



Public Document Pack

DEVELOPMENT CONTROL AGENDA

**THURSDAY 17 MARCH 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 held on Thursday 25th February 2016.

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence

3. DECLARATIONS OF INTEREST

To receive any declarations of interest

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

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

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

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

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

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

4. PUBLIC PARTICIPATION

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

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

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

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

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

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

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

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

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

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

5. INDEX TO PLANNING APPLICATIONS (Page 5)

- (a) 4/03252/15/MFA - WOOD HOUSE, MAYLANDS AVENUE, HEMEL HEMPSTEAD, HP2 7DE (Pages 6 - 46)
- (b) 4/03490/15/OUT - LAND REAR OF LONGFIELD, LANGLEY ROAD, CHIPPERFIELD (Pages 47 - 82)

- (c) 4/03696/15/FUL - LAND REAR OF LONGFIELD, LANGLEY ROAD, CHIPPERFIELD (Pages 83 - 115)
- (d) 4/03857/15/FUL - LAND REAR OF LONGFIELD, LANGLEY ROAD, CHIPPERFIELD (Pages 116 - 150)
- (e) 4/03344/15/MFA - LAND ADJ APSLEY MILL COTTAGE, STATIONERS PLACE, APSLEY, HEMEL HEMPSTEAD, HP3 9RH (Pages 151 - 191)
- (f) 4/03693/15/FUL - 38 LONG CHAULDEN, HEMEL HEMPSTEAD, HP1 2HX (Pages 192 - 202)

6. APPEALS (Pages 203 - 206)

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

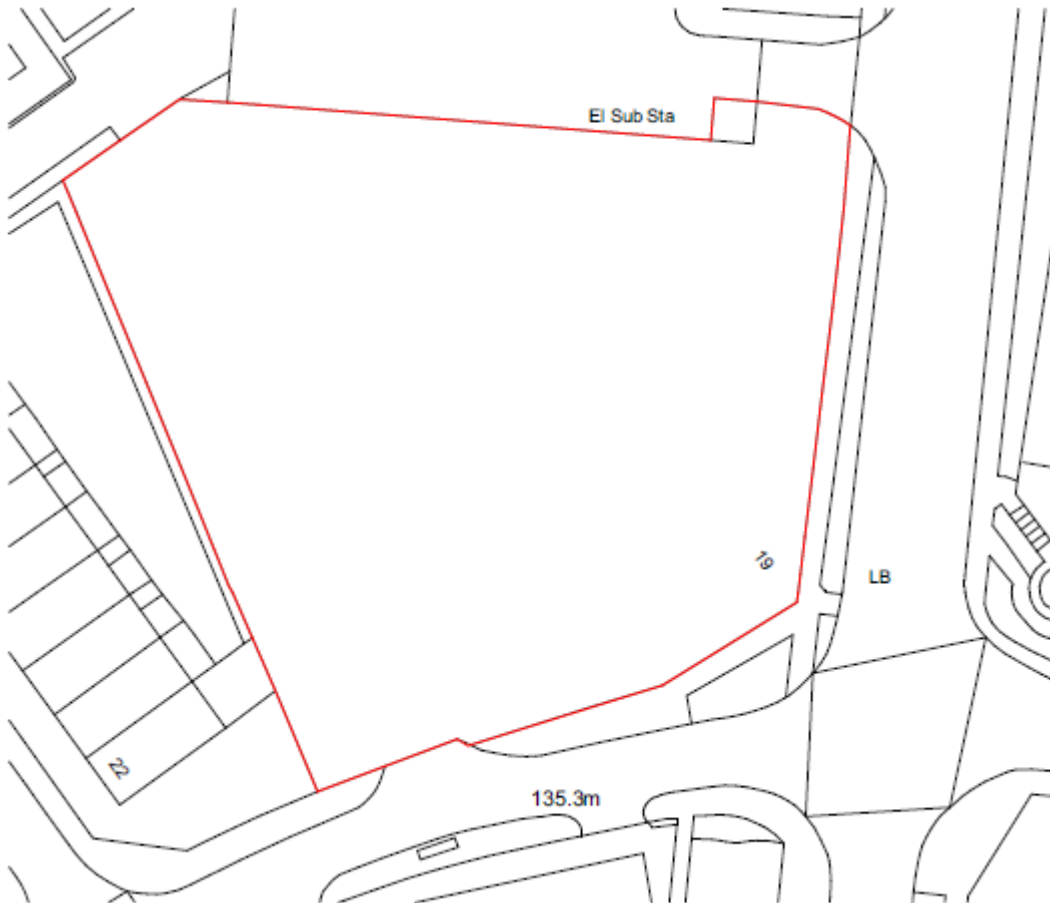
Item No	Application No.	Description and Address	Page no.
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5.04	4/03857/15/FUL	RESIDENTIAL DEVELOPMENT OF 3 DWELLINGS WITH DETACHED GARAGES AND ACCESS DRIVEWAY THROUGH LONGFIELD. FORMATION OF NEW ACCESS TO HIGHWAY TO LANGLEY ROAD AND ASSOCIATED LANDSCAPING WORK INCLUDING THE CLOSURE OF TWO EXISTING VEHICULAR ACCESS CROSSOVERS. LAND REAR OF LONGFIELD, LANGLEY ROAD, CHIPPERFIELD	
5.05	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	
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Agenda Item 5a

Item 5.01

4/03252/15/MFA - CONSTRUCTION OF A 4-7 STOREY DEVELOPMENT OF 1 AND 2 BED FLATS, ASSOCIATED AMENITY SPACES, COMMERCIAL/OFFICE SPACES WITH RESIDENTIAL AND COMMERCIAL CAR PARKING

WOOD HOUSE, MAYLANDS AVENUE, HEMEL HEMPSTEAD, HP2 7DE



**4/03252/15/MFA - CONSTRUCTION OF A 4-7 STOREY DEVELOPMENT OF 1 AND 2 BED FLATS, ASSOCIATED AMENITY SPACES, COMMERCIAL/OFFICE SPACES WITH RESIDENTIAL AND COMMERCIAL CAR PARKING.
WOOD HOUSE, MAYLANDS AVENUE, HEMEL HEMPSTEAD, HP2 7DE.
APPLICANT: Dacorum Borough Council - Mr Stuart.**

[Case Officer - Tineke Rennie]

Summary

The application is recommended for approval. The site is located within the 'Heart of Maylands' and is in general accordance with the aspirations for this area as set out in the Heart of Maylands Development Brief. The proposed residential and office use is considered to positively contribute to the regeneration and function of the General Employment Area together with the wider housing requirements of the Borough. The proposal would result in a high quality scheme that responds to the surrounding development whilst providing a good standard of accommodation for future occupants.

Site Description

The site is located at the centre of the Maylands Business Park, a well-established employment centre and one of the largest business parks in the Eastern Region. The Business Park was formed as part of the Hemel Hempstead New Town settlement and has a significant role in the provision of employment generating uses with the town.

Within the centre of the Maylands Business Park is an area defined as the Heart of Maylands. This area is identified within the Maylands Master Plan and detailed in the Heart of Maylands Development Brief as having a central role in supporting the wider Maylands Business Park. It is to do this as a regeneration area that will become a strong functional centre for the businesses and employees working in the area. Aspirations are for the provision of a mix of uses including shops, cafes, restaurants, business services, community facilities, open spaces and access to public transport within a high quality environment.

Located adjacent to the junction of Wood Lane End and Maylands Avenue, the site forms part of the Heart of Maylands area, defined by predominantly industrial and office use with local convenience shops including a small cafe, local betting shop and auto centre located to the south of Wood Lane End.

At present both the application site and the former call centre site to the south east of the junction are vacant; demolition of the previous buildings has taken place to make way for redevelopment. The southeast site (JGL/HPCHA) has permission for a mixed use scheme (ref. 4/00676/14/MFA) creating a local centre with retail and community type uses at ground floor opening out onto a public square. Apartments above will be affordable in tenure.

Further to the south east along Wood Lane End the sites have a consented scheme in outline for redevelopment as predominantly residential with a flexible office component (4/0689/14/MOA). On the opposite side of Wood Lane End is the Dixon Support Centre; this building has a presence of approximately 8/9 storey due to the podium arrangement of the lower levels of the building. The building forms a clear landmark to the surrounding area.

Approximately 100m to the west is predominantly residential extending to the town centre of Hemel Hempstead. A pocket of residential development exists further east of the Heart of Maylands.

The application itself is bounded to the west by small scale light industrial and office premises together with a cafe fronting Marks Road. To the north is Knoll House occupied by DDC foods. The site functions as a light industrial use with ancillary offices and storage; this building

together with the application site is identified as Site 3 in the Heart of Maylands Development Brief.

The site previously contained a two storey light industrial and office building. The site is generally level with its main vehicle entrance on Wood Lane End, approximately 30m from the signalised junction with Maylands Avenue.

Proposal

The proposal is for redevelopment of the site to provide 550m² of office space and 79 residential flats within a development of four to seven storeys. The office accommodation is to be provided at ground floor with frontage along Maylands Avenue and Wood Lane End; residential accommodation is to be spread over ground to sixth floor.

The 79 residential flats are all to be affordable housing and can be broken down into the following:

- 39 shared ownership flats comprising 18 x 1-Bed and 21 x 2-Bed flats;
- 40 social rented flats comprising 22 x 1-Bed and 18 - 2-Bed.

The office accommodation is to be used to support local start-up businesses that would eventually move into external premises within the Borough. Business support, advice and guidance will be provided to the tenants to support their business through the early years. The centre will be managed as a satellite to the already established Maylands Business Centre. A receptionist will provide a tenant service to the occupants.

The offices will have independent access from Wood Lane End and will be separated from the residential component of the scheme. Ancillary office facilities including bin store, plant room, kitchenette and showers are proposed to the rear of the offices.

The form of the development is to comprise of a prominent seven storey element at the apex fronting the junction of Maylands Avenue and Wood Lane End. The height steps down along Wood Lane End and Maylands Avenue to five storeys and is further reduced to four storeys at the northernmost section fronting Maylands Avenue. The rear wing within the centre of the site has a total height of four storeys.

A mix of shared and private amenity space is to be provided. An external shared area with play facilities is to be provided at ground level (145m²) with a further 354m² proposed at fourth floor roof level and 70m² adjoining the flats at sixth floor level. Private amenity space for shared ownership flats is proposed for one flat at 4th floor level and three flats at 5th floor level.

Vehicle access to the site will be retained as existing from the entrance on Wood Lane End. Pedestrian access will be provided from two points; a gated entrance to the north of the site and an entrance parallel to the vehicle entrance on Wood Lane End.

A total of 83 parking spaces are proposed for the residential component of the scheme. This amounts to one space per unit with an additional four spaces for visitors. Parking for the office use will be positioned adjacent to the vehicle entrance and the Wood Lane End frontage. It will be separated from the residential use of the site by an automatic barrier and will provide nine parking spaces.

Referral to Committee

The application is referred to the Development Control Committee as the application site is Council owned land and the Council is the applicant for the development.

Planning History

4/01404/91/FUL CHANGE OF USE FROM LIGHT INDUSTRIAL(B1) TO STORAGE &
DISTRIBUTION (B8)
Granted
07/11/1991

Policies

National Policy Guidance

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

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS2 - Selection of Development Sites
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS14 - Economic Development
CS15 - Office, Research, Industry, Storage and Distribution
CS17 - New Housing
CS18 - Mix of Housing
CS19 - Affordable Housing
CS27 - Quality of the Historic Environment
CS28 - Renewable Energy
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Water and Soil Quality
CS34 - Maylands Business Park
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 10, 12, 13, 18, 21, 31, 37, 58, 129
Appendices 3, 4, 5, 6,

Supplementary Planning Guidance / Documents

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

Advice Notes and Appraisals

Summary of Representations

Comments received from local residents:

None.

Comments received from Council's Regulatory Services:

The site is located within the vicinity of potentially contaminative former land uses. Consequently there may be land contamination issues associated with this site.

The following information has been submitted with the planning application;

- GroundSure Enviroinsight Report; 5 January 2014
- GroundSure RadonCheck Report; 5 January 2014

The information submitted does not constitute a satisfactory contaminated land investigation. This should initially comprise a Phase I Desk Study (incorporating an historic map and environmental database search, review of previous site investigations, site walkover, conceptual site model and preliminary risk assessment). The outcome of the Phase I Desk Study will determine whether a Phase II intrusive investigation is required. In line with the NPPF, the investigation must be undertaken by a competent person. The assessment must be specific to the proposed residential development.

I recommend that the contamination condition be applied to this development should permission be granted, to ensure the contaminated land investigation is undertaken. 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).

Comments received from Strategic Housing:

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

Comments received from Thames Water:

Comments received on 10th February 2016 following revisions to the scheme:

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 piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

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

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.

Supplementary Comments

We have no objections to the proposals on the basis that surface water will be fully drained to Sustainable drainage system and there won't be any surface water discharge to public sewer, as stated in the submitted application form (dated 25/09/2015).

Through the centre of the proposed development and there are easements and wayleaves running throughout the site. These are Thames Water Assets. The company will seek assurances that it will not be affected by the proposed development.

The Map issued previously has yellow dashed lines show the easements and wayleaves and the proposed development area is identified by a red outlined box.

Comments received from the Crime Prevention Officer:

I am writing in regarding planning application 4/03252/15/MFA at Wood House, Maylands Avenue, Hemel Hempstead, HP2 7DE for construction of a 4-6 storey development of 75 x 1 and 2 bed flats, associated amenity spaces, commercial/office spaces with residential and commercial car parking.

Comments

1. Gate access to site on north east boundary off Maylands Avenue: There is a gate shown giving pedestrian access from Maylands Avenue from the north east corner of the site on the proposed site plan. Whilst this makes good sense for the residents, it should not be used by others, and therefore I would recommend a full height gate with automatic closure and access control extended to this gate. This will aid security for the site, and for residents' vehicles on site.

1. Automatic barrier: I am pleased to see that an automatic barrier has been fitted providing separation between the 13 commercial parking spaces and the residential parking spaces. There is no detail, but this barrier must have skirt fitted under the barrier arm and have full access control fitted. This will provide better separation between the two parking areas.

1. Security: Whilst layout safety and security are dealt with within the DAS as regards natural surveillance, there is no detail regarding physical security for the dwellings.
 - a. Security – ADQ and SBD:

As of 1st October 2011, 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:

 - I. Into a dwelling from outside
 - I. Into parts of a building containing flats from outside
 - I. 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.

- a. Secured by Design part 2 physical security: If the development were to be built 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 B. This includes any communal doors from underground / undercroft parking areas.
 - 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. As this proposed development has 75 flats there will be the

requirement for access control as well as on the landings and some CCTV coverage.

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.

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.

& Dacorum Core Strategy policies:

- CS12 – re safe access, layout and security
- CS13 – re pedestrian friendly, shared spaces in appropriate places

However, in the meantime, if you or the applicants have any queries about crime prevention design in relation to the proposals then please feel free to contact me.

Comments received from Environmental Health:

Advises that any permission which the Planning Authority may give shall include the conditions:

It is advised that the sound insulation between the units is capable of 50db attenuation. To ensure no disturbance of adjoining residents or commercial developments.

Comments received from Highways:

Amendment

Amended and/or additional plans/information has been submitted for the above proposal.

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 subject to the following conditions:

1 Travel Plan Two months prior to the occupation of the development, details of the proposed Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. Reason: to promote a sustainable development in accordance with Local Plan policies and highway authority requirements.

2 Construction Management Plan Construction of the development hereby approved shall not commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of: a) Construction vehicle numbers, type, routing; b) Traffic management requirements; c) Construction and storage compounds (including areas designated for car parking); d) Siting and details of wheel washing facilities; e) Cleaning of site entrances, site tracks and the adjacent public highway; f) Timing of construction activities to avoid school pick up/drop off times; g) Provision of sufficient on-site parking prior to commencement of construction activities; h) Post construction

restoration/reinstatement of the working areas and temporary access to the public highway. Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way.

I recommend inclusion of the following Advisory Notes (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

AN1) Construction standards for new/ amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the constructed of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 03001234047

AN2) 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.

AN3) It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Description of the proposal The views of the highway authority have been sought on an application for the construction of a 4-6 storey development of 1- and 2-bed flats, associated amenity spaces, commercial/ office spaces with residential and commercial car parking.

The highway authority was consulted by DBC on 8 February an amended scheme. The changes relate mainly to an additional storey to the development that fronts the junction with Maylands and Wood End Lane; internal re-configuration in terms of flat orientation; entrances to the flats; and position of stair cases. Of significance to HCC Highways is that the number of flats would increase from 75 to 79. Car parking would also be re-configured to accommodate turning space for emergency vehicles. The total number of parking spaces would be reduced from 85 to 83 to accommodate this. The effect would be to provide one space per residential unit with a reduction to 4 visitor spaces overall. Commercial parking would remain as 9 spaces.

Site description The site is located in the Maylands area of Hemel Hempstead, approximately 2.5km to the east of the town centre. It is situated on Wood Lane within 750m of the A414 and within a 4 minute drive of junction 8 of the M1.

The site formerly housed an office/ warehouse building providing a total Gross Floor Area (GFA) of 2,432sqm, split between 1,915sqm GFA of warehousing and 887sqm office. Wood House was demolished in the first quarter of 2014 to make way for the redevelopment of the site.

The Maylands Avenue is a strategic distributor route, broadly running north-south between the roundabout junction with the A414 Breakspear Way to the south and the roundabout with Swallowdale Lane to the north. Maylands Avenue is subject to a 30mph speed limit. Lit footways are provided along both sides of Maylands Avenue and the road forms part of a route used by buses travelling through the area.

The site is accessed from Wood Lane End which is a local distributor road running east-west, over a distance of approximately 1.2km between Leverstock Green Road and Buncefield Lane. It crosses the A4147 Maylands Avenue at a signal-controlled junction at the south eastern corner of the site. An environmental weight limit zone operates on the section of Wood Lane End west from the junction with Mark Road (approximately 50m to the west of the site). This restricts use of this section by vehicles with a weight of 7.5T or more.

Analysis Policy review - The Transport Statement make appropriate reference to national planning policy (the NPPF), local planning policy (the DBC Local Plan and Core Strategy) and countywide highways and transport policy as set out in the HCC Local Transport Plan. Local transport aspirations as described in the Hemel Hempstead Urban Transport Plan are assessed in relation to the site.

Transport Assessment - The proposals entail the redevelopment of the site to provide a total of 79 flats, and office space with a GFA of approximately 660sqm. All of the proposed flats would be shared ownership/ social rented units. The existing access arrangements from Wood Lane End will be retained as part of the redevelopment scheme. A total of 70 residential car parking spaces and 13 car parking spaces for use by the office element would be provided.

Trip generation - The Transport Statement reports that the industry-standard TRICS (Trip Rate Information Computer System) survey database (version 7.2.2) has been interrogated to derive trip rates for the former office/warehouse building and for the proposed scheme. I concur with the conclusions that that the former office/ warehouse use would have been expected to generate in the order of 34-37 vehicular trips during the peak hours and that the proposed residential/ office development is likely to generate 31-39 trips at the same times. The database was also used to carry out a multimodal trip generation forecast. I am content with the findings that approximately 50% of trips generated by the site during the peak hours could be expected to be car driver trips with approximately 12% being passengers. Around 30% could be expected to be pedestrian journeys whilst public transport trips are estimated to account for 7% of trips and cycling 8%.

Impact on highway network - Based on the summaries of traffic generated by the former and proposed use the predicted change to traffic generation produced by the proposed redevelopment scheme is between -3 and +2 trips on the network during the peak hours. The variation in trip generation resulting from the redevelopment proposals are considered insignificant and would not have a 'severe' impact on the local highway network.

Highway safety - The Transport Statement includes an analysis of the last 3 year's collision records. These do not indicate any significant cluster sites or specific road safety issues in the vicinity of the proposed development.

Vehicle access - Vehicular access to the Wood House site is provided by a gated access point along Wood Lane End. The site access road provides a carriageway width of approximately 6.5m. A visibility splay of 2.4m x 43m is achieved to the east of the existing site access junction, which extends into the Wood Lane End/ A4147 Maylands Avenue signalised junction, whilst a visibility splay in excess of 2.4m x 100m is achieved to the west.

The response to the first part of question 7 in the application form says that no change to vehicular access is proposed.

Pedestrian access - Pedestrian access to the former building was formerly provided in the south-eastern corner of the site, linking into the existing footway provision within the vicinity of the site.

The response to the second part of question 7 in the application form says that a change to pedestrian access is proposed. New access points would be provided at either end of the proposed building, providing access from the existing pedestrian footways running alongside Wood Lane End and Maylands Avenue. A central pedestrian access would also be provided, linking into the footway in the vicinity of the Wood Lane End/ Maylands Avenue junction.

Refuse and service delivery - Service and emergency vehicles would continue to access the site via the existing well-engineered access from Wood Lane End.

The car parking arrangement originally submitted has been re-configured to accommodate turning space for emergency vehicles.

Parking - The response to the second part of question 7 in the application form says that there are currently no parking spaces on the site and that 95 would be provided by the development. This would consist of 82 residential spaces and 13 for use by the office element.

As part of the 8 February amended scheme parking was re-configured to accommodate turning space for emergency vehicles and the total number of parking spaces would be reduced from 85 to 83 to accommodate this. The effect would be to provide one space per residential unit with a reduction to 4 visitor spaces overall. Commercial parking would remain as 9 spaces.

Parking standards for the area are set out within the current DBC Local Plan. The site is located in Accessibility Zone 3, therefore a maximum parking standard of 1.25 spaces per one bedroom unit and 1.5 spaces per 2 bedroom unit is applicable, which would equate to a maximum total of 102.5 spaces for the proposed residential element of the scheme. The acceptability of the level of parking proposed is for the Local Planning Authority to determine.

Access to the parking spaces provided for the residential element of the scheme would be controlled by automatic barrier.

Cycle parking provision - It is proposed that secure, covered cycle storage with a capacity for 80 bicycles would be provided in the new building. The DBC Local Plan sets out residential cycle parking standards of 'one space per unit if no garage or shed is provided' and a standard of 'one space per 500sqm GFA plus one space per 10 full time staff' applicable for office uses. The provision of 80 secure sheltered cycle parking spaces on the site is in excess of the minimum standards.

Accessibility

Passenger transport Bus As identified in the Transport Assessment, there are 4 bus stops less than 100m away from the site – their locations are accurately shown on Figure 5.1 on page 16. All have shelters, two have easy access kerbing, two do not. Bus services are as stated in the Transport Statement, although the H13 no longer runs. The bus services available include a mix of interurban routes (301/ 320) which provide access to surrounding towns, a long distance route (758) providing access to London and the ML1/2 and PB1/ PB2 which are designed to cater for the needs of Maylands businesses linking the area to the town centre and rail station. The future of the ML1/ ML2 is currently uncertain and subject to discussions between Dacorum Borough Council, HCC and Maylands businesses.

If developer contributions are being sought from this site, these could be used towards providing easy access kerbing for those stops that currently do not have this and/ or the provision of real time screens. Easy access kerbing costs in the region of £8,000 per stop, in shelter screens also approx £8,000.

Rail Hemel Hempstead station is approximately 3.2 miles away. Trains are run by London Midland and Southern and journey time into London Euston is between 27 and 33 minutes. Walking and cycling The proposed redevelopment site is situated within an existing urban area and as such is in a location which provides good connectivity within an established network of footways and footpaths providing pedestrian access across the urban area.

Cycle routes in the area, in addition to the highway network, provide the opportunity for cycle journeys to be undertaken within the immediate local area and through to surrounding localities. The borough council is working with HCC to improve walking and cycling routes in the Maylands estate starting with Maylands Avenue.

Travel Plan A Travel Plan has been submitted in support of this application. It has been assessed by our Business Travel Planning team who was happy with the content and format but identified the need for improvement in these areas: - Multi-modal counts should be undertaken to SAMS standards, to ensure consistency. Qualitative travel surveys should also be considered, to understand the reasons for residents' behaviours and travel patterns - Undertake baseline surveys at the earliest appropriate opportunity, in order to develop travel

plan targets and measures - Longer term actions to be included in action plan, to maintain momentum of the travel plan post-publication.

Construction No discussion of the construction phase of the scheme is given in the submission. This should be covered by a Construction Management Plan submitted by planning condition.

Planning Obligations/ Community Infrastructure Levy (CIL) It is the policy of the County and Borough Councils to seek planning obligations to mitigate the effects of development. HCC's requirements in respect of highways and transport are set out in section 11 of the document 'Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements)'. This can be read and downloaded from <http://www.hertsdirect.org/your-council/hcc/resandperf/hertsprop/planningobs/>. If developer contributions are being sought from this site these should be used towards providing easy access kerbing for those stops that currently do not have this and/ or the provision of real time screens. Easy access kerbing costs £8,000 per stop, in-shelter screens also cost £8,000.

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. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition." (paragraph 203, page 47) 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). In addition, paragraph 29 of Section 4 of the NFFP states "The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel". Paragraph 31 says "Local authorities should work with neighbouring authorities and transport providers to develop strategies for the provision of viable infrastructure necessary to support sustainable development".

The development plan background supports the provision of planning contributions. Policy CS35 of the Dacorum Borough Council's Core Strategy (adopted September 2013) covers the requirement for development to provide or contribute towards infrastructure and services. The provision of community facilities is a matter that is relevant to planning. The contributions sought will ensure that additional needs brought on by the development are met.

