Berkhamsted Town Council

Object

The site is within the Conservation Area and will involve the loss of three trees which is contrary to CS 12. The application would increase congestion contrary to CS 11 and Policy 21 and create hazardous parking. Tandem parking is proposed with attendant difficulties and dangers. In addition, the development would undoubtedly increase density in the area which is contrary to the provisions of CS11 and Policy 21.

Highways

Decision

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

Decision Hertfordshire County Council has no objection to this proposal. The assessment does not indicate any significant issues with the proposal. The highway authority would not wish to restrict the grant of planning permission to the above

planning application.

Conservation

Conservation & Design raise No Objection, subject to conditions.

The proposal is for the development of a rear garden site within the Berkhamsted Conservation Area to provide a single new detached dwelling house on the site that presently consist of a single concrete walled detached garage and then of the domestic rear gardens to 126-132 George Street. William Street itself is a short length of unmade road that leads down to the canal from George Street with a short terrace of mid-20th century housing directly neighbouring the site with two set of semi-detached properties on the opposite side of the road of which one is pair (nearest the canal) is locally listed.

The proposed detached dwelling is to be of a traditional form and detailing and of a scale and massing not that dissimilar to the traditional built form adjacent to this site. As such the proposal is considered to be of an appropriate form and massing such that it is believed this new building knits in well with its surroundings and would on balance have a neutral character and appearance of this part of the conservation area .

Environment Agency

No objection

Local Lead Flood Authority

No response

Considerations

Policy and Principle

The site lies within the urban area of Berkhamsted wherein, under Policy CS4 of the Core Strategy residential development is acceptable in principle.

Saved Policy 10 of the DBLP encourages the use of urban land to be optimised. Policies CS10, 11, 12 and 13 of the CS are overriding policies that seek a high quality of design in all development proposals.

There is a significant demand for new housing set out Policy CS17 of Dacorum Core Strategy and the primary objective is to meet significant demands for housing within existing settlements through the optimisation of urban land in accordance with Policy 10 of the Dacorum Borough Local Plan 1991-2011 (saved).

Therefore, it is considered that the principle of redevelopment of the site for residential is supported and in accordance with the objectives of the adopted plans subject to compliance with other policies including CS8, CS12, CS13, CS28, CS29, CS31 and CS32.

The main issues in this case concern the effect of the proposal on the street scene, on the character of area, on highway safety and the amenity of neighbouring residential occupiers.

Effect on Street Scene and wider conservation area

The proposed dwelling will be in line in keeping with the pattern of the surrounding properties in terms of the height and building lines.

The appearance is acceptable in the street scene as the proposed property will be in line with the adjacent property No. 8 William Street and whilst the property is taller than the neighbouring properties 5-8 William Street the relationship is identical to the properties on the opposite side of the road. Therefore the proposal property is of an appropriate form and massing and is considered to be in keeping with surrounding properties and the wider street scene.

Furthermore the proposal is considered to be an improvement of the current street scene as the proposed dwelling will replace a dilapidated garage located within a prominent position within the street scene.

Subject to the above, the proposal would comply with Policy CS12(c) of the Core Strategy.

The conservation officer has been consulted and raised no objection on the grounds the new building knits in well with its surroundings and would on balance have a neutral character and appearance of this part of the conservation area and the proposal is in accordance with CS27 of the adopted Core Strategy.

Impact on neighbours

It is considered that the proposal would have an acceptable relationship to existing dwellings in terms of residential amenities.

The proposed property will not project beyond the rear wall of the adjacent property No. 8 William Street and therefore the proposal is not considered to be harmful to the residential amenities of this neighbouring property.

Concerns have been raised by the neighbouring properties 1 and 2 William Street on the grounds that the proposed dwelling will be harmful to their residential amenities as the proposed dwelling will directly face these properties. However, it is considered that whilst the proposed dwelling will be relatively close to the dwellings opposite due to the narrow road; this relationship would be identical to current relationship between the existing properties on the road. In addition to this Appendix 3 of Local Plan does not have any specific distance with regards to front facing properties and therefore on the balance the proposal is not considered to cause significant harm to the residential amenities of the neighbouring properties Nos 1 & 2 William Street.

The proposal would therefore comply with Policy CS12(c) of the Core Strategy.

Quality of proposed dwelling and amenities

The impact of the proposed developments upon neighbours has already been addressed earlier in this report. The property has its own private amenity space and whilst the size of the garden will be less than the 11.5 metres as specified within Appendix 3 of the Local Plan, the guidance does indicate that for infill developments garden depths below 11.5m but of equal depth to adjoining properties will be acceptable. The proposed garden will be of a similar depth to adjacent properties and those opposite but of greater width. The proposed amenity space is therefore acceptable in terms of providing a functional space, commensurate with the size of the property and compatible with the surrounding area.

Access and parking

It is acknowledged that the area suffers from on-street parking difficulties which is typical in historic environments, due to the lack of off-street parking provision. However, the provision of 2 parking spaces is considered acceptable in numerical terms for this site which is situated close to the Town Centre and meets the Council's parking guidelines of 1.5 spaces for a two bedroom dwelling. The Highway Engineer has raised no objections.

A number of neighbours have objected in relation to the loss of on street parking spaces, however, the proposed dwelling will replace an existing garage with an existing dropped curb and therefore the replacement of the existing garage with a new dwelling is not considered to result in a significant loss of parking spaces.

Informative's on wheel washing and storage of materials is recommended.

Contamination

The Contaminated Land Officer has raised no objection subject to a condition to assess the potential contamination of the site.

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.

Waterways & Flood Risk

The Canal & River Trust, the Environment Agency and the Local Lead Flood Authority have no comments to make with regard to the proposal and therefore no objection is raised on flood risk grounds. The proposal has been assessed in accordance with the Environment Agency Flood Risk Standard advice and the development is classified as appropriate and therefore the local planning authority is satisfied that the development

would not create an increased flood risk to the occupiers.

Conclusions

The proposed is acceptable and would not have an adverse impact on the appearance of the street scene and the wider Berkhamsted Conservation Area. There would be no significant adverse impacts on neighbouring properties. In addition, the proposal would not have an impact on highway and pedestrian safety. The proposal is therefore in accordance with the National Planning Policy Framework, Policies CS12, CS17 CS13, and CS27 of the Core Strategy.

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 trees shown for retention on the approved Drawing No. DPL/15/36-1 shall be protected during the whole period of site excavation and construction by the erection and retention of a 1.5 metre high chestnut paling fence on a scaffold framework positioned beneath the outermost part of the branch canopy of the trees.**

Reason: In order to ensure that damage does not occur to the trees during building operations in accordance with Policy 99 of the Local Plan.

- 3 No development shall take place until full details of all external materials and finishes of the hereby approved dwelling have been submitted to and approved by the Local Planning Authority in writing. Details are to include rain water goods, soffits , mortar mix and brick bond. Works shall then be undertaken in accordance with the materials as approved.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the character and appearance of this heritage asset and in compliance with Core Strategy policies CS12 and CS27.

- 4 No development shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- hard surfacing materials;
- means of enclosure;

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

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

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

- 5 The plans and particulars submitted in accordance with condition 4 above shall include details of the size, species, and positions or density of all trees to be planted, and the proposed time of planting.**

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

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification) the dwelling hereby permitted shall not be enlarged/alterd under the provisions of Schedule 2 Part 1 Classes A, C or E of that Order.**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality and to avoid visual intrusion, loss of sunlight and daylight and the loss of privacy to the neighbouring properties Numbers 1,2 and 8 William Street in accordance with adopted Core Strategy Policy CS12.

- 7 No development shall take place until full joinery details for the windows , external door and roof lights have been submitted to and approved by the Local Planning Authority in writing. Details shall include scaled drawings of the windows and doors at a scale of 1:10 (or 1:20 as appropriate), with cross sectional views (horizontal and vertical) shown in relation to the surrounding fabric along drawings showing the details of the moulding and glazing bars shown at 1:1**

scale. The installation of windows and external doors shall then be undertaken in accordance approved designs.

Reason: To ensure a satisfactory appearance to the development and to safeguard the character and appearance of this heritage asset and in compliance with Core Strategy policies CS12 and CS27.

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

For the purposes of this condition:

A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.

A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.

A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.

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

- 9 Before development commences, additional layout plans, drawn to an appropriate scale, must be submitted and approved in writing by the Local Planning Authority, which clearly demonstrate how refuse is to be collected from the site. The approved facilities shall then be provided before the development is first brought into use and they shall thereafter be permanently retained unless otherwise agreed in writing with the local planning authority.**

Reason: The above condition is required to ensure that refuse collection does

not have a significant adverse effect on the safety and efficiency of the highway and to ensure that compliance with standards in 'Roads in Hertfordshire – highway design guide' is achievable at all times and to accord with adopted Core Strategy Policy CS9.

- 10 **The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**
Planning Statement
Drawing No. DPL/15/36-1
Drawing No. DPL/15/36-sk1

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

NOTE 1: 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.