The cumulative impact of development on local service provision is also an important consideration. As set out in paragraph 10.2 of the Toolkit, the use of formulae and standard charges is a means of addressing the likely cumulative impact of development in a fair and equitable way. The County Council's approach to the pooling of financial contributions to address cumulative impact is set out in paragraphs 7.5, 11.7 and 16.4 of the Toolkit.

(ii) Directly related to the development;

Financial contributions so derived would only be used towards services and facilities serving the locality of the proposed development and therefore, for the benefit of the development's occupants. The Toolkit first strand planning obligation contribution would be used towards providing easy access kerbing for those stops that currently do not have this and/ or the provision of real time screens.

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

The users and staff of new motel would have an additional impact upon local highways and transport infrastructure and services. The second strand pooled contribution was calculated following the rationale explained in paragraphs 11.9 to 11.12 of the Toolkit by taking account of the number and size of bedrooms in the proposed scheme and the accessibility as calculated for the parking zone guidance provided by the Local Planning Authority. For Dacorum this is summarised in the map on page 7 of the document Accessibility Zones For The Application of

Car Parking Standards (as at [http://www.dacorum.gov.uk/home/planning-development/planning-strategic-planning/supplementary-planning-documents-\(spds\)/accessibility-zones-for-the-application-of-car-parking-standards](http://www.dacorum.gov.uk/home/planning-development/planning-strategic-planning/supplementary-planning-documents-(spds)/accessibility-zones-for-the-application-of-car-parking-standards)).

Comments received from Hertfordshire County Council Waste Authority:

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 report that a Site Waste Management Plan will be implemented in order to minimise construction waste. 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.

It also important to note that the site sits next to one of the county's Employment Area of Search, ELAS 006 - Maylands (West), as designated in the Waste Site Allocations DPD Document (adopted July 2014). The county council considers that the 60 ELAS in Hertfordshire may be compatible with waste management uses and as such, waste management uses may come forward within the ELAS during the plan period. There would potentially be an issue of compatibility between waste management promoted at the ELAS and this residential proposal immediately adjacent

Comments received from Strategic Planning:

The site forms a key part of the Heart of Maylands area, where the Council is seeking to create a new local centre. The proposal is also part of the Council's wider New Build Housing Programme which actively seeks to deliver affordable housing opportunities in the Borough.

The wider SPAR team commented on an earlier iteration of the proposal in the summer of 2014. These set out initial comments on the location. They emphasised that the new building should have massing and be of high quality given this prominent corner site and set out likely contributions towards the environment of the Maylands Business Park (MBP). We will forward these on to you separately for reference and for completeness.

The land is located in the Maylands Avenue General Employment Area (GEA) – which is allocated for business uses (i.e. B1 uses) in saved Local Plan Policy 31.

The Maylands Development Brief (September 2007) identifies a number of character areas in the business park. There is a specific character area relating to 'The Heart of Maylands' (section 2.3 in the document) which this site falls within. It states that the Heart will become the functional centre of Maylands, providing shops, cafes, restaurants, business services, community facilities, open space and access to public transport.

The Heart of Maylands Development Brief (October 2010) elaborates on this character area:

<http://www.dacorum.gov.uk/docs/default-source/planning-development/spar-11.11.10-heartofmaylandsfinalbrief-october10.pdf?Status=Master&sfvrsn=0>

The Development Brief below sets out background information on the area and presents aspirations for future development in the Heart of Maylands. It provides advice on land uses, layouts, design and landscaping, access and movement and requirements for the delivery of sites in the Heart. Section 4 in the development brief puts forward a vision for the Heart and then sets out key principles for development. Section 5 contains an indicative design concept, based on the key principles, whilst section 6 deals with delivery. It provides a useful guide in terms of development management considerations in the area, including this proposal. Figure 1.2 in the brief shows the location of the six sites within the Heart area. The application site comprises of the southern half of Site 3 (former Schroff site) as defined in the Brief. SPAR's earlier comments referred to the unattractiveness of the original buildings on the site to the quality of the MBP. These have now been demolished and an opportunity therefore exists to

enhance this part of the MBP.

The Core Strategy has taken forward the concept for the Heart through the Hemel Hempstead Place Strategy (see under the East HH vision and local vision, Figure 18 (EHH Character Zones and Development Opportunities), Policy CS34: Maylands Business Park and Figure 22 (EHHAAP Vision Diagram). The retail section of the Core Strategy also refers to the creation of a new local centre in this location (para. 13.3). It is also specifically identified as a Local Centre in the retail hierarchy (Table 5).

However, as the Pre-Submission Site Allocations DPD excludes the Maylands area (para. 6.12), it does not identify this location as an allocation (this is deferred to potential later work on the East HH Area Action Plan). Table 2 in the document does note that the Heart of Maylands will deliver around 475 homes and acknowledges that this will be delivered via a number of phases given that the land is in multiple ownerships. We continue to assume that this location will make a significant contribution to housing supply in order to deliver on the Core Strategy housing target.

Two applications have now been approved for parcels within the south eastern part of the Heart of Maylands:

- Phase 1: 4/00676/14/MFA, for mixed use development on Sites 1 and 2a.
- Phase 2: 4/00689/OUT, for housing and possibly some offices on Sites 2b and 2c.

These provide a relevant policy and design context for this current application.

We welcome the general approach of the proposal and its contributions towards delivering the level of housing anticipated for this broad location through work on the Core Strategy housing programme. We consider that the planning application should reflect the principles set out in the development brief. The scheme would constitute another important step towards establishing the type of local centre proposed in the development brief. We note that other applications have been approved for other phases of the Heart and these are likely to influence determination of certain aspects of this proposal.

We particularly welcome the potential delivery of a 100% affordable housing scheme (as opposed to 35% normally sought under Policy CS19) in meeting housing need in the Borough. The proposed housing mix appears acceptable in terms of Core Strategy Policy CS18 (mix of housing). The chief concerns revolve around the high density nature of the scheme (c.150 dph) and ensuring this achieves a good standard of design and level of amenities.

The proposal will deliver on mixed residential (75 flats) and commercial (660 sqm of A2 use) uses and active frontages at ground floor within the blocks as, sought in the Brief. The scheme envisages large and tall buildings (from 4-7 storeys), this is acceptable in principle (see paragraphs 4.3.15, 4.3.18 and 5.3.1), but it is important to achieve a high quality design and sufficient parking. We note the stepping down of heights towards the Wood Lane End frontage which seems a logical approach. The development brief certainly refers to the tallest buildings around the junction with Maylands Avenue. This was the position taken on the opposing Sites 1 and 2a under application 4/00676/14.

Parking is to be provided to the rear which accords with the general approach of the Brief. We note that 82 residential spaces are to be provided against a standard of 102 (DBLP Appendix 5). This equates to c. 1 space per unit. This seems reasonable overall given a minimum of 1:1 ratio is achieved, the promotion of a Green Travel Plan by the applicant, the availability of the 13 commercial spaces to residents outside of normal working hours, its eventual location within a fully-fledged (albeit small) local centre, and potential to live and work within the MBP. However, the views of the Highway Authority should be sought. We welcome the provision of a significant number of cycle spaces (88).

DBLP Appendix 3 sets out the amenity space standards for residential development. In theory, space should be provided equivalent to the footprint of the building increasing with its height. A small, traditional form of amenity area is to be provided to the rear, but other space is to be secured through roof gardens and courtyard areas (and to a lesser extent through balcony space). This approach to amenity space is becoming more popular (especially in higher density schemes such as this) and we would not necessarily rule out this approach providing it provides genuinely useable space for occupants.

Comments received from Hertfordshire Historic Environment Team:

The following advice is based on the policies contained in the National Planning Policy Framework.

The proposed development site lies within Area of Archaeological Significance No 38. The site is close to the large Romano-British religious complex and related features at Wood Lane End, part of which has been excavated. The remains are a Scheduled Monument [Historic Environment Record no 94, HER 6824]. More recently, archaeological investigations to the south of the Wood Lane End complex identified a probable prehistoric ditch [HER 11824], and archaeological investigations on the north side of Wood Lane End, west of Buncefield Lane, identified Roman ditches [HER 9204], evidence of Late Bronze Age/Early Iron Age occupation [HER 9203], and medieval ridge and furrow cultivation [HER 9205]. There has therefore been some form of settlement in this area from at least the Later Bronze Age.

A recent archaeological evaluation (May 2015) at Land at Maylands Court and Wood Lane End, close to the current application site, proved negative, but the site had been truncated to a depth of more than 2 metres during previous development, and there was a considerable depth of made ground present. The current site is on higher ground, and may not have been subject to similar groundworks.

I believe that the position and details of the proposed development are such, that it should be regarded as likely to have an impact on significant below ground heritage assets, and that this impact should be mitigated in accordance with P141 of the National Planning Policy Framework (NPPF). I recommend, therefore, that provisions be made for a programme of archaeological works, should you be minded to grant consent:

1. A programme of archaeological evaluation (in the form of trial trenches) of the proposed development site, further to the demolition of the current building on the site to slab level, but prior to the commencement of the development.
1. And such appropriate mitigation measures indicated as necessary by the evaluation.

These may include:

- a) the preservation of any archaeological remains *in situ*, if warranted;
- b) the appropriate archaeological excavation of any remains before any development commences on the site;
- c) the archaeological monitoring and recording of the ground works of the development, including ground reduction, foundations, services, landscaping, access, etc. (and also including a contingency for the preservation or further investigation of any remains then encountered);

- d) the analysis of the results of the archaeological work, with provisions for the subsequent production of report and an archive, and the publication of the results, as appropriate;
- e) such other provisions as may be necessary to protect the archaeological interests of the site.

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow para. 141, etc. of the National Planning Policy Framework, relevant guidance contained in the National Planning Practice Guidance, and the recently issued Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

In this case two appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants. I suggest the following wording:

Condition A

No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Condition B

i) Demolition/development shall take place in accordance with the Written Scheme of Investigation approved under condition (A).

ii) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

If planning consent is granted, I will be able to provide information on professionally accredited archaeological contractors who may be able to carry out the necessary work.

Comments received from the Lead Local Flood Risk Authority:

In the absence of an acceptable surface water drainage assessment, we object to this application and recommend refusal of planning permission until a satisfactory surface water drainage assessment has been submitted.

The surface water drainage assessment carried out by Waterco reference W19181-160107 dated January 2016 submitted with this application does not comply with the requirements set out in the Planning Practice Guide (as revised 6 April 2015) to the National Planning Policy Framework. The submitted surface water drainage assessment does not therefore; provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

Reason

In order for the Lead Local Flood Authority to advise the relevant local planning authority that the site will not increase flood risk to the site and elsewhere and can provide appropriate sustainable drainage techniques, the following information is required as part of the surface water drainage assessment;

1. Demonstration of a feasible drainage proposal based on either infiltration or with a discharge to a local surface water sewer, to include either
 - Confirmation from Thames Water that they have sufficient capacity for the development to connect into their network.
 - Site specific infiltration tests to confirm the permeability of the site for infiltration options in accordance with BRE Digest 365.

Overcoming our objection

We acknowledge that consideration has been given for the use of soakaways, if it is proposed then infiltration tests in accordance with BRE Digest 365 will need to be undertaken at this stage to demonstrate that the ground can provide sufficient permeability rates to cater for the infiltration of surface water for all rainfall events up to and including the 1 in 100 year + climate change. Also as the site is a Groundwater Protection Zone, 3 treatments stages for any car park and roads should be provided to ensure the water quality is managed where infiltration is proposed.

We note that if infiltration is not feasible, the existing connection to Thames surface water will be utilised. It is stated that permission from Thames Water has not yet been sought to connect to the existing surface water sewer network to discharge surface water and that it would be obtained once the final design has been provided. However as this is for a full planning application, we require that the following should be provided upfront prior to the approval of planning permission upfront to ensure that the proposed scheme is feasible.

Informative to the LPA

The applicant will need to satisfy the LPA that the proposed drainage scheme can be adopted and maintained for its lifetime by providing a maintenance plan, detailing key operations and management.

The applicant can overcome our objection by submitting a surface water drainage assessment which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application. Production of a surface water drainage assessment will not in itself result in the removal of an objection.

Further comments were received on 17th February 2016:

In response to the additional information provided by Waterco dated 09 January 2016 this satisfactorily addresses the points raised in our previous response dated 25th January 2016. We can confirm that we the Lead Local Flood Authority are now in a position to remove our objection on flood risk grounds.

We note two options have been proposed for drainage. Option 1 proposes infiltration with the use of permeable paving and soakaways; however infiltration tests have yet to be carried out. Therefore an alternative option 2 has been proposed based on attenuation and discharge into surface water sewers with discharge restricted to 5l/s and approximately 173m³ attenuation volumes required for the whole site. We acknowledge that Thames Water have been contacted and have no concerns with the connection at 5l/s.

As the proposed scheme has yet to provide the final detail and in order to secure the principles of the current proposed scheme we recommend the following planning condition to the LPA should planning permission be granted:

LLFA position

The proposed development will only meet the requirements of the National Planning Policy Framework if the measures detailed in the FRA carried out by Waterco reference W19181-160107 dated January 2016 submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition 1

1. 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.
2. Providing attenuation 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.

Reason

1. To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.
2. To reduce the risk of flooding to the proposed development and future occupants.

Condition 2

No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year + 30% for climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

1. Infiltration tests should be conducted to BRE Digest 365 Standards if infiltration is proposed.

2. Provision of a fully detailed drainage plan showing pipe diameters, pipe runs, outlet points and location of SuDS features and supporting calculations.

Reason

To prevent the increased risk of flooding, both on and off site.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Informative to the LPA

The LPA will need to be satisfied that the proposed drainage strategy will be maintained and managed for the lifetime of the development.

Comments received from Hertfordshire Fire and Rescue Services:

We have examined the drawing and note that the provision for Hydrants/ Access does not appear to be adequate to comply with BS9999:2008.

ACCESS AND FACILITIES

1. Access for fire fighting vehicles should be in accordance with The Building Regulations 2000 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 18 tonnes.
3. 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 Diagram 50 in section B5 of The Building Regulations 2000 Approved Document B (ADB).

WATER SUPPLIES

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

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

Comments received from Hertfordshire Ecology:

We have no biological (habitats, sites or species) records for the application site or nearby vicinity.

I have seen the *Preliminary Ecological Appraisal* by Arbtech Consulting (dated April 2015) submitted with this application. The site is predominantly and existing large industrial warehouse/unit with associated hardstanding (car parking) and very little semi-natural habitat present. No habitats or species of any significance will be affected by these proposals. Notwithstanding, I advise the following **Informatives** are added to any permission granted:

o **Protected Species** - *It is an offence to take or disturb the breeding or resting location of protected species, which include (although not exclusively) all Bats, wild Birds, Reptiles (Common lizard, Slow-worm, Grass snake), and Roman snails. Precautionary measures should be taken to avoid harm where appropriate. If protected species, or evidence of them, is discovered during the course of any development, works should stop immediately and advice sought as to how to proceed. This may be obtained from: Natural England: 0300 060 3900; or a suitably qualified ecological consultant.*

o For **birds**, *the removal of trees & shrubs should be avoided during the breeding season (March to September inclusive). 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 last chick has fledged.*

o Any **external lighting scheme** *should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites.*

o **Soft landscaping** - *new trees and shrubs should be predominantly native species, particularly those that bear blossom, fruit (berries) and nectar to support local wildlife. Where non-native species are used they should be beneficial to biodiversity, providing a food source or habitat for wildlife.*

o **Biodiversity enhancements** *could be incorporated into the development proposal. These could be in form of bat and bird boxes in trees, integrated bat roost units (bricks and tubes) in buildings, specific nest boxes for swifts, swallows and martins, refuge habitats (e.g. log piles, hibernacula) for reptiles at the site boundaries, etc. These should be considered at an early stage to avoid potential conflict with any external lighting plans. Advice on type and location of habitat structures should be sought from an ecologist.*

Considerations

Policy and Principle

The site is located in the Maylands Avenue General Employment Area (GEA) which is allocated for business uses (i.e. B1 uses) in saved Local Plan Policy 31. This GEA is designated as a 'Core Office Location' in the table in this policy. Adopted Core Strategy Policy CS15 seeks to protect GEAs for B-class uses. It also requires new B class development to contribute to environmental improvements within the GEA.

The Maylands Master Plan (September 2007) identifies a number of character areas in the Maylands business park including 'The Heart of Maylands' (section 2.3 in the document) which this site falls within. It states that the Heart will become the functional centre of Maylands, providing shops, cafes, restaurants, business services, community facilities, open space and access to public transport.

More detailed guidance is contained in the 'Heart of Maylands Development Brief', which was

adopted by the Council as a planning policy statement in October 2010. Figure 1.2 in the brief shows the location of the six sites within the Heart area. The application site comprises of the southern half of Site 3 (former Schroff site). The Development Brief sets out background information on the area and presents aspirations for future development in the Heart of Maylands. It provides advice on land uses, layouts, design and landscaping, access and movement and requirements for the delivery of sites in the Heart. Section 4 in the development brief puts forward a vision for the Heart and then sets out key principles for development. Section 5 contains an indicative design concept, based on the key principles, whilst section 6 deals with delivery. It provides a useful guide in terms of development management considerations in the area, including this proposal.

The Core Strategy has taken forward the concept for the Heart through the Hemel Hempstead Place Strategy; Policy CS34 (Maylands Business Park) which seeks to deliver a local centre in the Heart of Maylands to support residents and workers. Figure 18 in the Core Strategy states that the Heart of Maylands:

“...offers the opportunity to form a functional local centre, with financial and commercial services, restaurants, cafes, leisure uses and a public square. Around 250 homes should be provided here...”

The retail section of the Core Strategy also refers to the creation of a new local centre in this location (para. 13.3). It is also specifically identified as a Local Centre in the retail hierarchy (Table 5).

New housing will play a role in creating a new local centre at the Heart of Maylands. A key objective of the Development Brief is the need for regeneration to help secure the future of the wider Maylands Business Park. It is recognised that the delivery of housing would assist in achieving regeneration in the short to medium term by supporting new retail and local service development for both the business community and nearby residents. Once established, this development would contribute to the vitality and vibrancy of the area that in turn would attract new businesses to the area.

Prevailing market conditions at the time are likely to dictate the demand for either residential or business development. This is acknowledged within the Brief together with the need to apply a degree of flexibility. For example should market conditions improve, a shift towards office provision would be expected.

Whilst a greater element of office use would ideally be sought at the site consistent with the strategic employment function of the area, Strategic Planning and Regeneration have acknowledged that the current market for speculative development is still depressed. An absence of residential development within the scheme would lead to an indefinite delay in stimulating demand for retail and service uses in the area.

Whilst the Pre-submission Site Allocations DPD excludes the Maylands area due to further work on the East Hemel Hempstead Area Action Plan, Table 2 in the document does note that the Heart of Maylands will deliver around 475 homes and acknowledges that this will be delivered via a number of phases given that the land is in multiple ownerships. Strategic Planning and Regeneration have advised that there is an assumption that this location will make a significant contribution to housing supply in order to deliver the Core Strategy housing target.

The proposal is also part of the Council's wider New Build Housing Programme which actively seeks to deliver affordable housing opportunities in the Borough. The contribution that the proposal makes towards delivering the level of housing anticipated for this broad location is therefore welcomed.

The proposal includes an element of office use at the street frontage which contributes to the employment character and business function of the area. Glazed active frontages along Maylands Avenue and Wood Lane End provide a commercial appearance to the development that is keeping with the surrounding uses such as the Dixons building located opposite.

Strategic Planning and Regeneration consider that the scheme would constitute another important step towards establishing the type of local centre proposed in the development brief, subject to reflecting the development principles set out in the brief. The two applications that have been approved for parcels within the south eastern part of the Heart of Maylands also provide a relevant policy and design context for this current application:

- Phase 1: 4/00676/14/MFA, for mixed use development on Sites 1 and 2a.
- Phase 2: 4/00689/OUT, for housing and possibly some offices on Sites 2b and 2c.

Layout and Design of Development

The proposed layout is in general accordance with the development brief.

The aspiration that taller buildings should be located at the centre of the Heart with lower buildings towards the eastern and western edges on Wood End Lane has been met both on an area wide basis and within the site. The highest 7 storey element is positioned at the junction of Maylands Avenue and Wood Lane End. The development then staggers down in a logical approach to the north and west.

The proposal initially sought a maximum height of 6 storeys at the junction. However given the aspirations for the Heart and the scale and massing of the Dixons building located opposite, it was considered that an additional storey could be supported at this location. It is also noted that the consented scheme for the south-east quadrant of the Heart (ref.4/00676/14/MFA) has seven storeys at the junction stepping down to six with the remaining development parallel to Maylands Avenue maintained at four storeys. The proposed scheme follows this general approach in terms of height and massing, stepping down to meet the more modest scale of development to the north and west.

The position of the footprint broadly follows the indicative block layout for the site as shown in the Brief. The northern half of the site is under separate ownership and it is not known when, if at all, this site would be brought forward for redevelopment. As such the rear block has been positioned centrally within the site to provide a set back from the neighbouring light industrial use to the north in the interests of protecting the amenities of future occupiers.

A further constraint to the proposed layout are the easements running from Wood Lane End across the site to the north; to a large extent this has dictated the layout in terms of building footprint and parking provision. Parking is located predominantly to the rear of the site minimising the visual impact on the Heart, consistent with the requirements of the development brief. The vehicle access is from a highly visible access point on Wood Lane End.

The primary elevation fronts onto the junction of Maylands Avenue and Wood Lane End. An active frontage is provided at ground floor along the length of Maylands Avenue and along approximately two-thirds of the Wood Lane End frontage serving the offices; the full height glazing is broken up by vertical features and set back slightly beneath a first floor overhang. This allows for a wide pavement area serving the frontage thereby creating interaction between building and the street, an aspiration of the development brief.

Concern was initially raised about the relationship of the rear wing with the rear elevation of the wing fronting Wood Lane End in terms of overlooking between the windows of the

residential flats. This is particularly given the orientation and single aspect nature of some of the units. The application was subsequently revised to include measures that would prevent direct overlooking; the most notable is the angled orientation of the windows on the southern elevation of the rear wing. Alterations to the positioning of the building footprint were considered but not pursued due to the constraints of the site.

The Development Brief expects a landmark building to be created on the Maylands Avenue/Wood Lane End junction with well designed, high quality facades facing onto the crossroads. The proposed development is considered to achieve this through the prominent seven storey element at the apex of the site. The design is based on a modern approach with an industrial appearance that is in keeping with the surroundings. A vertical emphasis is introduced through the use of columns and a variety of cladding materials which adds interest to the facade. Further interest is also provided through the use of relief incorporating slight setback and projections. Materials proposed include dark cladding such as black timber and rusty warm colour of corten steel in reference to the palette of red and yellow brick of surrounding buildings. White render is also proposed.

Residential Development

The Heart of Maylands Brief provides a figure of 270 units across the brief area. However, it is relevant to note that the Council's land availability calculations assume nearly 500 homes on the Maylands Business Park. This includes an element from the 'Area of Residential Opportunity' in the NW corner of the business park (shown on Core Strategy Figure 22), but this land is not currently available for housing development.

The proposal puts forward 79 dwellings in the form of 1 and 2 bed apartments. The site area is 0.49ha therefore the density of dwellings is equivalent to 161 dwellings per hectare (DPH).

Clearly this is a much higher density than what would be considered acceptable elsewhere within the Borough and outside the expected range of 30 to 50 dwellings per hectare outlined under saved Policy 21 of the Local Plan. However the principle of the development is in line with the aspirations for the area as detailed in the Maylands Masterplan and Heart of Maylands Brief. The creation of a local centre is intended to bring vibrancy and vitality to the area; a critical mass of residential units shall further reinforce this through both increasing activity in the area and most importantly extending the activity beyond business hours.

It is therefore accepted that a high density of residential units is necessary to this development. Key to the proposal is whether the development achieves a good standard of design and level of amenities that affords this level of density. Development that falls below standard on matters relating to residential amenity and parking is an indication that the density is too great. Each of these matters is addressed further below.

The proposed housing mix is acceptable in terms of Core Strategy Policy CS18 (mix of housing) through the provision of a range of one and two bed flats of both social rented and shared ownership tenure.

Core Strategy Policy CS19 - affordable housing requires 35% to be affordable and a minimum 75% of the affordable units should be for rent. The proposals are for 100 percent affordable housing with half of these homes as social rented and half as shared ownership. This level shall be secured through the Legal Agreement.

Residential Amenity

The proposed units range in size from 48m² to 76m². Policy does not provide minimum size standards for residential development; however consideration must be given to the quality of accommodation and amenity provided for future occupants. As outlined above, concern was

initially raised in connection with the outlook for occupants, particularly in relation to the units on the southern side of the rear wing and those located directly opposite on the northern side of the wing fronting Wood Lane End. For single aspect units the only outlook would be to the units located directly opposite.

The application has been revised to overcome these concerns through re-arranging the internal layout including the stairs so that more of the units have dual aspect. Windows to the south elevation of the rear wing are angled. The glazed areas facing the southeast will be in opaque glazing to overcome privacy impacts for residents of units with inward facing elevations. The southwest orientated windows will be in clear glazing to allow some outlook for occupants and also to capture sunlight from this direction.

Large areas of glazing at floor to ceiling height have been proposed throughout the scheme to maximise natural daylight. Domed rooflights have also been introduced for some of the north-facing single aspect units.

Communal and Private Amenity Area

In terms of provision of private amenity space, 20 of the units have access to balconies or private outdoor amenity area and 32 have Juliet balconies. In addition three communal outdoor amenity areas are proposed: one at site level with play facilities (145m²); an area at roof level to the fourth floor (354m²); and a further area at sixth floor roof level (70m²).

Appendix 3 of the saved Local Plan requires multiple occupancy development to provide a private communal area to the rear of the building at least equal to the footprint of the building for two storey developments, and increasing with building height. Whilst some private communal area has been provided to the rear the amount clearly falls short of this requirement. However it is made up to some extent by provision at roof level on the fourth and sixth floors.

The proposed amenity space secured through roof gardens, courtyard areas and to a lesser extent through balcony space is becoming more accepted as an appropriate form of provision, particularly in high density schemes such as this. The dwellings are 1 and 2 bedrooms apartments and are located within an employment centre. Whilst there undoubtedly would be some families within children within the development the level is likely to be less than the normal distribution.

A further key consideration is the quality and usability of the proposed amenity space. The play area at site level whilst adjacent to the car parking area also adjoins the rear wing and would benefit from natural surveillance from the surrounding residential units. It would also provide a focal point to the development as people enter and exit the site and has the potential to contribute to social interaction amongst residents. The communal areas to the upper floors contain seating areas and planting to provide an aesthetically pleasant environment. Details of the landscaping, screening and safety enclosure would be required for approval to ensure the quality of these spaces is maintained in perpetuity.

It is acknowledged within the Heart of Maylands Development Brief that a lower level of on-site provision of open space may be permitted within the most prominent part of the Heart such as the application site. Furthermore, a large public square has been approved as part of the development of the southeast site (ref. 4/00676/14/MFA) which is shown as the focal area of public space for the Heart of Maylands.

In terms of the wider surrounding area the nearest equipped area of play is located at Green End Lane, which is 0.5miles away, which equates to less than a 10 minute walk. This exceeds the policy level in terms of travel distance. However, for the reasons given above and bearing in mind the future development aspirations for the Heart, it is considered that the proposed

private and communal amenity space is acceptable.

A concern with introducing residential units to employment areas is the potential impact of noise activity on the future residents and also the reverse. Once residential uses are established within such areas complaints can be made by residents against commercial activities (reverse sensitivity).

In light of this Environmental Health has recommended that sound insulation is provided. They have advised that "the sound insulation between the units is capable of 50db attenuation. To ensure no disturbance of adjoining residents or commercial developments."

Should the committee be minded to grant this application, a condition will be attached requiring this level of sound attenuation between the proposed units.

Access and Parking

The existing access arrangement from Wood Lane End will be retained as part of the redevelopment scheme. Given that there are no alterations to the junction and sufficient visibility splays continue to be provided no objection has been raised by Highways in respect to access.

A total of 83 residential car parking spaces (one space per residential unit and four visitor spaces) and 9 car parking spaces for use by the office element will be provided on site. The policy requirement under saved Appendix 5 of the Local Plan for parking provision (Accessibility Zone 3) is represented as follows:

- One-bedroom dwelling - maximum 1.25 spaces; and
- Two-bedroom dwelling - maximum 1.5 spaces.

The above policy requirements would yield a maximum parking provision for the residential units across the site of 108.5 spaces with 40 one-bedroom flats and 39 two-bedroom flats. It is noted that the Transport Assessment refers to 102 spaces which is the maximum based on the original application for 75 residential units.

An assessment set out in the Transport Assessment considers car ownership numbers for non-owner occupied flats and the 2011 Census data on local car ownership levels for social rented housing. Based on this assessment they have submitted that demand for 52 on-site parking spaces will be created as a result of the development. Whilst the revised scheme is for an additional 4 residential units, the provision remains well in excess of the assessed demand for the site.

The parking standards set out within the Local Plan for office development are one space per 30m². As the site is situated within an Accessibility Zone 3 area 50 - 75 percent of the standard is applicable, resulting in a requirement of between 11 and 16.5 spaces for the proposals. The proposal is for nine parking spaces; this provision falls slightly short of the maximum parking standards for office development as set out in Appendix 5.

The submitted Transport Assessment asserts that the site is located within a sustainable urban location with links to local amenities and sustainable transport modes. Four bus stops are situated within a walking distance of less than 100m from the application site. In particular, the site is within a GEA with easy access to employment. The benefits of this level of accessibility is emphasised within the Heart of Maylands Development Brief which seeks to provide a mix of business and new homes, thereby helping to reduce the need to travel elsewhere by car. It is also noted that a public car park is located opposite on Wood End Lane in proximity to the junction with Mark Road.

Given the long term aspirations for the Heart to reduce the need to travel and the accessibility of the site, the level of parking provision is considered to be sufficient to meet the needs of both the commercial and residential occupiers of the development.

In terms of proposed cycle parking, the following standards under saved Appendix 5 of the Local Plan are applicable:

Residential (Class C3) - 1 long-term space per unit if no garage or shed provided;
Office (Class B1) - 1 short-term space per 500m² gross floor area plus 1 long-term space per 10 full time staff.

Secure, covered cycle storage with a capacity for 80 cycles separated for both the residential and office component is to be provided within the building. Highways have confirmed that the provision is in excess of the minimum standards.

A Travel Plan has been submitted as part of the application which was assessed by Highways. The content and format was acceptable however some minor areas of improvement were identified. A condition will be imposed ensuring that a revised Travel Plan based on these comments is submitted for approval.

Landscaping

A Preliminary Ecological Appraisal (PEA) has been submitted with this application, which concludes that the proposed development poses no significant risk to ecological receptors. Hertfordshire Ecology has reviewed the proposals and concluded that they have no biological records for the site or nearby vicinity. Furthermore, no habitats or species of any significance will be affected by the proposals.

Detailed landscaping proposals have not been submitted at this stage however indicative layouts have been provided for the car parking and amenity areas. Trees and Woodlands have provided comments on the proposed layout and have raised a concern that the trees proposed in the narrow spaces between intermittent parking spaces would need more space in which to develop. They have also suggested that some of the trees/shrubs would need to be carefully chosen given their proximity to buildings, car park barriers and parking areas. This concern has been discussed with the applicant and they have confirmed that the issue can be addressed as part of the detailed design.

The Heart of Maylands Development Brief seeks tree-lined streets and landscaped parking areas. A landscaping condition shall be attached to secure the provision of suitable landscaping, in accordance with the requirements of the Brief.

Archaeology

The site lies within an Area of Archaeological Significance. The County Council Historic advisor notes that a recent archaeological evaluation (May 2015) at Land at Maylands Court and Wood Lane End, proved negative. However, previous investigations had found a considerable depth of made ground present. The current site is also on higher ground and may not have been subject to similar ground works. It was concluded that the position and details of the proposed development are such that it should be likely to have an impact on significant below ground heritage assets. Provisions should therefore be made for a programme of archaeological works in accordance with paragraph 141, etc. of the National Planning Policy Framework, relevant guidance contained in the National Planning Practice Guidance, and the recently issued Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

Two appropriately worded conditions have been recommended that would be sufficient to provide for the level of investigation that is warranted by the proposal and would be attached to a planning permission.

Flood Risk and Drainage

Adopted Core Strategy Policy CS29 requires new development to comply with the highest standards of sustainable design and construction. In relation to flood risk and drainage, an adequate means of water supply, surface water and foul drainage should be provided.

The proposed development will result in approximately 87% of the site in hardstanding with soft permeable landscaped areas occupying the remaining 13% of the site.

At present the surface water drainage currently drains to the public surface water sewer within Wood End Lane at an unrestricted rate. In accordance with the hierarchy of drainage options set out in the NPPG, the proposal seeks infiltration through the use of SuDs features comprising soakaways, permeable paving and/or cellular attenuation tanks as a first option for surface water drainage on the site. Should soakaways not be found to be feasible, attenuation will be required on site in order to restrict surface discharge to the Thames Water sewer within Wood End Lane to 5l/s. Thames Water have confirmed that the principle to discharge to the sewer is acceptable.

The Lead Local Flood Authority raises no objection to the proposal. They note that infiltration tests are yet to be carried out, however they are satisfied that Thames Water raise no objection to the second option of discharging to their sewer, should infiltration prove to be unfeasible. As details of the final scheme are yet to be finalised they have recommended two conditions to secure the principles of the proposed scheme.

Fire and Rescue Services

Hertfordshire Fire and Rescue Services initially raised a concern that provision had not been made for access for emergency vehicles within the site. The parking and access layout was subsequently revised to include a hammer head at the western end of the rear block. As a result, the parking space provision was reduced by a total of four spaces and the outdoor amenity area reconfigured but retains the same area of 145m².

The need for emergency vehicle access to the site is considered to outweigh any slight reduction in parking. Furthermore the resulting provision of off-street parking for the development is considered to be acceptable for the reasons given above.

Details of the provision and location of the fire hydrants has not been provided at this stage. Given that this level of detail is not yet known but would be looked at during the course of Building Regulation approval, a condition will require details to be submitted and approved prior to the commencement of development.

Contamination and Ground Stability

The site is located within the vicinity of potentially contaminative former land uses. Consequently there may be land contamination issues associated with this site; the contamination condition is recommended to be imposed to ensure that the contaminated land investigation is undertaken.

The site is located proximate to a relatively recent slump in Oatridge Gardens and old pits associated with the former brickworks on Wood End Lane. A GroundSure Enviroinsight Report has been submitted as part of the application which did not identify any shallow mining within the vicinity of the site. However it is acknowledged that the former chalk mining activity which

took place approximately 150 years ago is unlikely to be identified in contemporary data or unless a specialist investigation is undertaken.

It is noted that the former industrial building would have existed on this site since 1938 and therefore the risks to the proposed development are low. However a condition will be imposed should the committee be minded to grant planning permission requiring the applicant to undertake ground investigation that specifically considers the historic mining of the area and addresses any potential issues prior to the commencement of development.

Impact on Neighbours

There are no residential properties that adjoin the site that would experience any impact on their amenities as a result of the proposals. Both residential and office use are low impact uses that would not cause any harm to the amenities of the neighbouring Class B1 uses. Furthermore, the rear wing to the development has been set back from the northern boundary thereby avoiding any reverse sensitivity issues.

CIL and Planning Obligations

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 3 within which a charge of £100 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.

The Council has adopted its Supplementary Planning Document on Affordable Housing (2013). This document supports the Core Strategy Policy CS19: Affordable Housing. Also relevant is the "Planning Obligations Guidance - Toolkit for Hertfordshire" produced by Hertfordshire County Council.

There will be a need for an s106 planning obligation to cover affordable housing provision as set out in the SPD. Financial contributions will also be sought in respect of Regulation 122 of the CIL Regulations 2010 where they would be used towards services and facilities serving the locality of the proposed development and therefore, for the benefit of the development's occupants. The planning obligation has been requested by Highways to be used towards providing easy access kerbing for those bus stops located within 100m of the site that currently do not have this and the provision of real time screens. The contributions sought will ensure that additional needs brought on by the development are met.

The legal agreement will need to be completed and submitted as part of any planning application to ensure that there is a mechanism to secure the matters sought by the SPD and CIL Regulation 122.

The following heads of terms have been agreed through negotiation:

HEAD OF TERM	AMOUNT
Affordable Housing	100%
Bus stop easy access kerbing	£8, 000
Bus stop in-shelter screens	£8,000

Sustainability

A Sustainability Statement and Energy Statement has been prepared by Eco Energy and Environmental Ltd in response to the questions included in the C-Plan carbon impact assessment on-line tool used in the assessment of planning applications.

The application proposes to employ the principles laid out in 'Building for Life 12' (BfL12), which sets out industry standard for well-designed homes neighbourhoods. The BfL12 is led by CABE at the Design Council, Design for Homes and Home Builders Federation.

The proposal is considered to be consistent with the requirements of Policy CS29 Sustainable Design and Construction. Measures to achieve the highest standards of design and construction include re-use of the existing material on the site (concrete); import of recycled and secondary aggregate; the use of sustainably sourced timber on site; the use of water efficient fittings, flow restriction and efficient water heating systems within the flats; installation of a rainwater collection system; undertaking a 'fabric first' approach to energy conservation to achieve an improvement of over 5% in the Dwelling Emissions Rate and Building Emissions rate over the Building Regulations Target Emissions Rate; and implementation of a waste construction management plan. The development will also be capable of connection to a future district heating system when available.

In terms of promoting sustainable transport, electric car sharing points are proposed within both the residential and office car parking areas. The provision of 80 secure, sheltered cycle parking spaces on site is in excess of the minimum standards.

The proposal is therefore considered to be in accordance with CS28, CS29 and CS31 of the Adopted Core Strategy.

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.

2. That the following Heads of Terms for the planning obligation, or such other terms as the Committee may determine, be agreed:

- Affordable Housing 100%
- Bus stop easy access kerbing £8,000
- Bus stop in-shelter screens £8,000

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

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

2 **Notwithstanding the details hereby approved, no development above ground shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority.**

These details shall include:

- **Roof material finishes**

- External Wall finishes
- Fenestration Details and Materials
- Balcony materials
- Canopy and entrance feature materials and finishes
- Rainwater goods

Development shall be carried out in accordance with the approved details.

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

- 3 **Within three months of the date of the granting of this planning permission 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 and to accord with adopted Core Strategy Policy CS12.

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

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

- 5 **A landscape management plan, 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 the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area and to accord with adopted Core Strategy Policy CS12.

- 6 The development shall not be occupied until the access, car parking and turning areas for the development has been constructed, surfaced and permanently marked out in accordance with the details approved under Condition 3 this application. All parking and turning areas so provided shall be maintained as a permanent ancillary to the development and shall be used for no other purpose at any time.**

Reason: To ensure that adequate parking is provided at all times so that the development does not prejudice the free flow of traffic or the conditions of general safety along the adjacent highway, or the amenities and convenience of existing local residents and businesses in accordance with CS12 of the Adopted Core Strategy.

- 7 Two months prior to the occupation of the development, details of the proposed Travel Plan shall be submitted to and approved in writing by the Local Planning Authority.**

Reason: to promote a sustainable development in accordance with adopted Core Strategy Policy CS8 and highway authority requirements.

- 8 No part of the development hereby permitted shall be occupied prior to implementation of the Travel Plan referred to in Condition 7 above. The approved Travel Plan shall be implemented in accordance with the timetable and targets contained therein and shall continue to be implemented as long as any part of the development is occupied.**

Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment in accordance with CS8 of the Adopted Core Strategy.

- 9 Construction of the development hereby approved shall not commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan.**

The Construction Traffic Management Plan shall include details of:

- a) Construction vehicle numbers, type, routing;**
- b) Traffic management requirements;**
- c) Construction and storage compounds (including areas designated for car parking);**

- d) Siting and details of wheel washing facilities;
- e) Cleaning of site entrances, site tracks and the adjacent public highway;
- f) Timing of construction activities to avoid school pick up/drop off times;
- g) Provision of sufficient on-site parking prior to commencement of construction activities;
- h) Post construction restoration/reinstatement of the working areas and temporary access to the public highway.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way.

10 **The proposed development shall be carried out in accordance with the measures detailed in the FRA carried out by Waterco reference W19181-160107 dated January 2016 submitted with this application. The measures shall achieve the following:**

- **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.**
- **Provide attenuation 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.**

Reason

1. To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with adopted Core Strategy Policies CS29 and CS31.
2. To reduce the risk of flooding to the proposed development and future occupants.

11 **No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro- geological context of the development has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year + 30% for climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.**

The scheme shall also include:

1. **Infiltration tests should be conducted to BRE Digest 365 Standards if infiltration is proposed.**

Provision of a fully detailed drainage plan showing pipe diameters, pipe runs,

outlet points and location of SuDS features and supporting calculations.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

To prevent the increased risk of flooding, both on and off site and to accord with adopted Core Strategy Policies CS29 and CS31.

12 **No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:**

1. **The programme and methodology of site investigation and recording**
2. **The programme for post investigation assessment**
3. **Provision to be made for analysis of the site investigation and recording**
4. **Provision to be made for publication and dissemination of the analysis and records of the site investigation**
5. **Provision to be made for archive deposition of the analysis and records of the site investigation**
6. **Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation**

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with CS27 of the Adopted Core Strategy.

13 **Demolition/development shall take place in accordance with the Written Scheme of Investigation approved under condition 12. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 12 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.**

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with CS27 of the Adopted Core Strategy.

14 **The development hereby permitted shall be carried out in accordance with the approved sustainability statement and energy statement submitted by Eco**

Energy and Environmental Limited.

Reason: To ensure the sustainable development of the site in accordance with Policies CS28, CS29 and CS31 of the Dacorum Core Strategy.

- 15 **No 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.

- 16 **A scheme for protecting the proposed residential units from noise from the surrounding existing activity, including commercial activity and traffic noise shall be submitted to and approved by the local planning authority; the submitted information shall demonstrate how the internal areas of the residential units shall comply with BS8233 and to achieve reasonable conditions for sleep and daytime amenity. All works which form part of the scheme shall be completed before any part of the development is occupied.**

Reason: In the interests of the amenity of adjoining residents in accordance with CS12 of the Adopted Core Strategy.

INFORMATIVE:

It is advised that the sound insulation between the units is capable of 50db attenuation.

- 17 **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.

- 18 **All remediation or protection measures identified in the Remediation Statement referred to in Condition 17 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

- 19 **No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority for the provision of a fire hydrant(s) to serve the development. The development shall not be occupied until the approved scheme of fire hydrant(s) has been installed.**

Reason: To ensure water supplies are provided to adequately serve the site in accordance with BS 9999.

- 20 **Construction of the development hereby approved shall not commence until a Site Waste Management Plan has been submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan.**

Reason: To ensure the sustainable construction in the development of the site in accordance with Policies CS29 of the Dacorum Core Strategy.

INFORMATIVE:

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

- 21 **No development shall take place until a detailed land stability risk assessment report has been submitted to and approved in writing by the local planning authority.**

Reason: To ensure that any potential land instability within the site is identified and addressed in accordance with National Planning Practice Guidance.

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

**L4131 14G Proposed Site Plan;
L4131 15G Ground Floor Plan;
L4131 16G Proposed Upper (1-3) Floor Plans;
L4131 17G Proposed Fourth Floor Plan;
L4131 18G Proposed Fifth Floor Plan;
L4131 26 Proposed Sixth Floor and Roof Plan;
L4131 19F Proposed Front Elevations;
L4131 20E Proposed Rear Elevations 01;
L4131 21E Proposed Rear Elevations 02.**

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 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) Order 2015.

INFORMATIVES:

Highways:

AN1) Construction standards for new/ amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the constructed of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway

Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 03001234047

AN2) 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.

AN3) It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

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.

'We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in

prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality."

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.

Through the centre of the proposed development and there are easements and wayleaves running throughout the site. These are Thames Water Assets. The company will seek assurances that it will not be affected by the proposed development.

The Map issued previously has yellow dashed lines show the easements and wayleaves and the proposed development area is identified by a red outlined box.

Hertfordshire Ecology:

o **Protected Species** - It is an offence to take or disturb the breeding or resting location of protected species, which include (although not exclusively) all Bats, wild Birds, Reptiles (Common lizard, Slow-worm, Grass snake), and Roman snails. Precautionary measures should be taken to avoid harm where appropriate. If protected species, or evidence of them, is discovered during the course of any development, works should stop immediately and advice sought as to how to proceed. This may be obtained from: Natural England: 0300 060 3900; or a suitably qualified ecological consultant.

o For **birds**, the removal of trees & shrubs should be avoided during the breeding season (March to September inclusive). 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 last chick has fledged.

o Any **external lighting scheme** should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites.

o **Soft landscaping** - new trees and shrubs should be predominantly native species, particularly those that bear blossom, fruit (berries) and nectar to support local wildlife. Where non-native species are used they should be beneficial to biodiversity, providing a food source or habitat for wildlife.

o **Biodiversity enhancements** could be incorporated into the development proposal. These could be in form of bat and bird boxes in trees, integrated bat roost units (bricks and tubes) in buildings, specific nest boxes for swifts, swallows and martins, refuge habitats (e.g. log piles, hibernacula) for reptiles at the site boundaries, etc. These should be considered at an early stage to avoid potential conflict with any external lighting plans. Advice on type and location of habitat structures should be sought from an ecologist.

Crime Prevention:

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.

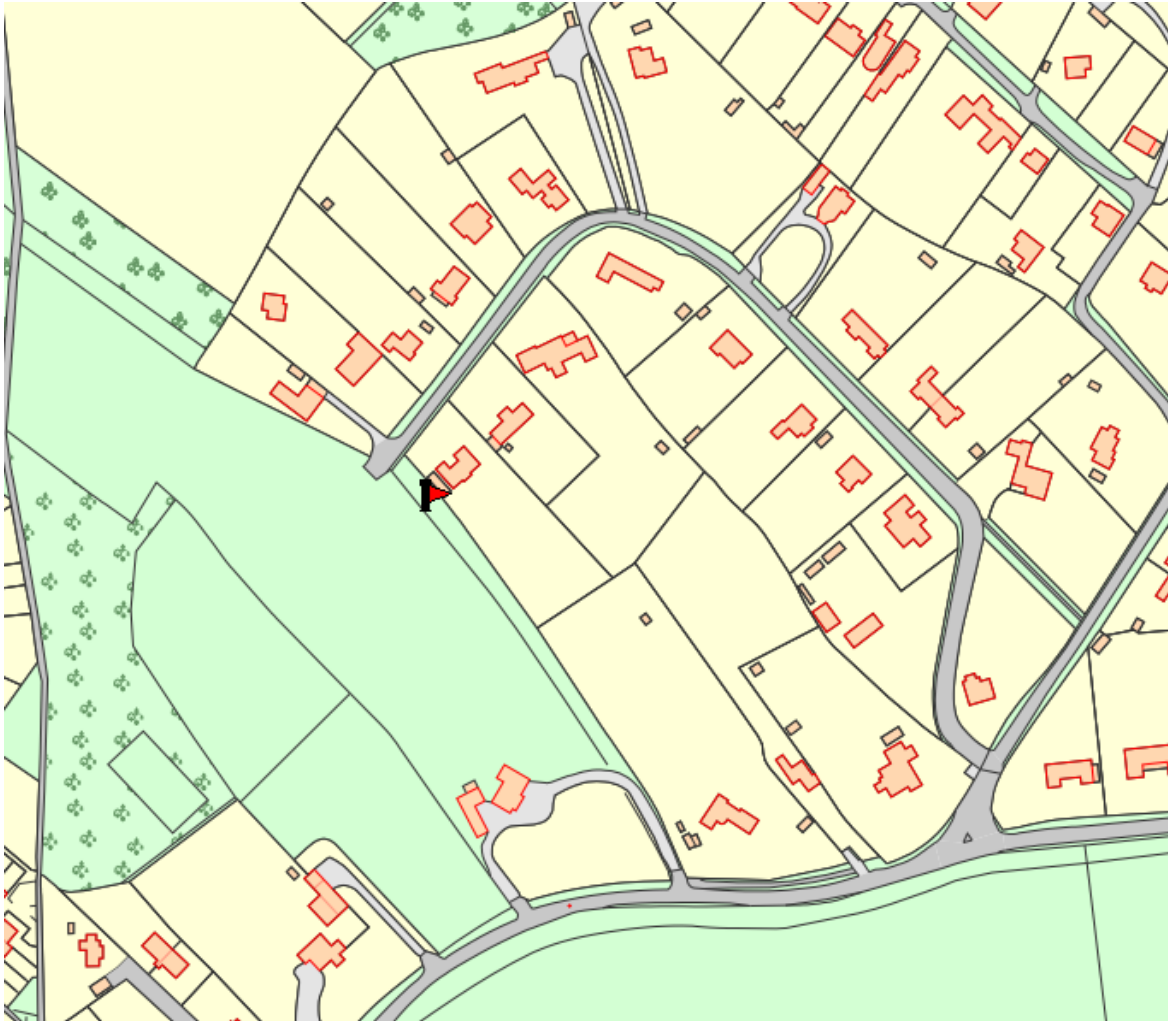
- a. Secured by Design part 2 physical security: If the development were to be built the physical security of Secured by Design part 2, which is the police approved minimum security standard and also achieves ADQ. This would involve:
- All exterior doors to have been certificated by an approved certification 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 B. This includes any communal doors from underground / undercroft parking areas.
 - 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. As this proposed development has 75 flats there will be the requirement for access control as well as on the landings and some CCTV coverage.

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.

Item 5.02

4/03490/15/OUT - RESIDENTIAL DEVELOPMENT OF 8 DWELLINGS WITH ACCESS FROM WAYSIDE.

LAND REAR OF LONGFIELD, LANGLEY ROAD, CHIPPERFIELD



**4/03490/15/OUT - RESIDENTIAL DEVELOPMENT OF 8 DWELLINGS WITH ACCESS FROM WAYSIDE.
LAND REAR OF LONGFIELD, LANGLEY ROAD, CHIPPERFIELD.
APPLICANT: Mr Clayton.**

[Case Officer - Nigel Gibbs]

Summary

The application is recommended for approval.

The application seeks outline planning permission for 8 dwellings requiring the determination of the means of access and development's scale. Although the submitted details show the layout and design these are for illustrative/ indicative purposes only which is common practice in considering outline applications.

The site is within the Green Belt site wherein residential development is regarded as inappropriate development which is by definition harmful. The land is not regarded as previously developed land and therefore very special circumstances are required to justify support for the proposed housing. There should also be no other harm.

The site is subject to an extant planning permission for 9 dwellings as confirmed through decision 4/00127/11/LDP. This development was started many years ago. The approved development is served by access from Wayside. Based upon the applicant's submissions there is a right of access between the site and the public highway at Langley Road via Wayside where it links with Megg Lane.