Highway Informatives

Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

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

Item 5.08

4/03729/15/FHA - TWO STOREY FRONT AND REAR EXTENSIONS

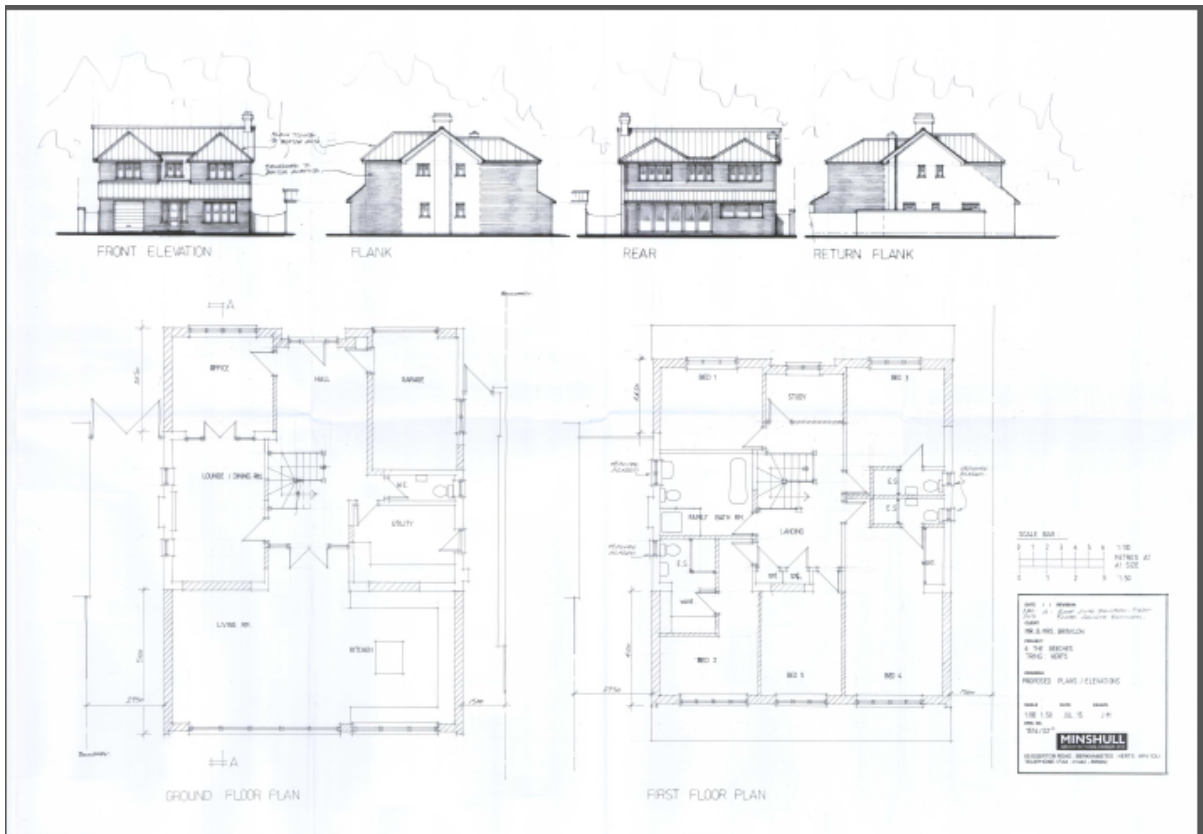
6 THE BEECHES, TRING, HP23 5NP



Item 5.08

4/03729/15/FHA - TWO STOREY FRONT AND REAR EXTENSIONS

6 THE BEECHES, TRING, HP23 5NP



4/03729/15/FHA - TWO STOREY FRONT AND REAR EXTENSIONS.

6 THE BEECHES, TRING, HP23 5NP.

APPLICANT: Mr & Mrs Brinklow.

[Case Officer - Elspeth Palmer]

Summary

The application is recommended for approval.

The principle of appropriate residential development is encouraged in this location. The proposal will not be harmful to the character of the area or the overall streetscene. The proposal will not result in a significant loss of amenities to neighbouring properties. The proposal therefore accords with Policies CS4, CS11, CS12 of the Core Strategy and saved Appendix 7 of the DBLP 1991-2011.

Site Description

The site is in a residential area comprising a row of seven detached two-storey dwellings fronting onto a short road set back from the main Station Road. It is separated from the main road by a large wooded area. It backs onto Hardcourt Road which has a slightly higher density of development, but is generally formed of similar dwellings. Immediately to the west is Hazely which generally comprises semi-detached dwellings. The access to the Beeches is directly opposite the application site meaning it is slightly more prominent than its neighbours.

Proposal

The proposal is for a two storey front and rear extension. The ground floor extension to the front elevation will extend for 3.65 metres thus bringing the frontage of the house to be in line with the existing garage. The ground floor extension to the rear will project 5.1 metres.