The illustrative/ indicative layout and design showing 8 dwellings represents a 'modern' interpretation of the historic permission. For modern layout (current Building Regulation/ Fire Access/ Refuse) and to enable more spacing the layout proposes 8 rather than the approved 9 dwellings, representing a technically feasible 2016 alternative to the lawful 9 dwellings subject to decision 4/00127/11/LDP. The schemes are accordingly very similar.

Fundamentally this historic 'live 'approval for residential development at the site represents the lawful 'starting point' / 'fallback position' for the LPA's consideration of the very special circumstances. The existence of the implementable extant permission forms the basis of the very special circumstances which justify support for the development, notwithstanding the inevitable significant impact upon the openness of the Green Belt.

There are no overriding known highway/ infrastructure/ servicing or environmental objections to the development. This is with due regard to the specialist advice provided by the responding technical consultees, the imposition of conditions and fundamentally the significance of the fallback position and what can be built at the site.

Site Description

Longfield is a mature substantial two storey dwellinghouse occupying a very large wooded plot located on the northern side of Langley Road. The dwelling is significantly set back from the site's elongated curved and wooded frontage.

Longfield is served by two gated accesses at the respective eastern and western ends of the site's frontage. These provide an entry and exit driveway arrangement linked to the parking/turning area in front of the house.

There is a very substantial area of land to the north west of the dwelling forming Longfield's large elongated rear garden. The land features wooded boundaries, is partially undulating and is served by a gated access linked to the Wayside. A fire hydrant adjoins the access, with

dwellings on both sides known as Pinetrees and Amberslea.

Wayside is a long winding long unmade private cul de sac of plotlands style dwellings of early 20th Century origins. The Wayside roadway is linked to Megg Lane and via this to the adopted Langley Road.

The local planning authority has been advised by the applicant that there is a legal right of way between the gated access and Wayside and therefore a lawful vehicular link to Megg Lane and Langley Road. Please see Annex A.

The application site features some foundations of 9 approved dwellings started in the 1960's. These were to be served by the access from Wayside. As confirmed by the Summary this permission remains lawful/ implementable, notwithstanding the time gap (please see History).

Proposal

The outline application is for the construction of 8 detached dwellings on land within part of the rear of Longfield to the south west end of Wayside with a highway link to Wayside. The applicant seeks the scale and means of access to be determined now with a vehicular link to Wayside.

The submitted illustrative/ indicative layout follows the approved footprint/ template of the historic extant permission, varying / modified to take into account modern access requirements and to provide more spacing.

It shows a straight 4.8m wide permeable block central roadway with 4 dwellings on each side. The dwellings are set back from the roadway featuring substantial front gardens served by elongated driveways and integral single garages and very long rear gardens.

The roadway will incorporate a vehicle turning head at its south western end. This is designed to accommodate the turning and loading requirements for refuse and emergency vehicles. This was smaller on the approved scheme. There will be footpaths on both sides linked/ continued to the existing end of Wayside in two short sections.

The development will be connected to the existing foul drainage system at the site with the opportunity for all services to be linked through Longfield.

The submitted indicative scheme shows two storey gable roof house types with an equal split between 3 and 4 bedrooms.

Annex A is the Applicant's Supporting Statement including reference to the legal fallback position, the Green Belt implications/ Very Special Circumstances and the Access from Wayside.

Procedural Issue: The Application Site Red Line and Highway Status of Wayside etc

It is understood that Wayside is subject to multiple ownership with rights of way for all the dwellings. On this basis the application site includes the whole length of Wayside edged in red (terminating at its junction with Megg Lane) in addition to the land to the rear of Longfield. Therefore the application has been accompanied with a Certificate B **confirming that the application site is not just owned by the applicant but a range of other residents in Wayside. The applicant has served notice upon these residents.**

Hertfordshire County Council Highways has confirmed that Wayside is not highway, the connecting Megg Lane is highway and Langley Road is highway maintained by the Highway Authority.

Procedural Issue: Use of Wayside to Serve the Development: Applicant's Case

See Annex A.

Referral to Committee

This is referred to the DCC at the request of Councillor Adam Barnes, the level of public interest and that the recommendation is contrary to the views of Chipperfield Parish Council.

Relevant Site Planning History

1. Planning Permission W/37/56 and Reserved Matters W/2224/64: 9 Dwellings at Land at the Rear of Longfield
2. Certificate of Lawful Development 4/00127/11/LDP : Continuation of Development of Site for 9 Dwellings under Implemented Planning Permissions W/37/56 and Reserved Matters W/2224/64.

In March 2011 the LPA confirmed that both the above are lawful and the owner is entitled to continue to construct and complete the development. This is with access via Wayside. Counsel's opinion was provided to the LPA.

The associated Officer Report noted the following, with regard to a previously withdrawn 'LDP' application:

"In assessing the previous LDE application, given the complexities of the case and given the strong local opinion expressed by the local residents, and the local Ward Councillor, Councillor Roberts, it was felt that it would be prudent to seek Counsels Opinion in this matter. Counsels Opinion was therefore sought and received during the course of the previous application.

The Counsels Opinion concludes that the digging of trenches and the construction of foundations at the site is sufficient to conclude, on the balance of probabilities that the development had begun, by way of a specified operation, in February 1967. The permissions were not subject to any time limits and he therefore concludes that they cannot have been abandoned.

Counsel states that there is no principle in planning law that a valid planning permission capable of being implemented according to its terms can be abandoned. He concludes that, provided that the 1956 planning permission is capable of being implemented according to its terms, it cannot be said to have been abandoned in law and the owner is entitled to continue to construct and complete the development in accordance with it.

The Counsels Opinion also deals with the issue of what weight should be afforded to the extant planning permission, once the Certificate was granted. Counsel concludes that, in order to be afforded any weight, there must be a real as opposed to a merely theoretical possibility of the 1956 planning permission being built out. Counsel makes it clear that he shares Officers skepticism on this issue.

Counsel concludes that, absent any evidence that there is a real possibility of the 1956 scheme being built out, the Council should have regard to the 1956 planning permission but afford it no weight in the determination of any future planning application on site.

Conclusion

Given the advice received in the Counsels Opinion summarized above, it is quite clear that the development of 9 dwellings to rear of Longfield is lawful and the owner is entitled to continue

to construct and complete the development. A Certificate can therefore be granted. "

3. Planning Permission 4/0518/12/FHA. Closure of two existing vehicular access crossovers onto Langley Road serving Longfield and the formation of new access to highway onto Longfield and associated landscaping scheme (incorporating future management). This decision was made by the DCC . This permission has expired. A range of conditions were imposed including that the access only to serve Longfield, with no associated connection to the current application site. Condition 2 specified:

Notwithstanding any details submitted with this application, the access, associated driveway and turning area hereby permitted and shown by Drawing Nos.SK -058/01, 3037-D and 12.167.01, shall only serve the existing dwelling house (Longfield) and this permission does NOT in anyway extend to any approval for the formation of the access road shown by withdrawn Drawing No.2785-D. In addition there shall be no further construction of access roads/drives/links from the access hereby approved without the formal approval of the Local Planning Authority.

Reason: The Local Planning Authority is satisfied that there are no Green Belt, highway safety or environmental objections to new access shown by the above mentioned approved drawings serving only Longfield. The Local Planning Authority has made its decision entirely/solely on this basis. Any increased use of the access would require separate consideration by the Local Planning Authority in relation to highways safety and impact on the amenity of Longfield and neighbouring properties.

4.Recently Building Regulation Approval B/16/01589/R. 9 dwellings following an earlier refusal based upon a technicality and taking into account the need to determine the application within the required 5 weeks. The approval is to carry out the historic permission.

5. Current Applications 4/03696/15 and 4/03857/15 for housing. See the agenda.

Note: The LPA also received a request for a minor material amendment to the approved historic scheme and has provided various pre application advice at Longfield.

National Policy Guidance

National Planning Policy Framework (NPPF)

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS2 - Selection of Development Sites
CS5 - The Green Belt
CS8 - Sustainable Transport
CS9 - Management of Roads
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS17 - New Housing
CS19 - Affordable Housing
CS25 - Landscape Character
CS26 - Green Infrastructure
CS27 - Quality of the Historic Environment

CS28 - Renewable Energy
CS29 - Sustainable Design and Construction
CS30 - Sustainability Offset Fund
CS31 - Water Management
CS32 - Air, Water and Soil Quality
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 13, 15, 18, 21, 22, 51, 54, 58, 61, 62, 63, 99, 100, 101, 103, 111, 113 and 118

Appendices 3, 5 and 8

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Conservation & Sustainable Drainage (June 2005)
Energy Efficiency & Conservation (June 2006)
Landscape Character Assessment (May 2004)
Chilterns Buildings Design Guide and associated documents
Affordable Housing (Jan 2013)
Chipperfield Village Design Statement

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

Summary of Representations

Chipperfield Parish Council

Object. 'To not support this application due to the access'.

Having objected CPC would like to request that it is officially recorded that the residents of Wayside have objected very strongly and the Council support them for this. The application is assuming right of way through Wayside. If the application is approved there is a need for assurance that this does not establish a right of way through Wayside.

Councillor Adam Barnes

Requests herein that this matter is brought before the Development Control Committee, on the grounds that the application:

- is inappropriate development in the green belt,
- is not sympathetic to its surroundings,
- does not account for the significant further infrastructure issues that will result from the development,
- has access and parking problems, and
- will lead to huge disruption and significantly affect the users of a local right of way.

Strategic Planning & Regeneration

The application site is located within the village of Chipperfield and the property concerned is located off Langley Road and to the west of Wayside. The site is synonymous with the rear garden associated with Longfield and situated within the Green Belt (but outside of the boundary of the designated 'Small Village within the Green Belt').

Pre-application advice has previously been provided on a similar scheme at this site which proposed the construction of three detached dwellings, creating 594m² of new floor space (4/03323/14/PRE). Outline planning consent is now sought for the construction of eight detached dwellings and associated garages, including four 3-bed dwellings and four 4+ bed dwellings.

Planning History:

As previously alluded to within SP's earlier pre-application advice, SP are aware that planning permission was previously granted for the construction of 9 dwellings at this site in 1956 (W/37/56) and again in 1965 (W/2224/64). Subsequently, these planning consents were deemed to still be extant (and thus not abandoned) through the issuing of a Certificate of Lawful Development in 2011 (4/00127/11/LDP) on the basis of Counsel Advice. Within this Counsel Opinion, it was considered that the digging of trenches and construction of foundations was deemed to constitute commencement of the development and the respective planning permission did not impose any time limitations regarding the construction or completion of the approved development.

More crucially to this proposed development, it was established that the abovementioned planning permissions were material considerations in the determination of the Certificate of Lawful Development but considered that no weight should be afforded to the precedent set by the substantive 1956 permission in the determination of future planning applications.

Should it be concurred with this assessment and it be decided not to attach any, or very limited, weight to these former, extant planning permissions, the planning application should be determined in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. As such, the principle of the proposed development should consequently be considered against relevant development plan policies such as Core Strategy Policies CS1, CS5, CS11 and CS12; saved Local Plan Policies 18, 21 and 51; and the NPPF

Principle of Development:

Core Strategy Policy CS1 states that decisions on the scale and location of development will be made in accordance with the settlement hierarchy and the rural character of the borough will be conserved. Development will be supported where it does not damage the existing character of the village and/or surrounding area and is compatible with policies protecting (inter alia) the Green Belt. The application site is located within Chipperfield, which is identified as a Small Village within the Green Belt and therefore considered to be an area of development constraint. The proposed development would see the construction of eight detached dwellings in two linear arrangements (four dwellings in parallel with each other) extending from the western end of Wayside. The proposed layout and density of these properties is not reflective of the existing pattern of residential development surrounding Wayside and Megg Lane and would erode the existing undeveloped area between Wayside/Megg Lane and residential properties around Croft Lane. However, it is noted that the application site is relatively contained and well screened by existing mature trees and hedgerows.

Green Belt:

However, the application site is located within the Green Belt. Core Strategy Policy CS5 applies national Green Belt policy to protect the openness and character of the Green Belt, local distinctiveness and physical separation of settlements. Paragraph 89 of the NPPF regards the construction of new buildings as inappropriate development where inappropriate development is, by definition, harmful to the Green Belt (paragraph 87). Although there are

exceptions to this policy approach which includes the partial or complete redevelopment of previously developed land subject to the impact upon the openness of, and purpose of including land within, the Green Belt. The NPPF defines previously developed land as:

'Land which is or was occupied by a permanent structure, including the curtilage of the developed land...and any associated fixed surface infrastructure. This excludes: (inter alia) land in built up areas such as private residential gardens...; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.' (Annex 2: Glossary).

The site is generally characterised as a greenfield site (being that of an existing residential garden) and does not either currently contain any built development, nor previously had any built development on the land (i.e. permanent structures). However, following implementation of planning permissions W/37/56 and W/2224/64 granted in 1956 and 1965, respectively, part of the site could be construed as previously developed land by virtue of the existing (albeit subterranean) foundations/footings for the consented 9 no. new dwellings. This is evidenced by a photograph within the applicants' former planning application and supporting evidence for a lawful development certificate which was granted by the Council in 2011 (4/00127/11/LDP).

These foundations could be considered to constitute 'associated fixed surface infrastructure'; however, as per the definition of previously developed land described above, it could also be considered that if any such fixed surface infrastructure (or permanent structure) has blended into the landscape in the process of time it is excluded from the definition of previously developed land. With the passage of 48 years since the extant planning consents were first implemented and the fact that these foundations had to be excavated to prove implementation of the former consents as part of the 2011 lawful development certificate application, it would be reasonable to conclude that these foundations have blended into the landscape.

Alternatively, if a view is taken that this fixed surface infrastructure has not blended into the landscape (i.e. you consider that the part of the site synonymous with the foundations is considered to be previously developed land), not knowing the full extent or coverage of these foundations (i.e. whether they have been constructed for one or all nine of the consented dwellings), it is difficult to make a judgement on the proportion of greenfield and previously developed land within the application site. It would be helpful if the applicant could provide further information to determine this.

Therefore, for the parts of the site which are considered to be greenfield coinciding with the extent of the application area, the proposed development would not fall within any of the exceptions identified in national planning policy (paragraph 89 of the NPPF). In this respect, we note that the applicant has not provided any case for very special circumstances for the Council to consider. Paragraph 88 of the NPPF states that substantial weight should be given to any harm to the Green Belt and 'very special circumstances' will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other (material) considerations. Although the application site is located outside of the defined 'Small Village within the Green Belt' boundary, Core Strategy Policy CS6 could also be considered relevant to development within Chipperfield. The policy lists a number of limited developments which could be considered acceptable. The proposed development, again, would not accord with the developments listed in (a) to (f) within this policy.

For the part/extent of the site which is deemed to be previously developed land, the proposed development could be considered to fall within one of the exceptions for built development within the Green Belt as identified by paragraph 89 of the NPPF. This exception states:

'Limited infilling or the partial or completed redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings),

which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.'

The key consideration in this instance would therefore be whether the proposed development would have a greater impact upon the openness of, and purpose of including land within, the Green Belt compared to the existing development. Given that the extent of existing development has been demonstrated to include the construction of some foundations and footings, the proposed development for 8 new dwellings would have a detrimental impact upon the openness of the Green Belt and contradict one of the purposes of including land within the Green Belt which is to safeguard the countryside from encroachment. Furthermore, the proposed development would also result in a physical and perceptual reduction in the gap between the existing development off Wayside/Megg Lane and the Croft estate to the west of the application site.

In conclusion of the foregoing, overall the proposed development is either considered to be inappropriate development within the Green Belt, for which very special circumstances have not been advanced for consideration; or, on the part of the site considered to be previously developed land, the proposed development is considered to have a detrimental impact upon the openness of, and purpose of including land within, the Green Belt when compared to the extent of existing development. Therefore, the proposed development is considered to be contrary to Core Strategy policies CS5 and CS6 and national planning policy relating to development within the Green Belt.

Access:

This outline planning application seeks consent for the access and scale of the proposed development. The proposed development indicates that access to the site would be taken off Langley Road and then onto Megg Lane leading to Wayside. Based upon representations made in response to this outline planning application, Wayside appears to be an un-adopted, private road and therefore not under the control of Hertfordshire County Council as Local Highway Authority. However, you should seek confirmation from the County Council regarding this assertion and also their advice about the capacity of Langley Road to accommodate any increase in traffic flows and to support additional egress/ingress on to Megg Lane and Langley Road.

Design:

It is noted that design and appearance details will be considered through an Approval of Reserved Matters application. However, in doing so, the applicant should have regard to the design principles set out within Core Strategy Policies CS11 and CS12, which state that development should incorporate a number of factors relating to typical densities, protecting and enhancing character areas, provide a safe and satisfactory means of access, provide sufficient parking, retain and incorporate appropriate planting and respect adjoining properties in terms of (inter alia) layout, scale, height, site coverage, bulk and materials. In terms of size of new dwellings, the applicant should also take account of saved Local Plan Policy 18. As aforementioned, the indicative layout plan provided with this Outline application shows a scheme which does not reflect the character of the surrounding and adjoining residential properties, particularly in terms of pattern of development and plot ratio.

Consideration should also be given to the guidelines contained within the Landscape Character Assessment and the Chipperfield Village Design Statement, both of which were adopted as a Supplementary Planning Guidance by the Council in 2004 and 2001, respectively. The former identifies the need to conserve and enhance the distinctive character of traditional settlements through high standards of new buildings with the consistent use of locally traditional materials and designed to reflect the traditional character of the area. It also guides the need to ensure that local highway improvements are sympathetic to the scale,

pattern and character of the existing road network. This is particularly pertinent if the applicant proposes any amendments to the existing access off Langley Road.

Affordable Housing:

Given the scale of the proposed development, Core Strategy Policy CS19 is relevant to consideration of this application. This policy states that affordable homes will be provided on sites providing a minimum of 0.16ha or 5 dwellings. As such, 35% of these new dwellings should be affordable homes (i.e. 3 homes). The views of the Strategic Housing team should be sought over the number and mix of units.

Conclusion:

The proposed development is considered to be inappropriate development within the Green Belt and the applicant has not advanced any very special circumstances to warrant an exception to the relevant national and development plan policies. However, consideration should also be given to the potential fall-back position and what weight (if any) should be afforded to this in the determination of this planning application.

Conservation & Design

It is understood the application 4/03490/15/OUT is effectively the same as a 1965 approval for a reserved matters application for 9 dwellings and garages, this scheme being deemed to have been commenced prior to 1967 although nothing exists above ground.

The outline scheme would therefore appear such very much representative of the layout and design of that earlier approved scheme. The plots are relatively narrow and the new housing of a uniform design and fairly closely spaced, unlike the existing housing along Wayside that are set in larger grounds and are of a variety of different forms. That said the development does represent a natural continuation of the private road with housing either side of it.

It is noted that a relatively substantial wooded area on the south western barrier of the site would be lost under this proposal. This wooded area would seem now to be of environmental value and given the original application was 50 years ago this wooded would have become more established in that time and environmental concerns have become more to the fore in planning.

The submitted Ecology Report submitted with is application would appear to have been written in support of the application 4/03857/15/FUL at the site is much of the focus of the report with reference to the eastern side of the site where a new road is proposed to the new dwellings from Langley Road.

Building Control

No formal response.

Trees & Woodlands

The site visit confirmed that far fewer trees would be affected by the proposed development as originally assumed. The most valuable trees that would merit a Tree Preservation Order are situated near the existing entrance but these will not be affected as this entrance will be closed. Another issue to consider is that even if there were trees of good amenity value within the site, because they cannot be seen from a public place, the Council would be unable to justify a TPO them.

TW entirely agree with Hertfordshire Ecology that it is 'less concerned about the loss of trees to accommodate the access road from Wayside as some compensation for these could be provided where appropriate as part of any landscaping work'. The detailed tree survey submitted is of very high quality and has adequately addressed all the issues that would be of concern to TW. The tree survey makes good recommendations for necessary tree work and the 'no dig' method proposed will minimise any possible damage to Root Protection Areas. The total number of trees recommended for felling is 7 trees and TW recommend that these are compensated for in the landscape scheme that should also be submitted. The tree survey report states that 'the trees should not be considered a constraint on the proposed development'. TW agree with this assessment. The tree protection measures recommended in the tree survey of good quality.

Finally, TW is satisfied that very few trees on this site would be adversely affected by the proposed development and the recommendations set out in the tree survey would ensure that the impact on the existing trees would be minimised to an acceptable level. TW has no further concerns or comments.

Scientific Officer

The site is located within the vicinity of potentially contaminative former land uses. Consequently there may be land contamination issues associated with this site. It is recommended 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).

Noise & Pollution

Does not wish to restrict the grant of permission.

Refuse Controller

No response.

Hertfordshire County Council: 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.

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

Comment

1. Context. Wayside is a private road and does not form part of the public highway.

2. Analysis

The Roads in Hertfordshire: Design Guide 3rd Edition (RiH) only requires a Design and Access Statement for this level of development, this has been provided by the applicant.

Impact on Highway Network.

The application proposals include the erection of 8 dwellings. These dwellings are not likely to generate a significant number of trips. Therefore, HCC considers the proposals are acceptable.

3. Road Safety

No accident data has been provided to support the application. However, from a review of the accident data available on crash map there is no accident history within the vicinity of the site.

4. Highway Layout

Access Arrangements - It is understood that a 4.8m access road will be provided at the end of Wayside. As previously mentioned, Wayside is a private road and is not within HCC's jurisdiction. On this basis, HCC does not raise an objection, although would recommend that a swept path analysis is provided for a refuse and emergency vehicle be provided as this does not appear large enough to accommodate these vehicles.

Refuse Storage - The site layout shows space provided for refuse vehicles.

Parking - The proposals seek to provide 2 spaces per dwelling, which is acceptable to HCC. However, it will be for the Dacorum Borough Council to determine the appropriateness of the level of parking provided.

Cycle Parking - No details regarding cycle parking are provided. Cycle parking is required to be provided at 1 space per unit in order to adhere to the Dacorum Borough Council standards and guidance.

5. Accessibility

Public Transport

The nearest bus stops are located on Langley Road near the junction with Megg Lane. This currently comprises a flag and a pole.

Pedestrian and Cycle Access

There are no dedicated cycling facilities on the surrounding roads but the road is suitable for cyclists.

There are however no footways along Megg Lane and Wayside and these operate as a shared surface environment. Langley Road has a footway one side of the carriageway.

The accessibility of the site is considered to be adequate for level small level of trips generated by the residential development.

6. Planning Obligations/ Community Infrastructure Levy (CIL)

It is not considered that any planning obligations are considered applicable to the proposed development.

Hertfordshire Fire & Rescue Service

HFRS has examined the drawings and note that the access for fire appliances appears to be adequate and suitable water supplies (hydrant) is to be provided.

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

Hertfordshire Constabulary: Crime Prevention Officer

Security – ADQ and SBD

As of 1st October 2011, 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. The applicant should be informed.

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 B. 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.

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.

Otherwise as regards designing out crime HC have no comment.

HC hope the above is of use to the LPA and will help the development achieve that aims of the National Planning Policy Framework (NPPF).

- a. 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

Hertfordshire Ecology

HE have no data for this site. It would never have been looked at given its location and use as essentially garden land. The site benefits from long established planning permission, and this application seeks to modify the potential access.

Despite its location it is clear the site has been managed by mowing for around the last 50 years or so. Whether this was ever taken as a hay crop is unknown, possibly not for at least some of the time if foundations were present which would not have been visible under long grass when cutting.

Despite this the ecological survey – undertaken in October 2011 clearly describes and maps the open grassland as unimproved. It supports at least 10 indicator species (see below) sufficient for Wildlife Site status. However HE note the statement goes on to describe the sward as not species rich and not a Priority habitat. The grassland of this area is naturally acid-neutral and as such may not be particularly species rich and as such HE consider that any

sward including these species is likely to be a Priority Habitat and of WS status in supporting 10 neutral grassland indicators, although this would need to be confirmed with a survey at a better time of year.

'Dominant species identified included: cock's foot (*Dactylis glomerata*), common bent (*Agrostis capillaris*), sweet vernal grass (*Anthoxanthum odoratum*), meadow fescue (*Festuca pratensis*), ox-eye daisy (*Leucanthemum vulgare*), meadow buttercup (*Ranunculus acris*), common sorrel (*Rumex acetosa*), meadow vetching (*Lathyrus pratensis*), red clover (*Trifolium pratense*), white clover (*T. repens*), devil's bit scabious (*Succisa pratensis*), hawkbit (*Hieracium umbellatum*), cat's ear (*Hypochaeris radicata*), common knapweed (*Centaurea nigra*), bird's foot trefoil (*Lotus corniculatus*), dandelion (*Taraxacum* agg.), ribwort plantain (*Plantago lanceolata*), black medick (*Medicago lupulina*) and bristly ox-tongue (*Picris echioides*). Indicator species of neutral grassland are present but the sward is not considered species-rich and therefore not considered a BAP habitat.'

Continued regular mowing management for over 50 years would have ensured the grassland did not revert to scrub or rank grassland, although some nutrient build-up may have occurred.

HE note some old fruit trees are being removed, in particular an old pear. The site is associated with a small orchard close to Longfield itself in the 1930s and this tree may be connected with this. HE also note that the remaining open land within the ownership of the applicant has no development proposals although this will remain entirely landlocked with no access.

The development itself will result in the loss of an area of unimproved grassland. The remaining open area should be considered for retention for ecological purposes although its management will pose a significant problem if it is to remain inaccessible. HE is less concerned about the loss of trees to accommodate the access road from Wayside as some compensation for these could be provided where appropriate as part of any landscaping works.

The presence of badgers will need to be addressed as necessary, although this is recognised by the Consultant ecologists.

HE's main concern lies in the loss of unimproved grassland irrespective of its lack of Wildlife Site status. **Biodiversity Offsetting should be considered as a Condition of approval to address this** issue given the impact of the proposals and the lack of such resource within the county generally and continued local losses. This could best be achieved with some topsoil striping and / or hay cut to help translocate some grassland interest if a suitable receptor site could be found locally.

HE is not aware of any other ecological issues associated with these proposals for which HE have any significant concerns.

Hertfordshire Lead Local Flood Authority

General Advice as the site is under the threshold for formal advice.

Hertfordshire Property Services

No response.

Hertfordshire County Council: Historic Environment

The site lies along the northern outskirts of the village of Chipperfield. Although there are very little known heritage assets within or directly adjacent to the application site (not due to the lack of assets, but due to the absence of development led investigation in the area), the site is

located on chalk uplands overlooking the River Chess valley to the south and the River Bulbourne valley to the north. This location lends itself to prehistoric and Roman settlement and land-use, and can be seen in nearby finds such as flint implements (HER No's 948 & 4570) and possible Romano-British coin hoard (HER No. 947).

HE believe that the position and details of the proposed development are such that it should be regarded as likely to have an impact on heritage assets with archaeological interest that may require mitigation through the planning process.

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

- a programme of archaeological evaluation by means of trial trench methodology (including new driveways etc.)
- a contingency for the archaeological investigation of any remains encountered
- the analysis of the results of the archaeological work and the production of a report and an archive
- such other provisions as may be necessary to protect the archaeological interest of the site.

These may include the preservation of any remains in situ, if warranted:

- a). appropriate archaeological excavation of any remains before any development commences on site,
- b). archaeological monitoring of the groundworks of the groundworks

HE believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. These recommendations closely follow para. 141, etc. of the National Planning Policy Framework, relevant guidance contained in the National Planning Practice Guidance, and the recently issued Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

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

Condition A

No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation

6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Condition B

i) Demolition/development shall take place in accordance with the Written Scheme of Investigation approved under condition (A).

ii) Each phase of the development shall not be occupied until the site investigation has been completed and the provision made for analysis in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A). The final phase of development shall not be occupied until the site investigation has been completed and the provision made for analysis in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Environment Agency

EA have reviewed the information submitted and have no comments to make. This is because the EA ceased to be a statutory consultee on surface water flood risk and non-mains drainage for non-major development.

As non-mains drainage is proposed for this development, the EA suggest the applicant fully investigate whether it is feasible to connect to the main foul sewer network. If this is not possible they should follow our Pollution Prevention Guidance (PPG4).

Thames Water

Waste .There are public sewers crossing or close to the development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the construction 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. .

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.

Sewerage infrastructure capacity. No objection.

Water Supply. This is under the jurisdiction of Affinity Water Company

Affinity Water

No response.

British Gas

No response.

EDF Energy

No response.

Civil Aviation Authority

No response.

NATS

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

Response to Neighbour Notification / Publicity

A. Petition of Opposition (Representing Hyttten, Aspens, Greenbanks, Pinetrees, Amberslea, Hazelgrove, Briery Hillsfield, Southcott, Hillcrest, Keston, Silvertrees, Sylvanglade, Windrush, Wayside Bungalow, Wayside, The Woodlands, Merrilees, Wayside, Willow House, Wayside Cottage Wembury).

Issues/ Objections:

- Wayside is a private road. Signatories believe that the applicant does not have access and do not propose to agree access.
- The junction of Megg Lane to Langley Road is already an extremely dangerous junction. Any additional traffic would further increase danger to all residents and other local road users.
- The junction of Wayside and Megg Lane has no visibility at all with the risk of a 'head on collision'.
- The development is not in keeping with Dacorum Local Plan provision for Chipperfield.
- The infrastructure of Wayside road would not support increased or construction traffic.
- The current infrastructure cannot support additional utilities at the development.

B. 23 separate representations raising the above and many other objections in great detail including:

- Green Belt and associated precedent.
- Loss of open space.
- Development not in keeping with local area and too large for Chipperfield development plan.
- No affordable housing.
- Multiple Highway Reasons.
- Utilities / Infrastructure Inaducacies.
- Legal Issues.
- Consultations.
- Ecological Walkover Survey. Out of date.
- Design and Access Statement.
- Layout.
- Flood Risk.
- Waste collection.
- 'The consented Dwellings' are out of character with the surrounding area

- Planning Applications. Details of the pre application advice received by the applicant from the Council is unknown.
- Rights of Way.
- Parking spaces.
- Existing footings.
The grant of the 1956 permission as a “novelty in planning law not provided for by statute” relies partly on the declaration by a local resident that in the past was involved in grass cutting. Questions over whether this statement has been collaborated.
In addition has any change been made to these footings since 1956, surely this would render permission void? The footings are currently derelict and buried. It cannot be understood how these footings can be now used for development again surely this renders the permission void. Even if these footings can legally be taken up and replaced surely they need to occupy the same footprint exactly as the original granted permission? Also the original permission was granted before a lot of the houses were built in Wayside. Has this been taken into account?
- Statement from the applicants regarding purchase of Longfield and its prospects
- Emergency Services
- Access closed through Longfield
- Counsels’ opinion 23/3/2011
“Absent any evidence that there is a real possibility of the 1956 scheme being built out the Council should have regard to the 1956 planning permission but afford it no weight in the determination of any future planning application on site”
This can only be interpreted that no varied proposals can rely on the 2011 grant and both subsequent proposals (4/03490/15/OUT and 4/03696/15/FUL) must be treated as new planning applications in which case the Dacorum Local Plan and Highways Plan cannot be ignored as clearly highlighted in yellow in our objection letter.
- In the 1950s, the initial planning application for 9 houses on the Longfield site had an access directly on to the Langley road. This was rejected but a planning application with access via Wayside was approved (Wayside residents were not consulted by the applicant). The effect of this is that the planning committee just moved a dangerous situation 180 metres further down Langley Road to another blind bend. The development wasn’t built and the current application is a new application

Considerations

Principle

Green Belt

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It identifies such a designation as serving 5 purposes, one of which is to safeguard the countryside from encroachment.

Core Strategy Policy CS5 applies national Green Belt policy to protect the openness and character of the Green Belt, local distinctiveness and physical separation of settlements. Paragraph 89 of the NPPF regards the construction of new buildings as inappropriate development where inappropriate development is, by definition, harmful to the Green Belt (paragraph 87).

There are exceptions to this policy approach which includes the partial or complete redevelopment of previously developed land subject to the impact upon the openness of, and purpose of including land within, the Green Belt. The NPPF defines previously developed land as:

‘Land which is or was occupied by a permanent structure, including the curtilage of the

developed land...and any associated fixed surface infrastructure. This excludes: (inter alia) land in built up areas such as private residential gardens...; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.' (Annex 2: Glossary).

The 1960's foundations at the site have blended into the landscape in the process of time and therefore it is interpreted that **the site does not fall within the working definition of previously developed land**. These foundations had to be excavated to prove implementation of part of the 2011 lawful development certificate application.

Therefore the residential development of the site has to be justified based upon very special circumstances. Paragraph 88 of the NPPF states that substantial weight should be given to any harm to the Green Belt and 'very special circumstances' will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other (material) considerations.

The applicant's case for very special circumstances relies upon the fallback/ starting position that there is an extant permission for substantial residential development at the site. Counsel considered that no weight should be afforded to the precedent set by the substantive 1956 permission in the determination of future planning applications.

It is interpreted that substantial weight can be given to the extant / live permission. The issue is referred to below.

The Fallback Position and Very Special Circumstances

The applicant's case for very special circumstances relies upon the fallback/ starting position that there is an extant permission for substantial residential development at the site. Counsel considered that no weight should be afforded to the precedent set by the substantive 1956 permission in the determination of future planning applications.

It is interpreted that substantial weight can be given to the extant / live permission. The issue is referred to below.

The key issues are:

1. There is an extant planning permission at the site to build 9 dwellings. This is the fallback position.
2. Notwithstanding the very significant time interval since the foundations were installed the construction of the development can be carried out in part or wholly from a **planning perspective**. The onus will be with the landowner / developer if / when this happens, being entirely outside the local planning authority's jurisdiction/ remit.
3. The recent approval of Building Regulations enables the landowner / developer to start again upon the construction of the extant permission at any time within the next 3 years.
4. In 2011 Counsel's opinion to the LPA was amongst a range of issues:

'My guidance would that, absent any evidence that there is a real possibility of the 1956 scheme being built out, the Council should have regard to the 1956 planning permission but afford it no weight in the determination of any future planning application on site'.

5. After this advice LPA has reviewed the situation with reference to planning case law, with input from the Council's legal officers at different times. This has been at pre application and

since the receipt of applications at the site.

6. It can be viewed that the prospect of the fallback position does not have to be probable or even have a high chance of occurring. It has to be only more than a merely theoretical prospect. Where the possibility of the fallback position happening is "very slight indeed", or merely "an outside chance", that is sufficient to make the position a material consideration in the determination of a planning application.

7. Set against this background the weight to be given to the fall back position is, then, a matter for the decision maker.

8. Officers consider that with the very recent Building Regulations Approval in place to carrying out the original permission and based upon content the submitted Annex A regarding to legal access to the site from Wayside, there is a distinct prospect that the 9 dwellings could be built.

9. There are no apparent overarching planning /legal/ procedural/ building construction/ environmental /utilities/ servicing reasons that would prevent the lawful scheme being started or built partially or in full.

10. For clarification it is understood that at the commencement stage there will be no other separate approvals required such as those for various utilities / infrastructure to 're start' construction at the site. Also there will be no requirement to address site archaeology, contamination, protected trees etc. This is notwithstanding the need for a licence(s) regarding protected species, given the presence of badgers and notwithstanding this based upon Hertfordshire Ecology's expert advice their presence is not an overarching factor.

11. Therefore it could be argued that with the principle of residential development established for 9 dwellings at the site this is a robust fallback position. In this respect it can be a significant material consideration in considering the individual merits of any application for new development at the site. Whatever the outcome of any application, each of which has to be considered upon its individual merits.

12. Of course, the fallback position is one of a wide range of material considerations in the determination of any applications at the site.

Subject to some 'fine tuning' /modifications to the approved 1956/1964 layout/ template/ scheme to satisfy modern / current Building Regulations / Fire- Refuse Access, residential development at the site following the approach to the lawful approval can be carried out.

In this context in terms of assessing the impact upon openness the 'starting point is the 'live' template provided by the approved 9 dwellings in the Green Belt. Therefore whatever form the development takes place there is an inbuilt acknowledgement that 9 dwellings will affect the existing openness of the Green Belt. In a way it could even be argued that despite the time lapse the current openness it is an 'artificial'/ temporary openness .

It is fully acknowledged that in considering an outline application the assessment is materially different to a full application and only limited weight can be given to an indicative layout, as in the current application. However, the layout echoes the overall approach of the historic permission with the means of access forming part of the consideration at this stage. The scale of the development is also part of the submission which is demonstrated by the indicative/ illustrative layout/ designs.

Effectively the approved scheme provides a template to demonstrate what can be accommodated, with the current layout a version / reinterpretation of this. Whilst it is unimaginative the form is compact with the uniform alignments to each side of the roadway enabling the provision of large rear gardens and sizeable front gardens. The layout

demonstrates that in the context of the very unusual ' fallback' position 8 dwellings can be built maintaining openness -it's compactness resulting from the set- back alignments of the dwellings is a very positive element in the maintaining the Green Belt's openness in relation to the Wayside end of cul de sac with views through.

If permission is granted it would be appropriate to withdraw permitted development rights to control the attrition of the openness (see below).

Design Visual Amenity of the Green Belt

In accepting fallback position there is a case to support 8 dwellings the template provided by the approved layout provides a valuable understanding and context in considering the feasibility of an alternative scheme at the site.

The approved site layout represents a higher density extension of Wayside. The plots may not be entirely commensurate with Wayside , **but** the layout does ensure the opportunity to establish a very high quality development in this rural setting .

The deeply inset alignment of the dwellings on both sides of the central roadway provides excellent opportunities for strong structural planting within the front gardens. This would reinforce and frame important views when approaching and from the end of Wayside with the dwellings themselves being very discreet/ not visible. This is due to their very recessed/ set back positions.

The expected strong structural frontage planting would also screen the elongated driveways with the roadway designed to restrict on street parking. With one less unit than the approved scheme there is even more opportunity to achieve a very subtle transition between the cul de sac head and the new development. This is not about screening a development to make it acceptable, but a structured approach to design in the ensuring respect for the location's sensitive rural setting. The location of the buildings will also limit the effect of light pollution in relation to Wayside.

What is very disappointing is the potential loss of a substantial part of the strong tree buffer at the south western end of the site if the approved layout is followed. This could be reduced if there is an alternative approach to this part of the layout at the Reserved Matters stage. Again the fallback position enables this, with no TPO justifiable.

Impact on Neighbours

This is in the context of Core Strategy Policies CS12 and CS32 and the NPPF paragraph 133.

There will be increased activity arising from vehicular movements to the Wayside and Megg Lane residents. However given the fallback position this would be the case if the extant permission is carried out involving an additional dwelling. On this basis an objection based upon resultant noise and disturbance could not be substantiated.

There will be no harm to the residential amenity of Pinetrees in terms of privacy, physical impact and noise/ disturbance. The front of Amberleas will be most affected due to the dwelling on Plot 6. A condition can be imposed to control the design of this dwelling and addressed at the Reserved Matters stage.

Highway Safety/ Access/ Emergency - Refuse- Service Access/Parking/ Traffic Generation/ Sustainable Location /Inclusive Access/ Access for Persons with Disabilities/ Rights of Way

Access

From the fallback position there is an extant permission for 9 dwellings with access from Wayside.

Access from Wayside: Can it be Used?

As confirmed this has been subject to detailed consideration. Officers (including DBC Legal and HCC Highways) have given significant consideration to the means of access. This is with due regard to the applicant's clarification at Annex A that a right of way from Wayside to the site exists. In this context the site - based upon the LPA's best endeavours and knowledge - is **not** 'legally landlocked'. Wayside connects to Megg Lane which as clarified is recognised by HCC Highways to be highway but not under its maintenance. Megg Lane is linked to the adopted Langley Road. It is against this background that the LPA should consider the application with due weight to HCC Highways advice.

Access from Wayside: Is this physically acceptable in terms of all vehicular movements including emergency/refuse/ serving etc with access on Langley Road?

These issues were very comprehensively considered at the pre application stage. This was with requests for advice from HCC Highways, Hertfordshire Fire & Rescue Service and the Refuse Controller. Despite Wayside's and Megg Lane's there have no overarching objections from the respective consultees. With regard to fire access there is an existing hydrant and a condition can be imposed regarding such an important facility. The concerns of the residents regarding the implications are fully understood, however due weight must be given to the advice of the expert consultees. It is **not** considered that there would be case to withhold the grant of permission due to adequacy of Wayside/ Megg Lane.

Access onto Langley Road/ Traffic Generation. HCC Highways raise no objections. This assessment would have taken into account the sight lines, the position of the 'bus stop' traffic island, the condition of the adjoining Megg Lane, in association with the footpaths in Langley Road, as well the traffic highway data and the expected increase in traffic movements.

Internal Layout. Based upon the illustrative layout plan general, fire and emergency access, refuse servicing and turning can be accommodated in any detailed layout. Full details including swept paths can be addressed at the Reserved Matters stage. Access for persons with disabilities/ limited mobility will assured at the reserved matters stage in terms of the layout. It is acknowledged that in terms of accessibility is very poor along Wayside. Curtilage parking is acceptable.

Sustainable Location/ No Car Modes of Access. It is acknowledged that the site has no footpath link and cycling along Wayside is problematical. Langley Road is served by a footpath linked to the village centre which features a range of services and there is the aforementioned bus stop at the Megg Lane junction with links to the wider area. It would be questionable whether a refusal could be substantiated based upon the issue of sustainable location. It is acknowledged that in terms of accessibility is very poor along Wayside.

Upgrading Wayside. If permission is granted with the cooperation of the other owners of Wayside a 'flexible' Grampian condition could be imposed however securing a proportionate/ phased upgrading to benefit the community/ all users, given the extent of the red line (see Procedural Issues). This would be based upon the reasonable prospect and worded in such a way to be a benefit arising from the development.

Construction. A range of conditions are recommended given the character of Wayside. It should be clarified that if construction traffic were to use be via Longfield only there is an existing access road at the site. The Developer would need to consider its feasibility. Alternatively, the **temporary only formation** of an access road across the Longfield's curtilage could be considered. This would require full engineering assessment given the site conditions.

Ecological Implications/ Biodiversity

Hertfordshire Ecology and the Trees & Woodlands Officer have considered the implications.

There are no fundamental objections. There will be the need to separately address the badger sett/ movement implications through licensing given the relationship with the layout, requiring separate approval.

Hertfordshire Ecology's main concern lies in the loss of unimproved grassland irrespective of its lack of Wildlife Site status. As confirmed Biodiversity Offsetting should be considered as a condition of approval to address this issue given the impact of the proposals and the lack of such resource within the county generally and continued local losses. This could best be achieved with some topsoil striping and / or hay cut to help translocate some grassland interest if a suitable receptor site could be found locally.

Drainage/ Contamination/ Land Stability

Foul Drainage. Thames Water raises no objections. This is with due regard to the existing link available within the site. The existing FW drain is within the vicinity of the shown proposed new access road and path and would be fully accessible for maintenance

Surface Water. This can be addressed through a 'SUDS' based condition, with on site storage if necessary, with the opportunity to use the 'blue land' at Longfield if necessary.

Flooding. The site is not identified as one of risk.

Contamination. A condition is recommended by the Scientific Officer which is fundamentally disagreed by the agent:

The Scientific officer mentions that there should be a condition applied to any approval regarding contaminated land from former land uses in the vicinity. As far as we are aware there has been no known former useage of this land, except garden or paddock associated with Longfield in the vicinity. We attach some historic maps which are dated between 1873 and 1988. These maps all show the site as vacant, associated with the house Longfield with no buildings sited in the vicinity of the proposed development. As such we request that this condition is NOT attached to any approval'.

An informative would be an appropriate alternative.

Land Stability. The onus is with developer to ensure that land is not subject to any known natural or artificial geological conditions which would militate against the construction of the development. A informative would be appropriate.

Water Supply. There have been no responses from Affinity Water. This issue was investigated at the pre application stage with regard to the issue of fire hydrants and fire access with Hertfordshire Fire & Rescue Service. It will be expected that the Reserved Matters stage water supply/ hydrants is addressed through a condition..

Sustainable Construction

A condition is necessary with due regard to the expectations Policy CS29 based upon the principles referred to by the submitted Design & Access Statement.

Crime Prevention/ Security

The Crime Prevention Officer raises no fundamental objections. The illustrative layout has inbuilt natural surveillance with cul de sac designs are regarded as safe forms of development. In this location there will be some inevitable individual external lighting requirements, especially given that it is unlikely that the scheme would be served by its own street lighting scheme.

Lighting

This is a sensitive E1 Lighting Zone. Wayside is an unlit rural roadway.

The group of dwellings could transform and inevitably harm this tract of 'undeveloped land' through the combined effect of internal and poorly designed exterior lighting associated with any modern residential development. If the approved development is constructed the effect of the lighting could be far more brutal. This is regardless of the provision of any communal private street lighting.

External lighting should must be controlled by a condition. The use of anti light pollution glass could also be considered at the reserved matters stage. As explained above the layout can however limit the visible impact of the development from Wayside.

The lighting controls are also necessary to safeguard the existing ecological environment as observed by the submitted ecological report.

Archaeological Implications

Standard archaeological conditions would be recommended if permission is granted.

Conditions

These will need to satisfy the normal legal tests.

Due to the extenuating circumstances these are recommended to include the withdrawal of permitted development rights, lighting, an ecological management plan, no vehicular link to Langley Road and even the upgrading of the Wayside through a Grampian type condition, notwithstanding the current local views.

Reserved Matters

If permission is granted considerable weight should be given to the indicative / illustrative plans which echo the historic permission in conditioning the reserved matters. This is because of the impact upon the Green Belt.

The LPA would be unable to support any housing at the site if was not for the extant permission. There has to be measured change to safeguard the Green Belt. Therefore much weight should be given to any reserved matters scheme in terms of its scale as compared with the current starting point of the footprint, height, volume, floor space, parking etc of the historic

scheme. Otherwise there will be the cumulative attrition of its openness. The fallback layout plan provides a 'best opportunity' to provide a robust template to ensure a high quality development.

In this respect Members attention is given to the long established and robust approach to the control of the enlargement of dwellings in the Green Belt. This is reflected through saved DBLP Policy 23 and the NPPF. In this respect given the extenuating circumstances it would not be expected that the sizes of the dwellings are much in excess of those shown by the illustrative plans or follow a different layout , but reasonably allowing in the original design for adaptable accommodation by taking into account the scope provided for enlarging the dwellings at the outset in the design with the withdrawal of permitted development rights in this context. This is not unreasonable given the background of why there is even a case to consider positively any residential development at the site.

Moreover, there is the opportunity to consider the designs to incorporate lifetime home adaptations.

Affordable Housing

Core Strategy Policy CS19 expects that affordable homes will be provided on sites providing a minimum of 0.16ha or 5 dwellings. Therefore 35% of these new dwellings should be affordable homes (i.e. 3 homes). Accordingly a planning obligation is recommended. This will be a resultant community benefit of the proposal. It is acknowledged that the fallback position of building 9 units through the extant permission will not support any such units, however, appropriate weight should be given to ensuring compliance with such an important expectation. The issue in principle was confirmed at pre application stage.

At reserved matters stage the provision of lifetime home opportunities can be considered.

Air Safeguarding

There are no implications.

Community Infrastructure Levy

This will be necessary.

Environmental Impact Assessment

This is not required.

Article 35 Dialogue

This has been extensive, exaggerated by the unusual legal/ historical background with reference to the fallback position and questions regarding the right of way along Wayside and highway link to Langley Road.

Conclusions

This application is far from straightforward due to the lawful position and the Green Belt implications, with due regard to the significant time lapse between the grant of the 1956 permission and the termination of construction in 1967.

Regardless of the decision upon this application there is planning permission for 9 detached two storey dwellinghouses at the site which can be built. Building Regulation Approval has been granted by DBC, implementable within 3 years. This is notwithstanding that the development will represent a significant encroachment into the Green Belt and will harm its openness.

The proposal offers alternative to the extant permission involving one less unit and three affordable dwellings and a community infrastructure levy.

Fundamentally due to the established fallback position of the approved implementable extant permission and the material differences between the approved and proposed indicative schemes in terms of footprint, floor space and scale there is a case to recommend permission based upon these very special circumstances. A wide range of conditions are necessary.

Due to the background the application should be referred to the Secretary of State as a departure.

RECOMMENDATION

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

1. In the event that the Secretary of State does not call in the application that the application is **DELEGATED** to the Group Manager - Development Management & Planning with a view to approval subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990 and the draft list of conditions below.

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

- The provision of 3 affordable dwellings.

- 1 **Application(s) for approval of reserved matters (layout, appearance 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.

- 2 **Plans detailing the site layout, the dimensions, height, layout and materials of the dwellings and any associated outbuildings and access to each dwelling house shall be submitted at the reserved matters stage and be approved by the local planning authority before development commences. Details submitted under this requirement shall include the following:**

- **No dwelling house shall be more than two storeys.**

- The dwelling house on Plot 5 shall be single storey unless of a design which in the opinion of the local planning authority avoids any harm to the residential amenity of Amberslea.
- The proposed slab, finished floor and ridge levels of the dwellings in relation to the existing and proposed levels of the site and the surrounding land.
- The dwellinghouses shall aligned /set back from the access road and served by individual driveways and associated internal turning areas with the remainder of all the front gardens subject to soft landscaping in accordance with the principles shown by the indicative layout plan.
- The pedestrian visibility splays of 2 m x 2 m serving each dwelling house access shall be provided at all times within which there shall be no obstruction to visibility between 600 mm and 2 m above the carriageway at ant time.
- Vehicular access for all the dwellings from the approved access road from only Wayside.
- Refuse facilities for each dwelling house.
- The approach to sustainable construction.
- The design to accommodate lifetime home opportunities.

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

Reason: To accord with the expectations of Policies CS5, CS8, CS11, CS12, CS25 and CS29 of Dacorum Core Strategy and saved Policy 54 of the Dacorum Borough Local Plan.

3 The submitted details of both hard and soft landscape works under the Reserved Matters shall include:

- hard surfacing materials;
- means of enclosure and boundary treatments;
- all services ;
- soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of trees and plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- a biodiversity /ecological /landscape management plan for the application site and the area edged blue.

The approved hard landscape works shall be provided prior to the first occupation of the development hereby permitted and thereafter shall be retained at all times unless otherwise agreed in writing by the local planning authority.

The approved soft landscaping shall be planted in the planting season following the first occupation of any of the dwellinghouses hereby permitted . For the purposes of this condition the planting season is between 1 October and 31 March.

The biodiversity/ ecological/ landscape management plan shall be carried out and maintained at all times fully in accordance with the approved details.