The first floor extension to the front of the dwelling will project forward by 2.65 metres and the first floor extension to the rear will project out 4.1 metres. The proposal does not include any extension to the sides of the dwelling.

Referral to Committee

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

Planning History

4/02913/15/FHA TWO STOREY FRONT AND REAR EXTENSIONS
Refused
24/09/2015

The reason for refusal was:

The proposed extensions fail to integrate with the streetscape character and fail to respect the adjoining properties in terms of scale, height and bulk. In addition the development will result in an overbearing impact on No. 7 The Beeches. As such the

development is contrary to Policy CS11 and CS12 of the Adopted Core Strategy and inappropriate in terms of the requirements of Appendix 3 of the saved Dacorum Borough Local Plan.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Adopted Core Strategy

NP1 - Supporting Development
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS25 - Landscape Character
CS29 - Sustainable Design and Construction

Saved Policies of the Dacorum Borough Local Plan

Policies 10, 12, 13, 15, 21
Appendices 1, 2, 3, 4, 5

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Area Based Policies (May 2004) - Residential Character Area [TCA18 Grove Park]
Water Conservation & Sustainable Drainage (June 2005)
Energy Efficiency & Conservation (June 2006)
Accessibility Zones for the Application of car Parking Standards (July 2002)
Landscape Character Assessment (May 2004)

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

Summary of Representations

Tring Town Council

The council recommend refusal as the application is out of character, overdevelopment and would overshadow neighbouring properties. The proposals fail to counter reasons for refusal of the previous application.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

3 The Beeches - Objects

- the proposal will not reflect the character of the area due to its footprint and volume and therefore detract from the essential character of the road;

- the glazing to the front should be leaded lights to be in keeping with the other properties in the neighbourhood;
- the proposed rear extension will curtail the sunlight and amenity available to No.5 (to the east of No.6) in the afternoon/evening.

7 The Beeches - Objects

- the proposal will have a detrimental impact upon the residential amenity of our property;
- the proposal is not in character with the existing dwelling or the street scene;
- the proposal does project beyond the front wall of the dwelling in a way that dominates the street scene;
- the proposal will cause shadowing over our main reception room;
- the raising of the roof line to create the gable end, albeit now sloping backwards towards the main ridge, would still produce a marked effect of a near 3 storey shadow exacerbated by the fact that the distance between the flank walls of our two houses is only 2.8 metres;
- the proposed double height rear extension, at 5.1 metres in depth from the back of the existing building on the ground floor and 4.1 metres on the first floor, is by reason of its size, design and siting, an un-neighbourly form of development that would have an adverse impact on our property by reason of its overbearing effect. If allowed it would produce significant shadowing and would create a feeling of being hemmed in because of the close proximity and height of the extension. This extension alone would appear to almost double the existing house size;
- the application is not for an extension; it represents an attempt to create what amounts to a second house on the plot;
- The leaded light windows at the front of the existing property are an intrinsic part of the character of both The Beeches and indeed the rest of The Grove estate. The proposal to replace them with powder coated windows (and plain glass) would create a semi-industrial appearance totally at odds with all the other houses.

Considerations

The site falls within the urban area of Tring where the principle of extensions is generally acceptable. The key issues to consider relate to the impact of the proposed works on the character and appearance of the original building, on the character of the street, the impact on neighbours amenities and the adequacy of car parking.

Policy and Principle

The principle of an extension in this location is acceptable and should be considered against Core Strategy policies CS11: Quality of Neighbourhood Design, CS12: Quality of Site Design and saved DBLP Appendix 7 - Small Scale House Extensions.

In particular, policy CS12 states that development should:

- a) provide a safe and satisfactory means of access for all users;
- b) provide sufficient parking and sufficient space for servicing;
- c) avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties;

- d) retain important trees or replace them with suitable species if their loss is justified;
- e) plant trees and shrubs to help assimilate development and softly screen settlement edges;
- f) integrate with the streetscene character; and
- g) respect adjoining neighbours in terms of:
 - i) layout; ii) security; iii) site coverage; iv) scale; v) height; vi) bulk; vii) materials; and
 - viii) landscaping and amenity space

Previous Refusal:

The proposed extensions fail to integrate with the streetscape character and fail to respect the adjoining properties in terms of scale, height and bulk. In addition the development will result in an overbearing impact on No. 7 The Beeches.

For the reasons given below it is now considered that the proposal is acceptable.

Effects on appearance of building

The proposal provides a new roofscape that is appropriate in terms of its roofing materials. The front extension has been broken down into two hipped first floor bays with a recessed window. The ground floor extension is in line with the existing garage with a hipped roof above mirroring the existing roof line above the garage.

Although front extensions should be small scale this extension sits within a good sized plot with good set back from the front boundary.