Reason: To safeguard the local environment, in the interests of residential amenity visual amenity and biodiversity in accordance with the requirements of Policies CS5,

CS12, CS26 and CS29 of the Dacorum Core Strategy.

- 4 **Any tree, hedge or shrub which forms part of the approved landscaping scheme which within a period of ten years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by another tree, shrub or section of hedge of the same species and size as that originally planted shall be planted at the same place in the next planting season, unless the local planning authority gives its written consent to any variation. For the purposes of this condition the planting season is between 1 October and 31 March.**

Reason: To safeguard the local environment, in the interests of residential amenity, visual amenity and biodiversity in accordance with the requirements of Policies CBS 5, CS12, CS26 and CS29 of the Dacorum Core Strategy.

- 5 **Details of the tree and hedge protection measures (including site compounds, any temporary construction roads, protective fencing, service trenches/ underground etc) shall be submitted to and agreed in writing with the local planning authority prior to commencement of development and including where relevant the land edged blue. The protective measures shall be maintained for the entire period of construction, removed only after the completion of the whole development**

Reason: In order to ensure that damage does not occur to the trees during building operations in accordance with Dacorum Core Strategy Policies CS5, CS12 and saved Policy 99 of Dacorum Borough Local Plan.

- 6 **No dwelling house hereby permitted shall be occupied until the approved roadway, footpaths and turning head (including swept paths) are provided fully in accordance with the approved reserved matters for these details. The roadway and turning head shall be constructed with a loading capacity necessary to accommodate fire tenders.**

Reason: To ensure the provision of an acceptable means of access to the site for all vehicles including emergency and refuse vehicles and so as not to compromise highway safety in accordance with Dacorum Core Strategy Policies CS8 & CS12 and saved Dacorum Borough Local Plan Policies 54 and 55.

- 7 **The parking spaces shown by the approved drawing subject to the reserved matters shall be provided fully in accordance with the approved plans before the first occupation of the respective dwellinghouses hereby permitted and thereafter shall be retained at all times and shall be only used for the parking of vehicles.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities in accordance with Policies CS8 & CS12 of the DBC Core Strategy and Policies 54 and 58 and saved Appendix 5 of the Dacorum Borough Local Plan.

- 8 **Details of the upgrading of Wayside (with a programme of works) shall be provided and agreed in writing with the local planning authority prior to commencement of development hereby permitted. The upgrading shall be carried out fully in accordance with the approved programme of works unless there is written justification from the Developer that it is not legally feasible**

to carry out such upgrading and subsequent approval by the local planning authority to this approach.

Reason: TIn the interests of highway safety in accordance with Policies CS8 & CS12 Dacorum Core Strategy and saved Policies 54 and 55 of Dacorum Borough Local Plan.

- 9 **Detailed proposals for the fire hydrant(s) 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. The fire hydrant(s) shall be provided prior to occupation of any dwelling house forming part of the development hereby permitted and thereafter retained at all times.**

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 Dacorum Core Strategy Policies CS12 and CS29 and Saved Policy 54 of Dacorum Borough Local Plan.

- 10 **Prior to the commencement of the development hereby permitted details of a surface and foul water drainage system shall be submitted to and approved in writing by the local planning authority. The surface water drainage system shall be a sustainable drainage system and shall provide for the appropriate interception of surface water runoff so that it does not discharge into the highway or foul water system. The development shall be carried out and thereafter retained fully in accordance with the approved details.**

Reason: To ensure that the site is subject to an acceptable drainage system serving the development in accordance with the aims of Policies CS12 and CS31 of the Dacorum Core Strategy and to protect groundwater to accord with the requirements of Policies CS31 and CS32 of the Dacorum Core Strategy.

- 11 **No development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:**

1. **The programme and methodology of site investigation and recording,**
2. **The programme for post investigation assessment,**
3. **Provision to be made for analysis of the site investigation and recording,**
4. **Provision to be made for publication and dissemination of the analysis and records of the site investigation,**
5. **Provision to be made for archive deposition of the analysis and records of the site investigation, and**
6. **Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.**

Reason: In order to ensure investigation and preservation of archaeological findings

in accordance with Policy CS27 of the adopted Core Strategy

- 12 **Development shall take place in accordance with the Written Scheme of Investigation approved under Condition 11 and the development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 11 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.**

Reason: To safeguard the site's archaeology to comply with Policy CS27 of Dacorum Core Strategy.

- 13 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority within the residential curtilages of the dwellinghouses hereby permitted:**

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

Part 2 Classes A and B

and the garages of the dwellinghouses hereby permitted shall only be used as garages for the parking of vehicles.

Reason To enable the local planning authority to retain control over the development in the interests of safeguarding the character and appearance of the locality in accordance with and to ensure the provision of adequate off street parking in accordance with Policies CS5, CS8 and CS12 of Dacorum Core Strategy .

- 14 **Details of any exterior lighting shall be submitted to and approved in writing by the local planning authority. The exterior lighting shall be installed 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 CS5, CS12, CS26 and CS29 of the Dacorum Core Strategy and saved Policy 113 and Appendix 8 of Dacorum Borough Local Plan.

- 15 **No development hereby permitted shall commence until the following are submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.**

- **Details of wheel cleaning facilities for construction vehicles,**
- **Construction Traffic Management Plan and Access Route ,**
- **A scheme of on-site parking for construction workers s submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.**

During the whole period of construction or thereafter there shall be no vehicular link formed or retained between the area edged blue and Wayside.

Reason: In the interests of highway safety and residential amenity in accordance with Policies CS8 and CS12 of Dacorum Core Strategy.

- 16 **The outline permission hereby permitted is granted with respect to Indicative Site Plan 14-017-02 Rev A with reference to the means of access from Wayside, the position of the access road and the turning head.**

The scale of the development shall be no greater than the footprints of each dwelling house shown by this drawing (subject to permitted development changes under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending or re-enacting that Order with or without modification) Schedule 2 Part 1 Class A.

Plans detailing the dimensions, height, scale, layout, materials of the dwellings and any associated outbuildings and access to them shall be submitted at the reserved matters stage and be approved by the local planning authority before development commences.

Reason: For the avoidance of doubt and in the interests of proper planning and to ensure a satisfactory form of development in accordance with Dacorum Core Strategy Policies CS5 and CS12 and Saved DBLP appendices 3 & 7.

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 led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

INFORMATIVES

Badgers

Any works must be carried out under the legal conditions of a European Protected Species (EPS) development licence obtained from Natural England.

Note: All works, including vehicle movements should fully take into account the impact local habitats.

Contamination

The developer should keep a watching brief during ground works on the site for any potentially contaminated material.

Should any such contaminated material be encountered, then the Council must be informed without delay, advised of the situation and an appropriate course of action confirmed to the Council's Environmental Health Department.

Guidance document relating to land contamination is available in the Council's website: <http://www.dacorum.gov.uk/default.aspx?page=2247>

Note: The local planning authority has not imposed contamination conditions as recommended by the Council's Scientific Officer. This is in direct response to the Agent's response to the expert advice. In developing the site the responsibility for securing a safe development rests entirely with the Developer and/or landowner. Therefore the Developer is expected to ensure that before the occupation of any dwellinghouses and following completion of the development site any contamination has been comprehensively and safely addressed which will be entirely outside the Council's jurisdiction due to the lack of the recommended contamination conditions.

Should any such contaminated material be encountered, then the Council must be informed without delay, advised of the situation and an appropriate course of action confirmed to the Council's Environmental Health Department.

In discharging Condition 10 the onus will be with the Developer to ensure that the drainage scheme is designed to ensure that there is no groundwater pollution from on site contamination. This takes into account the lack of recommended contamination conditions.

Land Stability

The government advice is that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

ANNEX A: APPLICANT'S PLANNING STATEMENT

1. INTRODUCTION

1.1. This statement is submitted in support of planning application ref 4/03490/15/OUT

1.2. The proposed development is as set out in the Application Forms and Design and

Access Statement and involves the construction of 8 detached dwellings.

1.3. The site is located in the metropolitan Green Belt where there is a presumption against

inappropriate development except where it can be demonstrated there are Very Special Circumstances (NPPF para 87).

2. VERY SPECIAL CIRCUMSTANCES

2.1. The purpose of this statement is to explain what the Very Special Circumstances are

and to make the case in support of the application and why planning permission should be granted as an exception to Green Belt policy.

2.2. Although the application site is currently undeveloped garden land to the rear of Longfield and is designated Green Belt, it is within an area which is predominantly developed land and has a long planning history.

2.3. In February 1956, planning permission was granted for residential development comprising 9 dwellings and an access roadway to serve the development from Wayside. (Planning Ref W/37/56 - copy attached)

2.4. In 1965 the planning authority approved the reserved matters application - W/2224/64

(copy attached).

The permission was implemented prior to the 16th 2.5. February 1967 and a Certificate

Lawful Use was granted on 23rd March 2011 (copy attached).

2.6. The development was not completed but the permission remains extant.

- 2.7. The layout of the consented development is not considered to be the optimum / most appropriate having regard to current design standards.
- 2.8. The design of the consented dwellings is not considered to be of the highest standard.
- 2.9. In consultation with the planning authority over an extended period the applicant has sought to make improvements to the layout and design of the consented development through the submission of applications for non-material minor modifications (16/04/2013), an alternative access to the highway (4/00518/12/FHA) and under a pre application enquiry (4/02242/14/PRE).
- 2.10. Although due process has been applied in the determination of the applications referred to in the preceding paragraph, the planning authority has not embraced the opportunity to secure the benefits in design and environment that would be realised from a slightly revised / amended form of development.
- 2.11. It is in fulfilment of those objectives that this application is made.

3. FALLBACK

- 3.1. The fallback remains the extant planning permission for 9 dwellings as authorised under the CLU (4/0127/11/LDP).
- 3.2. Should this application not be approved, the applicant will complete the authorised development in accordance with the approved plans.
- 3.3. A full plans application for Building Regulations approval for the development authorised under W/37/56, W/2224/64 and 4/0127/11/LDP was submitted in November 2015 under ref B/15/16043.
- 3.4. The Very Special Circumstances in this case concern 'fallback', which is a material consideration in any event, and the benefits that would flow from a more suitable, sensitively planned and designed housing development. In addition, it is considered that in assessing the balance and the weight that must necessarily be given to potential harms and benefits, the contribution that the land is currently making to the 5 purposes of Green Belt (NPPF para 80) should also be taken into account.
- 3.5. This planning application - for 8 dwellings - is demonstrably less harmful to the Green Belt than the permitted development comprising 9 dwellings.
- 3.6. The application site does not make a significant contribution to any of the 5 Green Belt purposes.
- 3.7. This planning application provides for access to serve the development over Wayside - a private road. The applicant is satisfied that it is an acceptable and appropriate means of access and that the land can be accessed in this way.

4. ACCESS FROM WAYSIDE

- 4.1. It is not generally necessary to evidence formal rights of access in support of a planning application as it is not generally considered to be a material planning consideration.
- 4.2. However, where there is a reliance on fallback (as in this case) and that may be affected by the existence of formal rights, it may be considered a material consideration.

4.3. In determining the weight that should be given to the fallback position in this case, regard should be to be given to existence or lack of rights and the evidence in support or against.

4.4. There appear to be no express rights of access reserved over Wayside for the benefit of Longfield and no case to claim prescriptive rights (other than for the existing use). This may be cited by objectors as a reason why the development commenced in the 1960's was never completed. However, from the legal investigations that have been carried out more recently, the rationale for this is unclear.

4.5. There is actually no evidence to show that Longfield does **not** benefit from satisfactory rights of access and no reliable evidence that the development was not completed in the 1960s for reasons relating to access. On account of both of these points it would be wrong to make an assumption that insufficient rights existed.

Against 'no evidence' on one side of the balance scale, the evidence 4.6. of rights existing is overwhelming. The gates serving Longfield from Wayside, and the longstanding use of Wayside (for as long as anyone can remember) at all times and for all purposes might be sufficient in itself.

4.7. Also, the express grant of rights affecting that part of Wayside that remains 'outside' the gates into Longfield, (that forms part of the Longfield registered freehold title) over which the property known as Amberslea takes access, would not be available to it were it not for the fact that Grantor of those rights had similar rights and could grant the same.

4.8. Finally, the conveyancing history of land sold off from the Whippendell Park Estate from the 1920's puts matters beyond doubt. As the appended plans, title information and copy conveyance dated 15th April 1924 reveal, the whole of the Wayside development was in common ownership (Ellen Harwood) in the 1920s. As each plot was sold, the necessary rights of access and servicing were granted over Wayside and Megg Lane and similar rights were reserved for the benefit of the retained land. The express rights provided for the benefit of the Wayside properties as they were progressively sold off were contingent on those rights being available to the vendor at the time. Reciprocal rights were reserved for the vendor and her successors in title. Also consistent with this are the rights referred to in the 'Windrush' title (HD 386447) from the original conveyance by Ellen Harwood in November 1929 - which specifically refers to rights being reserved for the benefit of her retained 'Whippendell Park Estate'.

5. CONCLUSION

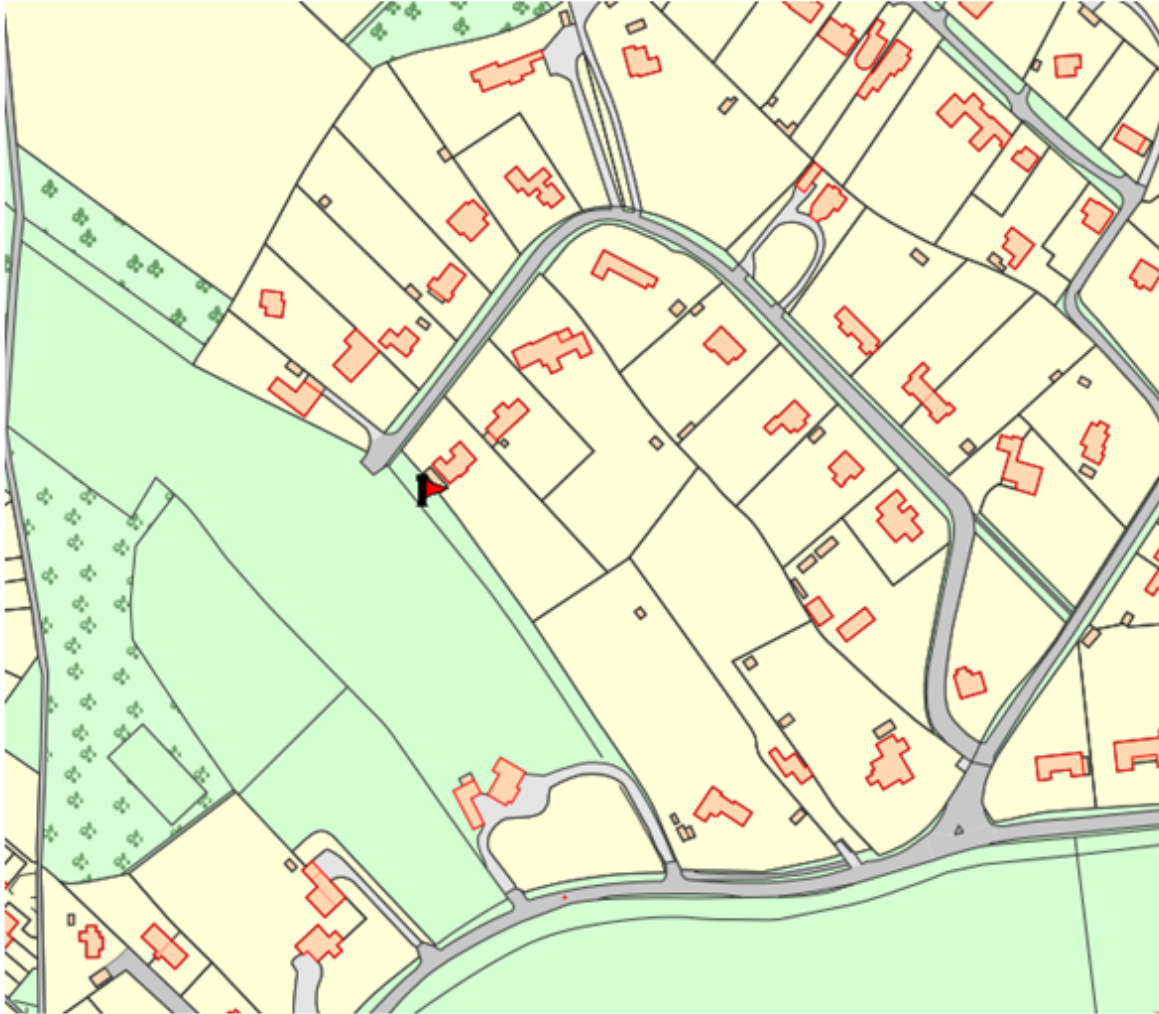
5.1. For the reasons set out above and evidenced in the appended documents, it would be wholly inappropriate to discount the weight of the fallback position on account of an assumption that the site did not benefit from adequate rights of access.

5.2. Accordingly, having regard to the merits of the planning application and the benefits that would be achieved by comparison to the consented scheme, we believe that requirements to demonstrate very special circumstances are fully satisfied and that the application should be approved on this basis.

Item 5.03

4/03696/15/FUL - RESIDENTIAL DEVELOPMENT OF 3 DETACHED DWELLINGS AND GARAGES WITH ACCESS OFF WAYSIDE.

LAND REAR OF LONGFIELD, LANGLEY ROAD, CHIPPERFIELD



**4/03696/15/FUL - RESIDENTIAL DEVELOPMENT OF 3 DETACHED DWELLINGS AND GARAGES WITH ACCESS OFF WAYSIDE.
LAND REAR OF LONGFIELD, LANGLEY ROAD, CHIPPERFIELD.
APPLICANT: Mr Clayton.**

[Case Officer - Nigel Gibbs]

Summary

The application is recommended for refusal.

The site is within the Green Belt site wherein residential development is regarded as inappropriate development which is by definition harmful. The land is not regarded as previously developed land and therefore very special circumstances are required to justify support for the proposed housing. There should also be no other harm.

This land is subject to an extant planning permission for 9 dwellings as confirmed through decision 4/00127/11/LDP. This development was started many years ago. The approved development is served by access from Wayside. Based upon the applicant's submissions there is a right of access between the site and the public highway at Langley Road via Wayside where it links with Megg Lane.

Fundamentally this historic 'live 'approval for residential development at the site represents the lawful 'starting point' / 'fallback position' for the LPA's consideration of the very special circumstances. The existence of the implementable extant permission forms the basis of the very special circumstances which justify support for the principle of residential development, notwithstanding the inevitable significant impact upon the openness of the Green Belt.

In terms of the fallback position the proposed 3 dwellings reflect the 'development envelope'/land associated with decision 4/00127/11/LDP with fewer units and less floor space. The approved and proposed schemes are however otherwise fundamentally materially different in terms of the layout and form.

In comparing the extant permission's form/ layout fallback position with the proposal, the Green Belt's openness will be harmed by the position of the proposed dwelling house on Plot 2 when the development is viewed and approached from Wayside.

Despite the weight that can be given to the fallback position in supporting residential development at the site due to the effect of the dwelling house on Plot 2 the established fallback position is insufficient to outweigh identified harm to the Green Belt.

There are no overriding known highway/ infrastructure/ servicing or environmental objections to the development. This is with due regard to the specialist advice provided by the responding technical consultees, the imposition of conditions and fundamentally the significance of the fallback position and what can be built at the site.

It has been taken into account that proposal's effect upon the residential amenity of Wayside and Megg Lane will be less than the fallback position based primarily upon the impact of vehicular movements. However, this effect/ benefit does not outweigh the identified harm to the Green Belt.

Site Description

Longfield is a mature substantial two storey dwelling house occupying a very large wooded plot located on the northern side of Langley Road. The dwelling is significantly set back from the site's elongated curved and wooded frontage.

Longfield is served by two gated accesses at the respective eastern and western ends of the site's frontage. These provide an entry and exit driveway arrangement linked to the parking/turning area in front of the house.

The eastern driveway is split with a second driveway leading to the very substantial elongated rear garden to the north west of the dwelling. The land features wooded boundaries, is partially undulating and is served by a gated access linked to the Wayside. A fire hydrant adjoins the access, with dwellings on both sides known as Pinetrees and Amberslea.

Wayside is a long winding long unmade private cul de sac of plotlands style dwellings of early 20th Century origins. The Wayside roadway is linked to Megg Lane and via this to the adopted Langley Road.

The local planning authority has been advised by the applicant that there is a legal right of way between the gated access and Wayside and therefore a lawful vehicular link to Megg Lane and Langley Road. Please see Annex A.

The upper part of application site closest to Wayside features some foundations of 9 approved dwellings started in the 1960's. These were to be served by the access from Wayside. As confirmed by the Summary this permission remains lawful/ implementable, notwithstanding the time gap (please see History).

Longfield features an historic roadway between its curtilage and the rear of its land within the vicinity of Wayside. This is not in use.

Proposal

The application is for the construction of 3 detached two storey gable roof 4 bedroom dwellings on land within the upper part of the rear of Longfield to the south west end of Wayside. Each will be served by a detached hipped roof double garage. The development will be served by a vehicular and pedestrian link to Wayside.

The layout features the dwellings clustered around a turning head. Each dwelling will be served by a large garden.

Plot 1 will adjoin Pinetrees to the south and closest to Longfield. Plot 2 will occupy a central position facing onto the turning head and visible from Wayside. Plot 3 adjoining Amberslea on the north western side will have access to a paddock to the north.

The development will be connected to the existing foul drainage system at the site with the opportunity for all services to be linked through Longfield.

Annex A is the Applicant's Supporting Statement submitted for Application 4/03490/15 /OUT. This refers to the legal fall-back position, the Green Belt implications/ Very Special Circumstances and the Access from Wayside.

Procedural Issue: Wayside

It is understood that Wayside is subject to multiple ownership with rights of way for all the dwellings.

Hertfordshire County Council Highways has confirmed that Wayside is not highway, the connecting Megg Lane is highway and Langley Road is highway maintained by the Highway Authority.

See Annex A.

Referral to Committee

This is referred to the DCC at the request of Councillor Adam Barnes, the background history and the level of public interest.

Relevant Site Planning History

1. Planning Permission W/37/56 and Reserved Matters W/2224/64: 9 Dwellings at Land at the Rear of Longfield.
2. Certificate of Lawful Development 4/00127/11/LDP : Continuation of Development of Site for 9 Dwellings under Implemented Planning Permissions W/37/56 and Reserved Matters W/2224/64.

In March 2011 the LPA confirmed that both the above are lawful and the owner is entitled to continue to construct and complete the development. This is with access via Wayside. Counsel's opinion was provided to the LPA.

The associated Officer Report noted the following, with regard to a previously withdrawn 'LDP' application:

"In assessing the previous LDE application, given the complexities of the case and given the strong local opinion expressed by the local residents, and the local Ward Councillor, Councillor Roberts, it was felt that it would be prudent to seek Counsels Opinion in this matter. Counsels Opinion was therefore sought and received during the course of the previous application.

The Counsels Opinion concludes that the digging of trenches and the construction of foundations at the site is sufficient to conclude, on the balance of probabilities that the development had begun, by way of a specified operation, in February 1967. The permissions were not subject to any time limits and he therefore concludes that they cannot have been abandoned.

Counsel states that there is no principle in planning law that a valid planning permission capable of being implemented according to its terms can be abandoned. He concludes that, provided that the 1956 planning permission is capable of being implemented according to its terms, it cannot be said to have been abandoned in law and the owner is entitled to continue to construct and complete the development in accordance with it.

The Counsels Opinion also deals with the issue of what weight should be afforded to the extant planning permission, once the Certificate was granted. Counsel concludes that, in order to be afforded any weight, there must be a real as opposed to a merely theoretical possibility of the 1956 planning permission being built out. Counsel makes it clear that he shares Officers skepticism on this issue.

Counsel concludes that, absent any evidence that there is a real possibility of the 1956 scheme being built out, the Council should have regard to the 1956 planning permission but afford it no weight in the determination of any future planning application on site.

Conclusion

Given the advice received in the Counsels Opinion summarized above, it is quite clear that the development of 9 dwellings to rear of Longfield is lawful and the owner is entitled to continue to construct and complete the development. A Certificate can therefore be granted. "

3. Planning Permission 4/0518/12/FHA. Closure of two existing vehicular access crossovers onto Langley Road serving Longfield and the formation of new access to highway onto Longfield and associated landscaping scheme (incorporating future management). This decision was made by the DCC . This permission has expired. A range of conditions were imposed including that the access only to serve Longfield, with no associated connection to the current application site. Condition 2 specified:

Notwithstanding any details submitted with this application, the access, associated driveway and turning area hereby permitted and shown by Drawing Nos.SK -058/01, 3037-D and 12.167.01, shall only serve the existing dwelling house (Longfield) and this permission does NOT in anyway extend to any approval for the formation of the access road shown by withdrawn Drawing No.2785-D. In addition there shall be no further construction of access roads/drives/links from the access hereby approved without the formal approval of the Local Planning Authority.

Reason: The Local Planning Authority is satisfied that there are no Green Belt, highway safety or environmental objections to new access shown by the above mentioned approved drawings serving only Longfield. The Local Planning Authority has made its decision entirely/solely on this basis. Any increased use of the access would require separate consideration by the Local Planning Authority in relation to highways safety and impact on the amenity of Longfield and neighbouring properties.

4. Building Regulation Approval B/16/01589/R. 9 dwellings following an earlier refusal based upon is understood be a technicality and taking into account the need to determine the application within the required 5 weeks.

5. Planning Applications 4/03490/15/OUT and 4/03857/15/FUL. Please see the Agenda.

National Policy Guidance

National Planning Policy Framework (NPPF)

Adopted Core Strategy

NP1 - Supporting Development

CS1 - Distribution of Development

CS2 - Selection of Development Sites
CS5 - The Green Belt
CS8 - Sustainable Transport
CS9 - Management of Roads
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS17 - New Housing
CS19 - Affordable Housing
CS25 - Landscape Character
CS26 - Green Infrastructure
CS27 - Quality of the Historic Environment
CS28 - Renewable Energy
CS29 - Sustainable Design and Construction
CS30 - Sustainability Offset Fund
CS31 - Water Management
CS32 - Air, Water and Soil Quality
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 13,15,18, 21, 22, 51, 54 ,58 , 61, 62, ,63, 99, 100, 101, 103, 111 ,113 and 118

Appendices 3, 5 and 8

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Conservation & Sustainable Drainage (June 2005)
Energy Efficiency & Conservation (June 2006)
Landscape Character Assessment (May 2004)
Chilterns Buildings Design Guide and associated documents
Affordable Housing (Jan 2013)
Chipperfield Village Design Statement.

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

Summary of Representations

Chipperfield Parish Council

Objects strongly. The applicant is trying to obtain access through Wayside which is a private road. Residents have attended the planning meeting, signed petitions and submitted many letters of their concerns, all of which Dacorum have received. The area is Green Belt, also in the Chilterns AONB. CPC do not support this application in any way.

Councillor Adam Barnes

Requests herein that this matter is brought before the Development Control Committee, on the grounds that the application:

- is inappropriate development in the Green Belt,
- is not sympathetic to its surroundings,
- does not account for the significant further infrastructure issues that will result from the development,
- has access and parking problems, and
- will lead to huge disruption and significantly affect the users of a local right of way.

Strategic Planning & Regeneration

The application site is located within the village of Chipperfield and the property concerned is located off Langley Road and to the west of Wayside. The site is synonymous with the rear garden associated with Longfield and situated within the Green Belt (but outside of the boundary of the designated 'Small Village within the Green Belt').

Pre-application advice has previously been provided on a similar scheme at this site which proposed the construction of three detached dwellings, creating 594m² of new floor space (4/03323/14/PRE). Planning permission is now sought for the construction of 3 detached dwellings with associated garages. The Council are also considering two further planning applications at this site including an outline application for 8 detached dwellings (4/03490/15/OUT) and a further application for full permission for 3 detached dwellings and garages but with access off Langley Road (4/03857/15/FUL)

Planning History:

As previously alluded to within the earlier pre-application advice, we are aware that planning permission was previously granted for the construction of 9 dwellings at this site in 1956 (W/37/56) and again in 1965 (W/2224/64). Subsequently, these planning consents were deemed to still be extant (and thus not abandoned) through the issuing of a Certificate of Lawful Development in 2011 (4/00127/11/LDP) on the basis of Counsel Advice. Within this Counsel Opinion, it was considered that the digging of trenches and construction of foundations was deemed to constitute commencement of the development and the respective planning permission did not impose any time limitations regarding the construction or completion of the approved development.

More crucially to this proposed development, it was established that the abovementioned planning permissions were material considerations in the determination of the Certificate of Lawful Development but considered that no weight should be afforded to the precedent set by the substantive 1956 permission in the determination of future planning applications.

Should the it be concurred with this assessment and it is decided not to attach any, or very limited, weight to these former, extant planning permissions, the planning

application should be determined in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. As such, the principle of the proposed development should consequently be considered against relevant development plan policies such as Core Strategy Policies CS1, CS5, CS11 and CS12; saved Local Plan Policies 18, 21 and 51; and the NPPF

Principle of Development:

SP recognise this application is the second which has recently been submitted for development at this site and follows the submission of an outline planning application for the proposed construction of 8 dwellings, which is currently pending consideration. The following comments are therefore similar in nature to those provided for planning application 4/03490/15/OUT due to the comparative policy issues.

Core Strategy Policy CS1 states that decisions on the scale and location of development will be made in accordance with the settlement hierarchy and the rural character of the borough will be conserved. Development will be supported where it does not damage the existing character of the village and/or surrounding area and is compatible with policies protecting (inter alia) the Green Belt. The application site is located within Chipperfield, which is identified as a Small Village within the Green Belt and therefore considered to be an area of development constraint.

The proposed development would involve the construction of three 4+ bed detached dwellings arranged in a cul-de-sac layout with access taken off the western extent of Wayside via Megg Lane from Langley Road. With regard to the character of the surrounding area, the proposed layout and scale of these properties is reflective of the existing plots off Wayside in that they provide a detached property with a detached garage set within a substantial curtilage. However, it is also noted that the proposed development would be situated on land that currently forms part of an undeveloped gap between Wayside and residential properties around Croft Lane/Croft End Road, which separates these distinct character areas. The site also contains mature vegetated boundaries to the northeast and southwest of the application site which enhances the rural character.

Green Belt:

However, the application site is located within the Green Belt. Core Strategy Policy CS5 applies national Green Belt policy to protect the openness and character of the Green Belt, local distinctiveness and physical separation of settlements. Paragraph 89 of the NPPF regards the construction of new buildings as inappropriate development where inappropriate development is, by definition, harmful to the Green Belt (paragraph 87). Although there are exceptions to this policy approach which includes the partial or complete redevelopment of previously developed land subject to the impact upon the openness of, and purpose of including land within, the Green Belt. The NPPF defines previously developed land as:

'Land which is or was occupied by a permanent structure, including the curtilage of the developed land...and any associated fixed surface infrastructure. This excludes: (inter alia) land in built up areas such as private residential gardens...; and land that was previously-developed but where the remains of the permanent structure or fixed

surface structure have blended into the landscape in the process of time.' (Annex 2: Glossary).

The site is generally characterised as a greenfield site (being that of an existing residential garden) and does not either currently contain any built development, nor previously had any built development on the land (i.e. permanent structures). However, following implementation of planning permissions W/37/56 and W/2224/64 granted in 1956 and 1965, respectively, part of the site could be construed as previously developed land by virtue of the existing (albeit subterranean) foundations/footings for the consented 9 new dwellings. This is evidenced by a photograph within the applicants former planning application and supporting evidence for a lawful development certificate which was granted by the Council in 2011 (4/00127/11/LDP).

These foundations could be considered to constitute 'associated fixed surface infrastructure'; however, as per the definition of previously developed land described above, it could also be considered that if any such fixed surface infrastructure (or permanent structure) has blended into the landscape in the process of time it is excluded from the definition of previously developed land. With the passage of 48 years since the extant planning consents were first implemented and the fact that these foundations had to be excavated to prove implementation of the former consents as part of the 2011 lawful development certificate application, it would be reasonable to conclude that these foundations have blended into the landscape.

Alternatively, if a view is taken that this fixed surface infrastructure has not blended into the landscape (i.e. if it considered that the part of the site synonymous with the foundations is considered to be previously developed land), not knowing the full extent or coverage of these foundations (i.e. whether they have been constructed for one or all nine of the consented dwellings), it is difficult to make a judgement on the proportion of greenfield and previously developed land within the application site. It would be helpful if the applicant could provide further information to determine this.

Therefore, for the parts of the site which are considered to be greenfield coinciding with the extent of the application area, the proposed development would not fall within any of the exceptions identified in national planning policy (paragraph 89 of the NPPF). In this respect, we note that the applicant has not provided any case for very special circumstances for the Council to consider. Paragraph 88 of the NPPF states that substantial weight should be given to any harm to the Green Belt and 'very special circumstances' will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other (material) considerations. Although the application site is located outside of the defined 'Small Village within the Green Belt' boundary, Core Strategy Policy CS6 could also be considered relevant to development within Chipperfield. The policy lists a number of limited developments which could be considered acceptable. The proposed development, again, would not accord with the developments listed in (a) to (f) within this policy.

For the part/extent of the site which is deemed to be previously developed land, the proposed development could be considered to fall within one of the exceptions for built development within the Green Belt as identified by paragraph 89 of the NPPF. This exception states:

'Limited infilling or the partial or completed redevelopment of previously developed

sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.'

The key consideration in this instance would therefore be whether the proposed development would have a greater impact upon the openness of, and purpose of including land within, the Green Belt compared to the existing development. Given that the extent of existing development has been demonstrated to include the construction of some foundations and footings, the proposed development for 8 new dwellings would have a detrimental impact upon the openness of the Green Belt and contradict one of the purposes of including land within the Green Belt which is to safeguard the countryside from encroachment. Furthermore, the proposed development would also result in a physical and perceptual reduction in the gap between the existing development off Wayside/Megg Lane and the Croft estate to the west of the application site.

In conclusion of the foregoing, overall the proposed development is either considered to be inappropriate development within the Green Belt, for which very special circumstances have not been advanced for consideration; or, on the part of the site considered to be previously developed land, the proposed development is considered to have a detrimental impact upon the openness of, and purpose of including land within, the Green Belt when compared to the extent of existing development. Therefore, the proposed development is considered to be contrary to Core Strategy policies CS5 and CS6 and national planning policy relating to development within the Green Belt.

Access:

The proposed development seeks to take access off Langley Road, onto Megg Lane and then along Wayside to the application site which forms land to the rear of Longfield. It is understood that both Megg Lane and Wayside are private, unadopted roads and are not therefore maintained by Hertfordshire County Council as the Local Highway Authority.

Nevertheless, consideration should be given to the impact of the proposed development in highway and traffic terms. Paragraph 32 of the NPPF states that decisions should take account of whether safe and suitable access to the site can be achieved for all people. Saved Local Plan Policy 51 states that all development proposals should be assessed to ensure there is no significant impact upon (inter alia) (a) the nature, capacity and use of the highway and its ability to accommodate traffic generated by development. It also states that in villages and countryside areas special regard will be paid to the effect on the safety and environmental character of country lanes.

Whilst the proposed development is not likely to generate significant amounts of traffic, consideration should be given as to whether any additional ingress/egress off of/onto Langley Road would impede the flow of traffic or detrimentally impact upon highway safety. The advice of the Local Highway Authority should be sought in this respect. Although both Megg Lane and Wayside are unadopted, private roads, the additional traffic generated by three dwellings is not likely to significantly alter the environmental character of this country lane.

Design:

In terms of design, the proposed development should be considered against Core Strategy Policy CS12, which states that development should provide a safe and satisfactory means of access, retain important trees and replace them with suitable species, integrate with the street character and respect adjoining properties in respect of (inter alia) layout, site coverage, scale, height, and materials. The proposed development would be consistent with nearby residential properties in terms of layout, height (being of two storeys) and scale of the nearby detached properties with particular use of the encouraged L- or T-plan layout for larger buildings. Also, the applicant has provided an indication of the location of replacement trees to be planted following any to be removed as result of the proposed development (drawing no. 14-017-11 Nov'15). However, in respect of trees, SP note that the tree survey provided with the planning application was carried out in November 2011 and relates to the proposed construction of an access track through Longfield. Additionally, no plan is included within the appendices and therefore it is not clear whether the trees within this application site have been surveyed. Additional or updated information should therefore be sought from the applicant to enable the Council to make an informed judgement.

In terms of materials, the proposed development would be constructed using facing brick work with render and horizontal weatherboarding. The roof would be finished using interlocking tiles and the fenestrations would be either timber or uPVC double-glazed units. The applicant has not provided detail regarding the type and colouration of the above materials and therefore, it is difficult to assess whether the proposal would respect adjoining properties or the rural setting of the application site. Nevertheless, regard should be paid to the Chipperfield Village Design Statement (2001) and the guidelines contained within the Landscape Character Assessment (2004), both of which have been adopted as a Supplementary Planning Guidance by the Council. These documents identify the need to conserve and enhance the distinctive character of traditional settlements through high standards of new buildings with the consistent use of local traditional materials and designed to reflect the traditional character of the area.

Consideration should also be given to Core Strategy Policy CS11 and Saved Local Plan Policies 18 and 21 regarding the appropriate provision of new dwellings. In particular, regard should be paid to the density and character of development that is suitable to the area (Policy 18 (c)). On a site measuring 0.92 hectare, the proposed development would be constructed at a density of 3.26 dwellings per hectare. Saved Local Plan Policy 21 states that proposals which have a density of below 30 dwellings per hectare (net) should be avoided. However, SP recognise the context within which the application site sits and the surrounding character of residential development and, as aforementioned, consider that the proposed layout is reflective of the existing residential character off Wayside and Megg Lane.

Affordable Housing:

Given the potential scale of the proposed development on the site, and size of the application site in particular (0.92 Ha), any permission granted should be subject to the provision of affordable homes (Policy CS19). This policy states that affordable homes will be provided on sites providing a minimum of 0.16ha or 5 dwellings. As such, 35% of these new dwellings should be affordable homes (i.e. 1 home in this instance).

However, the LPA obviously has a choice as to whether to apply the policy strictly or take a more pragmatic approach (subject to justifying circumstances) given that generally a waiver exists for contributions for smaller schemes (i.e. where they are below both the size and area thresholds). For example, there may be advantages for the openness of the Green Belt in supporting a smaller scale of development, if fully justified in planning terms, over a larger scheme on the site (i.e. that under 4/3490/15/OUT). This approach would require a clear justification of site-specific reasons to ensure that the decision did not undermine the application of the policy in other instances. We would also need to be satisfied that the site would not ultimately form part of a larger site which would normally be subject to the charge. The Strategic Housing team may have a view about whether a pragmatic approach is justified here or not.

Whilst located just outside of the defined boundary of the Chipperfield 'Selected Small Village in the Green Belt', the LPA may wish to also consider if any weight should be attributed to Core Strategy CS20, although it is recognised that this is a market housing -led scheme. This policy states that small-scale schemes for local affordable homes will be promoted in *and adjoining* small villages in the countryside, and exceptionally elsewhere with the support of the local Parish Council. If pertinent to consideration of this application, development should only be permitted if (a) it meets an identified local need for affordable housing; (b) the housing is for people who have a strong local connection with the village or parish through work, residence or family; and (c) the scheme is of a scale and design that respects the character, setting and form of the village and surrounding countryside. The applicant has not provided sufficient detail regarding the provision of affordable homes as part of the proposed development and therefore additional information should be sought for consideration.

Conclusion:

The proposed development is considered to be inappropriate development within the Green Belt and the applicant has not advanced any very special circumstances to warrant an exception to the relevant national and local development plan policies. Therefore, the principle of the proposed development is not considered to be acceptable. However, consideration should also be given to the potential fall-back position and what weight (if any) should be afforded to this in the determination of this planning application.

Conservation & Design

In terms of the scale, design and layout of the 3 detached dwellings, set in a cluster accessed from Wayside the design of this scheme better reflects the scale and pattern of development that presently exists along Wayside. There is a greater sense of spacing between the new dwellings, each having a sizeable garden to the rear as well as a modest area to the front. The layout is less rigid than that of the linear scheme for eight dwellings. The scheme is effectively of a lower density and as such is more in keeping with that elsewhere along Wayside. This scheme would also appear to have the benefit from an ecological and environmental stance of retaining the wooded area on the south western side of the site. The scale and more varied forms of the 3 proposed new dwellings is also considered to a positive change and more reflective of the mixed development in this immediate vicinity.

Building Control

No formal response.

Trees & Woodlands

After visiting the site TW became aware that far fewer trees would be affected by the proposed development as originally assumed. The most valuable trees that would merit TPO are situated near the existing entrance but these will not be affected as this entrance will be closed. Another issue to consider is that even if there were trees of good amenity value within the site, because they cannot be seen from a public place, we would be unable to TPO them.

TW entirely agree with Hertfordshire Ecology stating '... am less concerned about the loss of trees to accommodate the access road from Wayside as some compensation for these could be provided where appropriate as part of any landscaping work'. The detailed tree survey submitted is of very high quality and has adequately addressed all the issues that would be of concern to me. The tree survey makes good recommendations for necessary tree work and the 'no dig' method proposed will minimise any possible damage to Root Protection Areas. The total number of trees recommended for felling is 7 trees and TW recommend that these are compensated for in the landscape scheme that should also be submitted. The tree survey report states that 'the trees should not be considered a constraint on the proposed development'. TW agree with this assessment and also find the tree protection measures recommended in the tree survey of good quality.

Finally, TW is satisfied that very few trees on this site would be adversely affected by the proposed development and the recommendations set out in the tree survey would ensure that the impact on the existing trees would be minimised to an acceptable level.

Scientific Officer

The site is located within the vicinity of potentially contaminative former land uses. Consequently there may be land contamination issues associated with this site. It is recommended 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 Councils website (www.dacorum.gov.uk/default.aspx?page=2247).

Noise & Pollution

Do not wish to restrict the grant of permission.

Refuse Controller

No response.

Hertfordshire County Council: Highways

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

Comment

1. Decision. No objection to the proposed development.
2. Context .Wayside is a private road and does not form part of the public highway.
3. Policy Review.

The following policy documents have been considered in the assesment for the proposed development:

National Planning Policy Framework (March 2012),
Hertfordshire County Council (HCC) Local Transport Plan 3-2011-2031,
Roads in Hertfordshire Highway Design Guide 3rd Edition,
Dacorum Borough Local Plan, Appendix 5 Parking Provision,
Department for Transport, Manual for Streets, 2007

4. Analysis.The application is below the threshold contained in the Hertfordshire County Council (HCC) Roads in Hertfordshire Highway Design Guide 3rd Edition, for a Transport Statement. However, a Design and Access Statement is a requirement of all planning applications that have an impact on the highway; and should be provided in order to accord with the Roads in Hertfordshire Highway Design Guide 3rd Edition. This has been provided with the application.
5. Trip Generation.The land use is currently a green belt space , therefore trips will increase with a new development. However a development of this size is not considered significant enough to have a negative impact on the highway.
6. Highway Impact : Road Safety.The applicant has not provided any collision data with the proposal. However, from a review of the accident data available on crashmap there is no accident history within the vicinity of the site.

7. Highway Layout

Vehicular Access. It is understood that a 4.8m access road will be provided at the end of Wayside. As previously mentioned, Wayside is a private road and is not within HCCs jurisdiction. On this basis, HCC does not raise an objection, although would recommend that a swept path analysis is provided for a refuse and emergency vehicle be provided as this does not appear large enough to accommodate these vehicles.

Refuse and Servicing Vehicles The site layout shows space provided for refuse vehicles.

Parking. The applicant proposes a total of 12 parking spaces. The site is located in Accessibility Zone 4 which according to the DBC Parking Standards requires a maximum of 1.5 spaces per 2 bedroom dwelling and 2 spaces per 3 bedroom dwellings. Based on the number of proposed bays, the parking provision is within the

maximum requirements. However, the LPA as parking authority will determine the appropriate level of parking for this proposal.

Cycle Parking Provision. The applicant has not provided any details of cycle parking for the proposed development. The applicant is required to provide cycle parking in accordance with the DBC Parking Standards which states the requirements of 1 long term space per unit if no garage or shed is provided.

8. Accessibility.

Public Transport. The nearest bus stops are located on Langley Road near the junction with Megg Lane. This currently comprises a flag and a pole.

Pedestrian and Cycle Access. There are no dedicated cycling facilities on the surrounding roads but the road is suitable for cyclists. There are however, no footways along Megg Lane and Wayside and these operate as a shared surface environment. Langley Road has a footway on one side of the carriageway. The accessibility of the site is considered to be adequate for level small level of trips generated by the residential development.

Travel Plan. A travel plan is not required for this level of development.

9. Planning Obligations/ Community Infrastructure Levy (CIL). Planning obligations are not required for this size of application.

10. Conclusion. The level of development is considered acceptable.

Hertfordshire Fire & Rescue Service

HFRS has examined the drawings and note that the access for fire appliances and provision of water supplies appears adequate. Further comments will be made at the Building Regulations stage.

Hertfordshire County Council Development Services

Fire Hydrant Requirements.

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 development of three residential dwellings we would seek the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit. HCC 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 Councils 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. HCC 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."

Hertfordshire County Council : Flood Land Drainage Authority Environment and Resource Planning: SUDS

Has a drainage strategy was submitted with the application?. Clarification is sought whether this is a major or minor applications as the LLFA only comment on major applications.

Note: This is a minor application. General advice provided.

Hertfordshire Constabulary: Crime Prevention Officer

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:

- a. Into a dwelling from outside
- a. Into parts of a building containing flats from outside
- a. 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:

- a. 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 B.
- a. 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.

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.

Comment, Otherwise as regards designing out crime there are no comments to make.

It hoped the above is of use to the LPA and will help the development achieve that aims of the 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.

Hertfordshire Ecology

HE have no data for this site. It would never have been looked at given its location and use as essentially garden land. The site benefits from long established planning permission, and this application seeks to modify the potential access.

Despite its location it is clear the site has been managed by mowing for around the last 50 years or so. Whether this was ever taken as a hay crop is unknown, possibly not for at least some of the time if foundations were present which would not have been visible under long grass when cutting.

Despite this the ecological survey – undertaken in October 2011 - clearly describes and maps the open grassland as unimproved. It supports at least 10 indicator species (see below in bold) sufficient for Wildlife Site status. However I note the statement goes on to describe the sward as not species rich and not a Priority habitat. The grassland of this area is naturally acid-neutral and as such may not naturally be particularly species rich. However, HE consider that any sward including these species is highly likely to be a Priority Habitat and of potential WS quality in supporting 10 neutral grassland indicators. This could be confirmed with a survey at a better time of year. Whilst all such species cannot be dominant, this description would suggest that at least some of the Indicator species are not simply rare or restricted to one or two individuals, especially given the poor survey time and conditions. This further confirms the potential quality of the grassland:

‘Dominant species identified included: cock’s foot (*Dactylis glomerata*), common bent (*Agrostis capillaris*), sweet vernal grass (*Anthoxanthum odoratum*), meadow fescue (*Festuca pratensis*), ox-eye daisy (*Leucanthemum vulgare*), meadow buttercup (*Ranunculus acris*), common sorrel (*Rumex acetosa*), meadow vetching (*Lathyrus pratensis*), red clover (*Trifolium pratense*), white clover (*T. repens*), devil's bit scabious (*Succisa pratensis*), hawkbit (*Hieracium umbellatum*), cat's ear (*Hypochaeris radicata*), common knapweed (*Centaurea nigra*), bird's foot trefoil (*Lotus corniculatus*), dandelion (*Taraxacum* agg.), ribwort plantain (*Plantago lanceolata*), black medick (*Medicago lupulina*) and bristly ox-tongue (*Picris echioides*). Indicator species of neutral grassland are present but the sward is not considered species-rich and therefore not considered a BAP habitat.’

Continued regular mowing management for over 50 years would have ensured the grassland did not revert to scrub or rank grassland, although some nutrient build-up may have occurred.

HE note some old fruit trees are being removed, in particular an old pear. The site is associated with a small orchard close to Longfield itself in the 1930s and this tree may be connected with this. I also note that the remaining open land within the ownership of the applicant has no built development proposals although this will remain entirely landlocked with no external access.

The development itself will result in the loss of an area of unimproved grassland. The remaining open area at the NW end of the site is identified as a ‘paddock’ to plot 3’. This implies it will be incorporated as another horse grazed field. **Would this also require a Change of Use?** Given the potential grassland interest, this area should

be considered for **retention for ecological purposes** although its management will pose a significant problem if it is to remain inaccessible other than through the new residential garden.

HE is less concerned about any loss of trees to accommodate the access road from Wayside. These may have an impact at the site level but the area is already reasonably well treed with remnant or new boundary hedgerows and woods throughout the increasingly urban veneer of Chipperfield. In any event it may be possible to provide some compensation as part of any landscaping works if appropriate.

The presence of badgers will need to be addressed as necessary, although this is recognised by the Consultant ecologists. The access road from Wayside will not pass very close to any of the badger setts along the NE boundary. Appropriate provision will need to be made as necessary and a suitable Method statement adopted as required if works proceed in this area. However I have no reason to believe that with appropriate guidance, this could not be achieved.

HE's main concern lies in the loss of unimproved grassland irrespective of its lack of formal Wildlife Site status. **Retention of the paddock for wildlife and / or Biodiversity Offsetting should be considered as a Condition of approval to address this.** The proposals will be damaging to the areas to be developed and the creation of gardens cannot be reasonably relied upon to maintain any existing grassland interest. The grassland interest of the paddock area will depend entirely upon its management and use – if intensive pony grazing, which is most likely the intention, this would be damaging. Unimproved grassland is a very vulnerable ecological resource within the county and locally and is still subject to losses. If the paddock area cannot be secured with an appropriate ecological management plan, then offsetting this interest away from this area should also be required. This could be aided by a translocation of the existing grassland using some topsoil striping and / or hay cut, but only if a suitable receptor site could be found locally.

Consequently, if planning permission is deemed to be already in existence and would simply be modified by this application, **there would seem little reasonable point in objecting to the proposals.** However there will be impacts on the existing unimproved grassland, directly from the built development and indirectly from the paddock creation. Whilst the latter could be retained and managed in situ, the loss to houses and gardens will not otherwise be compensated. However even the paddock will not survive under poor management.

Therefore **retention and biodiversity offsetting** or a **wholly biodiversity offsetting approach** would seem to be necessary either as a **Condition of Approval** or submitted as **further information prior to determination** in support of the proposals, in order to adequately deal with grassland conservation / translocation / replacement on this site. The need for this could be confirmed with an appropriate survey during summer months if the grassland is not destroyed in the meantime. However in my view **the Consultant's report clearly demonstrates unimproved grassland of Wildlife Site quality is highly likely to be present. This is sufficient to justify the mitigation / compensation measures proposed.**

HE is not aware of any other ecological issues associated with these proposals for which I have any significant concerns.