TCA 18: Grove Park states that extensions should be subordinate in terms of scale to the parent building. The first floor pitched roof bays proposed to the front and rear of the dwelling are set down from the main ridge line of the existing dwelling.

Although the scale of the property will be increased it will not dominate the building.

The matching tiles and brick work will be in keeping with the character of the property.

Overall the appearance of the property will be concordant with saved DBLP appendix 7 and policy CS12.

Impact on Street Scene

The alterations to the front of the property will not be discordant with the street scene, although there is some uniformity evident, it is not so exceptional that it should be rigidly conformed to.

The proposal will bring the dwelling's character more in line with its immediate neighbours with the two storey hipped bay being a common feature in the street scene. The character of dwellings along Beech Grove (which are highly visible from the front and rear garden of the site) are modern in design and provide a different type of architecture to the area.

The property will be modernised in appearance and although a little different to some other dwellings in the street, the street is considered to benefit from a slight variation and individuality of properties. The extension will not dominate the street scene or

significantly alter its character.

There is sufficient set back to avoid an overbearing impact upon the street scene.

The window design is being changed from lead light design to powder coated aluminium which is different to the windows found generally in the Grove Road area. The newer housing on Beech Grove do not have this design of windows. It would not be considered detrimental to the street scene for the window design to be different.

It is considered the proposal would preserve attractive streetscapes in accordance with CS11 and integrate with the streetscape character in accordance with CS12.

Impact on Neighbours

Loss of sunlight and daylight

The neighbour on the eastern side No. 5 The Beeches will not be significantly affected by the proposal as they are well removed from the No. 6 The Beeches. The distance between the proposal and the side boundary is 2.75m and then No. 5 has a single storey garage and access path adjacent to this boundary thus making the actual dwelling well removed from the proposal.

The neighbour at No. 7's outlook or light would remain unaffected by the proposal and the Building Research Establishment guidelines are adhered to. The applicant has proved by using the 45 degree test that there will be no significant loss of sunlight and daylight to the rear main window of No. 7. The elevation is north-west facing so the proposed extension would not over shadow No. 7. (The distance between the two dwellings is 2.75 metres).

The proposal does not include any side extensions.

Loss of privacy

There will be no loss of privacy for either of the neighbours as all first floor windows will be permanently fitted with obscure glass and non-opening.

There is fencing along both boundaries at ground floor level.

There is still adequate distance between No. 6 and their rear neighbour (24 metres to the rear boundary) to avoid any overlooking or visual intrusion.

The proposal would not unduly harm the amenity of neighbouring property in accordance Core Strategy policy CS12 and saved appendices 3 & 7.

Impact on Trees and Landscaping

There are no significant trees in proximity to the proposal.

Impact on Highway Safety

The proposal will change the existing dwelling from a 3 bed dwelling to a 5 bed dwelling. There are currently 4 car parking spaces on site.

The maximum standards for a 5 bedroom dwelling in this location is 3 spaces so the current provision is adequate.

Sustainability

The applicant has submitted a Sustainability Checklist. The proposal will be built to modern building standards thereby improving the overall sustainability of the home. The proposal is therefore in accord with CS29.

CIL

The applicant has applied for a "self- build exemption".

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 external surfaces of the extension hereby permitted shall match in size, colour and texture those used on the existing building.**

Reason: To ensure a satisfactory appearance to the development and to comply with Core Strategy Policy 11 and 12.

- 3 **The windows at first floor level in the eastern and western elevations (ie. the side elevations) of the development hereby permitted shall be non opening and shall be permanently fitted with obscured glass.**

Reason: In the interests of the amenity of adjoining residents and to comply with CS 11 and 12.

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

01
02
03A
DESIGN AND ACCESS STATEMENT
CIL
LOCATION PLAN
SUST CHECKLIST
45 degree check

Reason: For the avoidance of doubt and in the interests of proper planning and to comply with Core Strategy 11 and 12.

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) Order 2015.

Agenda Item 5i

Item 5.09

4/00082/16/FUL - CONSTRUCTION OF TIMBER FENCE ALONG EASTERN BOUNDARY OF WIXIES WOOD

WIXIES WOOD, MARLIN HILL, HASTOE, HP23 6LW



4/00082/16/FUL - CONSTRUCTION OF TIMBER FENCE ALONG EASTERN BOUNDARY OF WIXIES WOOD..
WIXIES WOOD, MARLIN HILL, HASTOE, HP23 6LW.
APPLICANT: Mr & Mrs Hall.

[Case Officer - Thomas Gabriel]

Summary

The application is recommended for approval. The timber fence has already been erected (the application is for the retention of the fence) and has started to weather in appearance. It has an acceptable impact upon the character of the area. Viewed against the backdrop of the trees and vegetation in the adjacent wood, the fence is neither intrusive nor jarring. The impact upon the openness of the Green Belt and the scenic beauty of the Chilterns Area of Outstanding Natural Beauty has been acceptable.

Site Description

The application site is located on the western side of Marlin Hill, and immediately abuts Wixies Wood. The fence starts at a level approximately 300mm above the road (though is set back from the road by over one metre) and due to the hilly nature of the site, rises to a level around 4m above the road (and back from the road by several metres). Many small conifer trees have been planted immediately to the front of the fence which, when more established, would screen it well. Towards the northern end of the site, where the land is raised above the road, there are a number of mature trees to the front of the fence.

There is no public footpath either side of Marlin Hill past the site.

Proposal

The application seeks permission for the retention of a featheredged timber fence. It is 1.8m high and extends the full length of the site.

The fence is required for security purposes to constrain the animals kept within the site and also to keep intruders, vandals and thieves out.

Referral to Committee

The application has been referred to the Development Control Committee as Tring Town Council have recommended refusal of the application.

Relevant History

None.

Considerations

The application site is located within the Green Belt and the Chilterns Area of Outstanding Natural Beauty.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF).
National Planning Policy Guidance (NPPG)
Circular 1/2006, 05/2005

Adopted Core Strategy

NP1 Supporting Development
CS5 Green Belt
CS24 Chilterns Area of Outstanding Natural Beauty
CS26 Green Infrastructure

Saved Policies of the Dacorum Borough Local Plan

Policy 4 Green Belt
Policy 97 Chilterns Area of Outstanding Natural Beauty

Summary of Representations

One letter received commenting that the fence is against the appearance of the conservation area and would set a precedent. The fence is more akin to a suburban garden.

Tring Town Council - recommend refusal of this application on the following grounds as the close boarded fence of 1.95m high is contrary to paragraph 115 of the National Planning Policy Framework that calls for 'great weight should be given to conserving landscape and scenic beauty' as it obscures the general view of the woodland in the Chilterns AONB (in an area of woodland, there is no need for a fence). The fence is also contrary to the conservation of wildlife, inhibiting the passages of animals.

Policy D1 in the Chilterns AONB Management Plan 2014-19 sets out that 'The natural beauty of the Chilterns AONB should be conserved and enhanced by encouraging the highest design standards, reinforcing local distinctiveness and respecting the landscape, settlement character and special qualities of the AONB'.

The Chilterns Buildings Design Guide contains advice on boundaries at section 3.90 – 3.94. It advises that "The strong geometric shapes or close board fencing, larchlap or other solid fences, are too dominating and are cumbersome on slopes. They are also prone to wind damage and rot and require regular maintenance to avoid looking tatty and are therefore not appropriate." This advice was prepared for boundaries around new buildings; for more rural surroundings like farmland or woodland, hedging with native species, or possibly at the most, waist high timber picket fencing or post-and-rail fences are considered to be more appropriate boundary treatments.

Chilterns Conservation Board - the fence has a detrimental visual impact on the AONB and presents a barrier to wildlife. Policy D1 of the Chilterns AONB Management Plan 2014- 2019 sets out that the natural beauty of the AONB should be conserved and enhanced by encouraging the highest design standards, reinforcing local distinctiveness and respecting the landscape, settlement character and special qualities of the AONB. The Chilterns Building Design Guide contains advice on boundaries at section 3.90- 3.94. It advises that strong geometric shapes or close board fencing, larchlap or other solid fences are too dominating and cumbersome on

slopes. They are also prone to wind damage and rot and require regular maintenance to avoid looking tatty and are therefore not appropriate. This advice was prepared for boundaries around new buildings, for more rural surroundings like farmland or woodland, hedging with native species, or possibly at the most, waist- high timber picket fencing or post- and- rail fences are likely to be more appropriate boundary treatments.

Considerations

Principle of development and effect on the character and appearance of the area

The application site is located within the Green Belt and the Chilterns Area of Outstanding Natural Beauty. Policy CS5 of the Core Strategy states small scale development will be permitted within the Green Belt where it has no significant impact upon the character and appearance of the countryside. Policy 4 of the Local Plan states there is a presumption against inappropriate development in the Green Belt. Engineering and other operations will only be allowed where they maintain the openness of the Green Belt. Any development that would injure the visual amenities of the Green Belt will not be allowed. The National Planning Policy Framework re- iterates these policies.

Policy 24 of the Core Strategy states the special qualities of the AONB will be conserved. Policy 97 of the Local Plan states development that seriously detracts from the beauty of the landscape will not be allowed.

The fence has had a certain impact upon the character of the site and the openness and scenic beauty of the Green Belt and the Area of Outstanding Natural Beauty in this location. In this case, however, the effect has been limited: the fence has not had an adverse effect upon the openness and scenic beauty of the area and it is not harmful to the area. The fence has already started to weather and will continue to do so and together with the conifers that have been planted to the front of the fence for its full length, and the established mature trees present, the fence will become well screened and will not be intrusive in the landscape.

Though the Chilterns Building Design Guide states that close board fencing is too dominating and cumbersome on slopes, with appropriate treatment and screening, such fencing need not be visually intrusive or harmful to the character of an area. Paragraph 115 of the National Planning Policy Framework states that great weight should be given to conserving landscape and scenic beauty. With regards to Wixies Wood, though the fencing at the southern end of the site is more visible from the road, given that the land rises up from the road and fence is set back further into the site towards the north, the visual impact is acceptable. The fence is neither dominating nor intrusive in this location and has had an acceptable impact upon the openness and visual amenities of the Green Belt and the scenic beauty of the Chilterns Area of Outstanding Natural. Though of a certain visual impact, the fence has not had a detrimental impact upon the area. The fence is not cumbersome.

The comments regarding the fence being a barrier to wildlife and inhibiting the movement of animals are noted. This can be overcome through the opening of holes along the bottom of the fence to allow the passage of animals. This can be conditioned.

The comments of the objector regarding the fence being more akin to a suburban garden are noted. However, while such a fence is not uncommon in such a location and is less frequently seen in the Green Belt and the Area of Outstanding Natural Beauty, given the nature of the site and the weathering and the screened nature of the fence, its visual impact is considered acceptable. The fence has not had an adverse impact upon the appearance of the area. It is not considered that the grant of permission of this application would set a precedent as each site and application is dealt with on its own merits.

Conclusions

Due to its largely screened and weathered nature, the fence has not had a significant adverse impact upon the openness and visual amenities of the Green Belt or the Chilterns Area of Outstanding Natural Beauty. Viewed against the backdrop of the trees and vegetation in the adjacent wood, the fence is neither intrusive nor cumbersome.

RECOMMENDATION – That planning permission be **GRANTED** for the reasons given above.

- 1 Within one month of the date of this permission, a plan indicating a series of openings and their size to be made in the bottom of the fence shall be submitted to and approved in writing by the Local Planning Authority. These openings shall be inserted within two months of the date of their approval and retained as approved thereafter unless otherwise agreed in writing.**

Reason: To permit the movement of wildlife around and through the fence in the interests of their wellbeing and to accord with Policy CS26 of the Core Strategy.

6. APPEALS

A. LODGED

4/00268/16/ENA

MR N MARTIN
APPEAL AGAINST INFORCEMENT NOTICE - OUTBUILDINGS
WOODLANDS, NOAKE MILL LANE, WATER END, HEMEL
HEMPSTEAD, HP1 3BB
[View online application](#)

4/00269/16/ENA

MR N MARTIN
APPEAL AGAINST ENFORCEMENT NOTICE - SCAFFOLDING USE
WOODLANDS, NOAKE MILL LANE, WATER END, HEMEL
HEMPSTEAD, HP1 3BB
[View online application](#)

B. WITHDRAWN

None

C. FORTHCOMING INQUIRIES

None

D. FORTHCOMING HEARINGS

None

E. DISMISSED

4/01000/15/FUL

Miss J & Miss S Seager
CONSTRUCTION OF TWO SELF BUILD HOUSES
49 & 51 SCATTERDELLS LANE, CHIPPERFIELD, KINGS
LANGLEY, WD4 9EU
[View online application](#)

The main issues are (1) whether the proposal is inappropriate development within the Green Belt (GB) for the purposes of planning policy set out in the National Planning Policy Framework (the Framework) and the development plan; (2) whether the proposal would affect the openness of the GB; (3) the effect of the dwellings on the character and appearance of the countryside; and (4) if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

At the heart of the Framework is a presumption in favour of sustainable development. Amongst its considerations for decision-making, the presumption includes approving proposals that accord with

the development plan without delay, and I find the scheme would not accord with that expectation having regard to the plan and to the Framework as a whole. Having balanced the various matters, other considerations do not clearly outweigh the harm to the GB by reason of inappropriateness, the additional harm to its openness, the harm to the character and appearance of the rural area, and the conflict with national and development plan policy. The very special circumstances necessary to justify the development do not exist, and for the reasons given above I conclude that the appeal should be dismissed.

F. ALLOWED

4/00310/15/OUT Grand Union Investments Ltd
DEMOLITION OF EXISTING BUILDINGS AND THE DEVELOPMENT OF THE
SITE TO PROVIDE 5 FAMILY HOUSES (USE CLASS C3) INCLUDING THE
RETENTION AND PART REBUILD OF THE EXISTING STABLE BLOCK.
DETAILS OF ACCESS WITH ALL OTHER MATTERS RESERVED.
ASHLYNS FARM, CHESHAM ROAD, BERKHAMSTED, HP4 2ST
[View online application](#)

The appeal was allowed and permission was granted. An award of costs against the Council was not awarded.

The Inspector considered that the main issues were whether the proposal was inappropriate development in the Green Belt and secondly, the effect to the proposal on affordable housing. Turning to the Green Belt, the Inspector considered that the site formed previously developed land and that the proposed dwellings would not result in a greater impact on the openness of the Green Belt having balanced the reduction in footprint. The Inspector went on to consider that whilst, the indicative scheme would result in a new building where there is currently none, the new development would be confined to the main body of the site. The boundary of the site is well defined, beyond which there is significant built development on three sides. Pushing built development slightly outwards on the site would not necessarily result in encroachment. In short, one group of buildings would be replaced by another so that having particular regard to its strategic role there would be no greater impact on this Green Belt purpose. In terms of affordable housing, the Inspectors requires a contribution towards affordable housing which is subject to an independent viability review.

In terms of costs, the Inspector dismissed the costs application against the Council, as he considered that while there was delays in the determination of the application, he appreciates that the Council proposed a robust and evidenced case to support the reason for refusal. The Inspectors comments that he came to a different conclusion, and supported the appellant's case, does not mean that the Council failed to show clearly why in its view the development should not be permitted or that it failed to substantiate its case.

4/01228/15/FUL EXIMIUS DEVELOPMENTS LTD - MR J HAYDON
DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF TWO
DETACHED DWELLINGS WITH INTEGRAL GARAGES AND CAR PARKING,
LANDSCAPING AND REVISED VEHICULAR ACCESS
THE PENNANT, DOCTORS COMMONS ROAD, BERKHAMSTED, HP4 3DW
[View online application](#)

The appeal was allowed. The Inspector noted that the number of dwellings proposed had been reduced to two from the earlier application dismissed at appeal and that the design was significantly different. He considered the scheme to have a crisp, contemporary appearance with clean lines and simplicity of detail which would create a staggered effect by setting part of the first floor deep behind the front of each dwelling. The Inspector considered that the proposed dwellings would be sited around 1m away from their respective plot boundaries, and as such the resulting gaps between the proposed dwellings and adjacent dwellings would create a definite sense of 'breathing space' between the built form. It would also allow views across the valley between the buildings, characteristic of development on that side of Doctors Commons Road. Consequently, the Inspector considered that due to the spacing, the proposed dwellings would not create the sense of a solid bulky built form across the frontage and they would not appear out of place in the context of the low profile, contemporary dwellings immediately adjacent to the appeal site. The Inspector also took that the intervening distance between the rear elevations and the boundary, together with the distance to the houses on Kings Road is substantial. It would be sufficient to further offset the effect of the

overall height and bulk of the proposed dwellings and the higher level of the appeal site. The Inspector considered how the proposed dwellings would appear overdominating to other properties especially taking into account the high trees.

Having regard to the dismissed appeal, the Inspector considered that the proposal would be far less dominant in comparison with the previous scheme and would avoid a cramped appearance, because of the wider plots and spacing between the dwellings. In terms of the character of the conservation area, the Inspector considered that the contemporary design when taken inaccount with that side of Doctor Commons Road would was the correct approach. Finally, the Inspector considered the roof terraces to be adequately designed to ensure that the privacy of neighbours would not be compromised.

The appeal was also subject to an award of costs against the Council. The Inspector awarded full costs as he considered that members refused planning permission against the recommendation of officers and failed to produce sufficient evidence to substantiate the reason for refusing permission. The Inspector goes on to state that paragraph 049 of the PPG clearly advises Councils that they will be at risk of costs being awarded against them on substantive grounds, where they prevent or delay development which should clearly have been permitted, they fail to produce evidence to substantiate their reasons for refusal or they make vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis. The appeal decision goes on to say that there has been no detailed assessment of the relationship between the proposed dwellings and the adjoining properties on Kings Road, to support the claim of overdominance. Moreover, the lack of any assessment of the screening effect provided by existing mature trees on the boundary of the appeal site, raises questions over the accuracy of this particular part of the Council's evidence. In short, the Inspector considered that having regard to the Development Plan, national policy and other material considerations, the proposed development should clearly have been permitted. The refusal of planning permission therefore constitutes unreasonable behaviour as defined in paragraph 049 of the PPG and the appellant has been put to the unnecessary expense of making an appeal.