Environment Agency

No comments to provide.

Thames Water

Waste .Sewerage infrastructure capacity. No objection. There are public sewers crossing or close to the development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the 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 to discuss the options available at this site.

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

Water Supply .This is under the jurisdiction of the Affinity Water Company.

Affinity Water

No response.

British Gas

No response.

EDF Energy

No response.

NATS

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

Civil Aviation Authority

No response.

Response to Publicity/ Neighbour Notification

A. Petition from Residents of Wayside

(Hyttten, Aspens, Greenbanks, Pinetrees, Amberslea, Briery Howllsfield, Windrush Southcott, Hillcrest, Keston, Silvertrees, Sylvanglade, , Wayside Bungalow, Wayside, The Woodlands, Merrilees, Wayside Cottage, Willow House, Wayside Cottage Wembury, Eastview Lyndale Copthorne, Woodview)

Opposition for the following reasons:

Wayside is a private road. The applicant does not have a right of way over it. Ownership is vested in the residents who are not prepared to grant right of way over it.

The development is not in keeping with Dacorum Local Plan provision for Chipperfield. It fails to comply with the DBLP adopted policies.

The junction of Megg Lane to Langley Road is already an extremely dangerous junction. Any additional traffic would further increase danger to all residents and other local road users.

The junction of Wayside and Megg Lane has no visibility at all with the risk of a 'head on collision'.

The infrastructure of Wayside road would not support increased or construction traffic no matter how many houses are built.

Adequate infrastructure is simply not available to support any additional utilities at an adjoining development.

The parking spaces cannot be used by potential buyers as they have no access.

The Wayside community is very cooperative and even grocery deliveries cause impact. Large machinery can only reverse down the road. The impact of additional traffic will impact upon the safety of and lifestyle of all residents. The impact on residents is such that they life they have enjoyed for 60 years would change beyond recognition.

Incompatibility of the Design.

The ecological impact upon a range of wildlife. An out of day survey.

B. 16 individual representations raising a very wide range of objections including reference to the following:

1. Consultation .
2. Ecological Survey . Out of date
3. 4/00127/11/LDP. This permission certificate granted in 2011 is no longer the "novelty in law" discussed by counsel but a current legal permission with no access. As current law, the planning permission must be acted on within 5 years and will lapse in a couple of months
4. Design and Access Statement.
5. Layout
6. Flood Risk
7. Waste collection.
8. Impact on greenbelt.
9. 'The consented Dwellings' are out of character with the surrounding area
10. The applicant intends to continue with further implication of the current scheme
11. Planning Applications.
Details of the pre application advice received by the applicant from the council has been left blank.
12. Rights of Way
13. Parking spaces.
14. Building Land
15. Existing footings.
The grant of the 1956 permission as a "novelty in planning law not provided for by statute" relies partly on the declaration by a local resident that in the past was involved in grass cutting. Question if this statement has been collaborated. In addition has any change been made to these footings since 1956, surely this would render permission void?
The footings are currently derelict and buried. Do not not understand how these footings can be now used for development again surely this renders the permission void. Even if these footings can legally be taken up and replaced surely they need to occupy the same footprint exactly as the original granted permission?
Also the original permission was granted before a lot of the houses were built in Wayside. Has this been taken into account?
16. Statement from the applicants regarding purchase of Longfield and its prospects
17. Emergency Services
18. Access closed through Longfield
19. Counsels 'opinion 23/3/2011
"Absent any evidence that there is a real possibility of the 1956 scheme being built out the Council should have regard to the 1956 planning permission but afford it no weight in the determination of any future planning application on site"
This can only be interpreted that no varied proposals can rely on the 2011 grant and both subsequent proposals (4/03490/15/OUT and 4/03696/15/FUL) must be treated as new planning applications in which case the Dacorum Local Plan and Highways plan cannot be ignored as clearly highlighted in yellow in our objection letter.
20. In the 1950s, the initial planning application for 9 houses on the Longfield site had an access directly on to the Langley road. This was rejected but a planning application with access via Wayside was approved (Wayside residents were not consulted by the applicant). The effect of this is that the planning committee just moved a dangerous situation 180 metres further down Langley Road to another

blind bend. The development wasn't built and the current application is a new application.

Considerations

Principle

Green Belt

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It identifies such a designation as serving 5 purposes, one of which is to safeguard the countryside from encroachment.

Core Strategy Policy CS5 applies national Green Belt policy to protect the openness and character of the Green Belt, local distinctiveness and physical separation of settlements. Paragraph 89 of the NPPF regards the construction of new buildings as inappropriate development where inappropriate development is, by definition, harmful to the Green Belt (paragraph 87).

There are exceptions to this policy approach which includes the partial or complete redevelopment of previously developed land subject to the impact upon the openness of, and purpose of including land within, the Green Belt. The NPPF defines previously developed land as:

'Land which is or was occupied by a permanent structure, including the curtilage of the developed land...and any associated fixed surface infrastructure. This excludes: (inter alia) land in built up areas such as private residential gardens...; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.' (Annex 2: Glossary).

The 1960's foundations at the site have blended into the landscape in the process of time and therefore it is interpreted that **the site does not fall within the working definition of previously developed land**. These foundations had to be excavated to prove implementation of part of the 2011 lawful development certificate application.

Therefore the residential development of the site has to be justified based upon very special circumstances. Paragraph 88 of the NPPF states that substantial weight should be given to any harm to the Green Belt and 'very special circumstances' will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other (material) considerations.

The applicant's case for very special circumstances relies upon the fallback/ starting position that there is an extant permission for substantial residential development at the site. Counsel considered that no weight should be afforded to the precedent set by the substantive 1956 permission in the determination of future planning applications.

This position has been reviewed. It is interpreted that substantial weight can be given to the extant / live permission. The issue is referred to below.

Fallback Position and Very Special Circumstances

The applicant's case for very special circumstances relies upon the fallback/ starting position that there is an extant permission for substantial residential development at the site. Counsel considered that no weight should be afforded to the precedent set by the substantive 1956 permission in the determination of future planning applications.

It is interpreted that substantial weight can be given to the extant / live permission. The issue is referred to below.

The key issues are:

1. There is an extant planning permission at the site to build 9 dwellings. This is the fallback position.
2. Notwithstanding the very significant time interval since the foundations were installed the construction of the development can be carried out in part or wholly from a **planning perspective**. The onus will be with the landowner / developer if / when this happens, being entirely outside the local planning authority's jurisdiction/ remit.
3. The recent approval of Building Regulations enables the landowner / developer to start again upon the construction of the extant permission at any time within the next 3 years.

In 2011 Counsel's opinion to the LPA was amongst a range of issues:

'My guidance would that, absent any evidence that there is a real possibility of the 1956 scheme being built out, the Council should have regard to the 1956 planning permission but afford it no weight in the determination of any future planning application on site'.

4. After this advice LPA has reviewed the situation with reference to planning case law, with input from the Council's legal officers at different times. This has been at pre application and since the receipt of applications at the site.

5. It can be viewed that the prospect of the fallback position does not have to be probable or even have a high chance of occurring. It has to be only more than a merely theoretical prospect. Where the possibility of the fallback position happening is "very slight indeed", or merely "an outside chance", that is sufficient to make the position a material consideration in the determination of a planning application.

6. Set against this background the weight to be given to the fall back position is, then, a matter for the decision maker.

7. Officers consider that with the very recent Building Regulations Approval in place to carrying out the original permission and based upon content the submitted Annex A regarding to legal access to the site from Wayside, there is a distinct prospect that the 9 dwellings could be built.

8. There are no apparent overarching planning /legal/ procedural/ building construction/ environmental /utilities/ servicing reasons that would prevent the lawful scheme being started or built partially or in full.

9. For clarification it is understood that at the commencement stage there will be no

other separate approvals required such as those for various utilities / infrastructure to 're start' construction at the site. Also there will be no requirement to address site archaeology, contamination, protected trees etc. This is notwithstanding the need for a licence(s) regarding protected species, given the presence of badgers and notwithstanding this based upon Hertfordshire Ecology's expert advice their presence is not an overarching factor.

11. Therefore it could be argued that with the principle of residential development established for 9 dwellings at the site this is a robust fallback position. In this respect it can be a significant material consideration in considering the individual merits of any application for new development at the site. Whatever the outcome of any application, each of which has to be considered upon its individual merits.

12. Of course, the fallback position is one of a wide range of material considerations in the determination of any applications at the site.

Subject to some 'fine tuning' /modifications to the approved 1956/1964 layout/ template/ scheme to satisfy modern / current Building Regulations / Fire- Refuse Access, residential development at the site following the approach to the lawful approval can be carried out.

In this context in terms of assessing the impact upon openness the 'starting point is the 'live' template provided by the approved 9 dwellings in the Green Belt. Therefore whatever form the development takes place there is an inbuilt acknowledgement that 9 dwellings will affect the existing openness of the Green Belt. In a way it could even be argued that despite the time lapse the current openness it is an 'artificial'/ temporary openness .

Effectively the approved scheme provides a template to demonstrate what can be accommodated at the site.

In terms of the fallback position the proposed 3 dwellings reflect the 'development envelope'/land associated with decision 4/00127/11/LDP with fewer units and less floor space. The approved and proposed schemes are however otherwise fundamentally materially different in terms of the layout, form and means of access.

The openness of the Green Belt will be significantly, noticeably and harmfully changed by the position and visibility of the proposed dwellinghouse on Plot 2 when the development is viewed and approached from Wayside. Although in terms of established design practice a dwelling house positioned at the termination/ head of a cul de sac would normally form a sense of enclosure set against the backdrop of trees the dwelling's position and size will significantly change the openness of this part of the Green Belt. This contrasts with the approved layout/ fallback position which features the dwellings aligned and set back on both sides of the access road maintaining a sense of openness with long views maintained, notwithstanding the loss of trees.

A repositioned lower profile dwelling on Plot 2 would establish more openness at this critical vista.

Reliance alone upon the very special circumstances based upon the otherwise robust fallback position of the extant planning permission for 9 dwellings cannot justify the

proposal's harm to the openness of the Green Belt.

Design/ Visual Amenity of the Green Belt

The position and size of Plot 1 echoes the established character of Wayside. This to a lesser extent also applies to Plot 3 opposite with aforementioned Plot 2 facing the turning head as a terminal feature. The layout also maintains the wooded backdrop for views from the end of the cul de sac.

The scheme respects the varied character and change in Wayside, maintaining the perception of a 'logical modern extension and termination of the cul de sac. However, as confirmed above if the locality's openness is to be maintained there needs to be some design / layout change in relation to Plot 2 in order to seamlessly visually fuse the development within its context with minimal perceived visual impact. This was achieved through the extant scheme due to the set-back alignment of the dwellings on either side of the access road in relation to the end of Wayside with the opportunity for substantial front garden structural planting.

There are no arboricultural objections. The layout provides space to retain the south western backdrop of trees.

Impact on Neighbours

This is in the context of Core Strategy Policies CS12 and CS32 and the NPPF paragraph 133.

There will be increased activity arising from vehicular movements to the Wayside and Megg Lane residents. However given the fallback position this would be the case if the extant permission is carried out. On this basis an objection based upon resultant noise and disturbance could not be substantiated.

There will be no fundamental harm to the residential amenity of Pinetrees and Amberleas in terms of privacy, physical impact and noise/ disturbance.

Highway Safety/ Access/ Emergency - Refuse- Service Access/Parking/ Traffic Generation/ Sustainable Location /Inclusive Access/ Access for Persons with Disabilities/ Rights of Way

Access

From the fallback position there is an extant permission for 9 dwellings with access from Wayside.

Access from Wayside: Can it be Used?

As confirmed this been subject to detailed consideration. Officers (including DBC Legal and HCC Highways) have given significant consideration to the means of access. This is with due regard to the applicant's clarification at Annex A that a right of way from Wayside to the site exists. In this context the site - based upon the LPA's best endeavours and knowledge - is **not** 'legally landlocked'. Wayside connects to Megg Lane which as clarified is recognised by HCC Highways to be highway but not under its maintenance. Megg Lane is linked to the adopted Langley Road. It is against this background that the LPA should consider the application with due weight to HCC

Highways advice.

Access from Wayside: Is this physically acceptable in terms of all vehicular movements including emergency/refuse/ serving etc with access on Langley Road?

These issues were very comprehensively considered at the pre application stage. This was with requests for advice from HCC Highways, Hertfordshire Fire & Rescue Service and the Refuse Controller. Despite Wayside's and Megg Lane's there have no overarching objections from the respective consultees. With regard to fire access there is an existing hydrant and a condition can be imposed regarding such an important facility. The concerns of the residents regarding the implications are fully understood, however due weight must be given to the advice of the expert consultees. It is **not** considered that there would be case to withhold the grant of permission due to adequacy of Wayside/ Megg Lane.

Access onto Langley Road/ Traffic Generation. HCC Highways raise no objections. This assessment would have taken into account the sight lines, the position of the 'bus stop ' traffic island, the condition of the adjoining Megg Lane, in association with the footpaths in Langley Road, as well the traffic highway data and the expected traffic movements.

Internal Layout. Based upon the illustrative layout plan general, fire and emergency access, refuse servicing and turning can be accommodated in any detailed layout. An indicative position for a new fire hydrant is shown. Access for persons with disabilities/ limited mobility is acceptable and will need to be addressed through Building Regulations. Curtilage parking is acceptable with double garages and associated double width drives for each unit.

Sustainable Location/ No Car Modes of Access. It is acknowledged that the site has no footpath link and cycling along Wayside is problematical. Langley Road is served by a footpath linked to the village centre which features a range of services and there is the aforementioned bus stop at the Megg Lane junction with links to the wider area. It would be questionable whether a refusal could be substantiated based upon the issue of sustainable location. It is acknowledged that in terms of accessibility is very poor along Wayside.

Upgrading Wayside. If permission is granted with the cooperation of the other owners of Wayside a 'flexible' Grampian condition could be imposed however securing a proportionate/ phased upgrading to benefit the community/ all users, given the extent of the red line (see Procedural Issues). This would be based upon the reasonable prospect and worded in such a way to be a benefit arising from the development.

Construction. A range of conditions would be recommended if permission is granted given the character of Wayside. It should be clarified that if construction traffic were to use be via Longfield only there is an existing access road at the site. The Developer would need to consider its feasibility. Alternatively, the **temporary only formation** of an access road across the Longfield's curtilage could be considered. This would require full engineering assessment given the site conditions.

Ecological Implications/ Biodiversity

Hertfordshire Ecology and the Trees & Woodlands Officer have considered the implications.

There are no overriding objections. There will be the need to separately address the badger sett/ movement implications through licensing given the relationship with the layout, requiring separate approval.

Hertfordshire Ecology's main concern lies in the loss of unimproved grassland irrespective of its lack of Wildlife Site status. As confirmed Biodiversity Offsetting / Ecological Management Plan should be considered as a condition of any approval to address this issue given the impact of the proposals and the lack of such resource within the county generally and continued local losses. This could best be achieved with some topsoil striping and / or hay cut to help translocate some grassland interest if a suitable receptor site could be found locally.

Drainage/ Contamination/ Land Stability

Foul Drainage. Thames Water raises no objections. This is with due regard to the existing link available within the site.

Surface Water. This can be addressed through a 'SUDS' based condition, with on site storage if necessary.

Flooding. The site is not identified as one of risk.

Contamination. A condition is recommended by the Scientific Officer which is fundamentally disagreed by the agent :

The Scientific officer mentions that there should be a condition applied to any approval regarding contaminated land from former land uses in the vicinity. As far as we are aware there has been no known former useage of this land, except garden or paddock associated with Longfield in the vicinity. We attach some historic maps which are dated between 1873 and 1988. These maps all show the site as vacant, associated with the house Longfield with no buildings sited in the vicinity of the proposed development. As such we request that this condition is NOT attached to any approval'.

An informative would be an appropriate alternative.

Land Stability. The onus is with developer to ensure that land is not subject to any known natural or artificial geological conditions which would militate against the construction of the development.

Water Supply (including Fire Hydrants). There have been no responses from Affinity Water. This issue was investigated at the pre application stage with regard to the issue of fire hydrants and fire access with Hertfordshire Fire & Rescue Service. If granted a condition would be necessary.

Sustainable Construction

If granted a condition would be recommended to address the expectations Policy CS29.

Crime Prevention/ Security

The Crime Prevention Officer raises no fundamental objections. The layout has inbuilt natural surveillance with this cul de sac design. In this location there will be some inevitable individual external lighting requirements.

Lighting

This is a sensitive E1 Lighting Zone.

As in the case of the fallback position the development will transform this tract of 'undeveloped land' through the combined effect of internal and exterior lighting associated with any modern residential development. This should be to a lesser extent due to the number of units.

Archaeological Implications

There are no fundamental archaeological objections. If granted conditions would be necessary.

Conditions

If granted these will need to satisfy the normal legal tests.

Due to the extenuating circumstances these could include the withdrawal of permitted development rights, lighting, an ecological management plan, no vehicular link to Wayside.

Affordable Housing

Core Strategy Policy CS19 expects that affordable homes will be provided on sites providing a minimum of 0.16ha or 5 dwellings. One of the dwellings is required to be for affordable purposes.

The dwellings can be adapted to provide lifetime home modification.

Air Safeguarding

There are no implications.

Community Infrastructure Levy

This will be necessary.

Environmental Impact Assessment

This is not required.

Article 35 Dialogue

This has been extensive, exaggerated by the unusual legal/ historical background with reference to the fallback position and questions regarding the right of way along Wayside and highway link to Langley Road.

Important Note: Modification to the layout in terms of Plot 2 to address the impact upon the openness of the Green Belt would be most likely to overcome the objection to the application.

Conclusions

This application is not straightforward due to the lawful position and the Green Belt implications, with due regard to the significant time lapse between the grant of the 1956 permission and the termination of construction in 1967.

Regardless of the decision upon this application there is planning permission for 9 detached two storey dwellinghouses on part of the application the site which can be built. This is the fallback position and is the basis of the very special circumstances.

Although the amount of the proposed development in terms of buildings is less than the fallback extant permission the openness of the Green Belt land will be harmed due to the effect of the position of the dwelling on Plot 2 when viewed and approached from Wayside.

Also HCC Highways raise no objection to an access serving the 3 dwellings .The impact of this development will be less than the extant permission in terms of the residential amenity of Wayside with regard to vehicular movements. This benefit does not override the Green Belt objection based upon the effect of the dwelling on Plot 2.

RECOMMENDATION - That planning permission be **REFUSED** for the following reasons:

- 1 **The proposal is considered to be inappropriate development in the Green Belt which results in harm to the openness of the Green Belt. No very special circumstances have been put forward which outweigh the harm by reason of inappropriate development. As such, it is considered that the proposal by reason of the position of the dwelling house on Plot 2 would significantly harm the current and lawful openness of a substantial area of land within the Green Belt, failing to**

meet the expectations of the National Planning Framework and Policy CS5 of the adopted Dacorum Core Strategy.

ARTICLE 35 STATEMENT

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. 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.

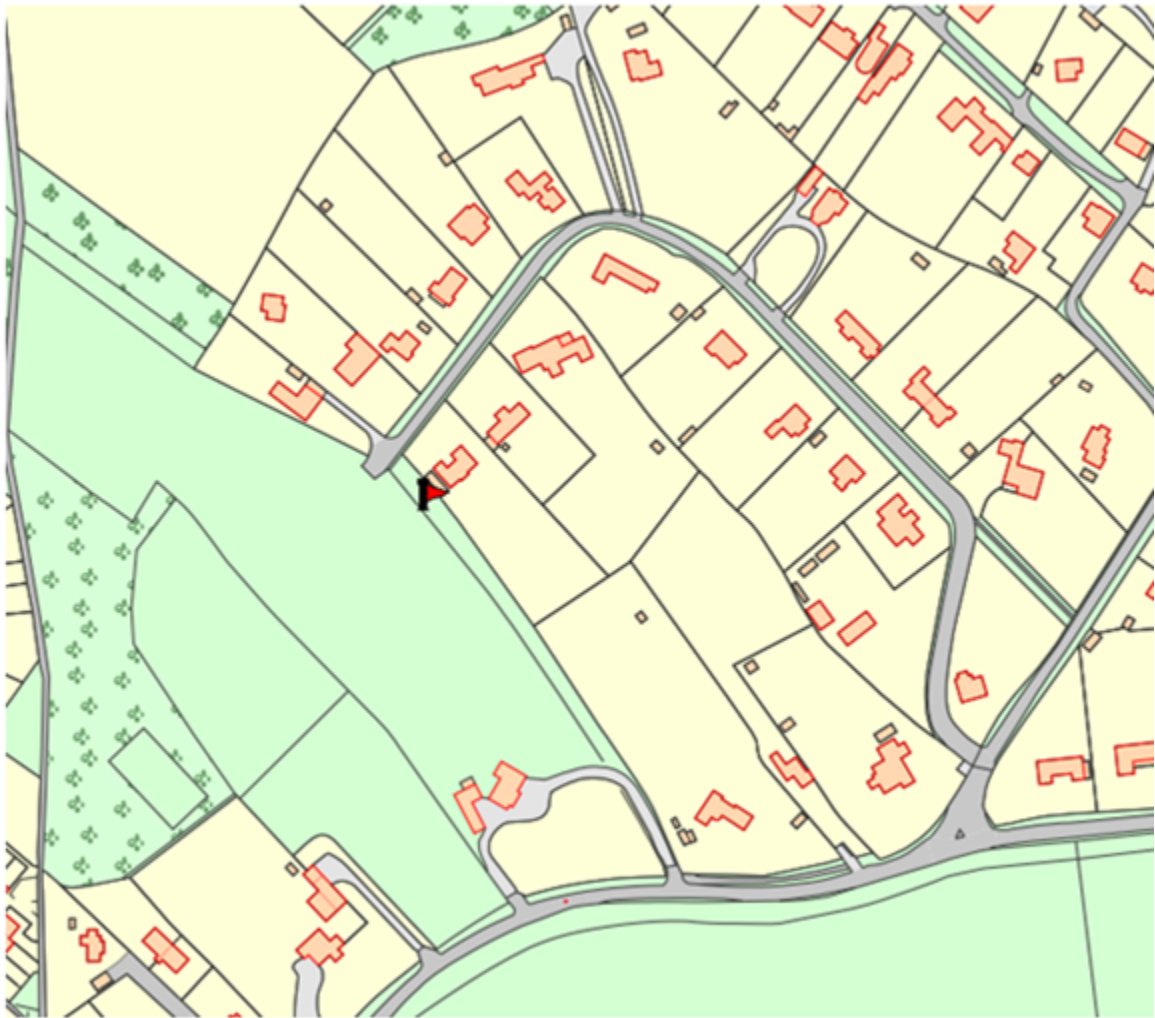
APPLICANT'S PLANNING STATEMENT- SEE ANNEX A OF APPLICATION 4/03490/15.

Agenda Item 5d

Item 5.04

4/03857/15/FUL - RESIDENTIAL DEVELOPMENT OF 3 DWELLINGS WITH DETACHED GARAGES AND ACCESS DRIVEWAY THROUGH LONGFIELD. FORMATION OF NEW ACCESS TO HIGHWAY TO LANGLEY ROAD AND ASSOCIATED LANDSCAPING WORK INCLUDING THE CLOSURE OF TWO EXISTING VEHICULAR ACCESS CROSSOVERS.

LAND REAR OF LONGFIELD, LANGLEY ROAD, CHIPPERFIELD



Item 5.04

4/03857/15/FUL - RESIDENTIAL DEVELOPMENT OF 3 DWELLINGS WITH DETACHED GARAGES AND ACCESS DRIVEWAY THROUGH LONGFIELD. FORMATION OF NEW ACCESS TO HIGHWAY TO LANGLEY ROAD AND ASSOCIATED LANDSCAPING WORK INCLUDING THE CLOSURE OF TWO EXISTING VEHICULAR ACCESS CROSSOVERS.

LAND REAR OF LONGFIELD, LANGLEY ROAD, CHIPPERFIELD



4/03857/15/FUL - RESIDENTIAL DEVELOPMENT OF 3 DWELLINGS WITH DETACHED GARAGES AND ACCESS DRIVEWAY THROUGH LONGFIELD. FORMATION OF NEW ACCESS TO HIGHWAY TO LANGLEY ROAD AND ASSOCIATED LANDSCAPING WORK INCLUDING THE CLOSURE OF TWO EXISTING VEHICULAR ACCESS CROSSOVERS.. LAND REAR OF LONGFIELD, LANGLEY ROAD, CHIPPERFIELD.

APPLICANT: Mr Clayton.

[Case Officer - Nigel Gibbs]

Summary

The application is recommended for refusal.

The site is within the Green Belt site wherein residential development is regarded as inappropriate development which is by definition harmful. The land associated with the proposal involves providing an access road through the residential curtilage of Longfield from Langley Road to be connected to other land within the curtilage.

This other land is subject to an extant planning permission for 9 dwellings as confirmed through decision 4/00127/11/LDP. This development was started many years ago. The approved development is served by access from Wayside. Based upon the applicant's submissions there is a right of access between the site and the public highway at Langley Road via Wayside where it links with Megg Lane.

In terms of Green Belt policy the land subject to the extant permission is not regarded as previously developed land. Therefore very special circumstances are required to justify support for the proposed housing. The associated roadway is an integral part of the proposal and has been considered in terms of its impact upon the Green Belt. There should also be no other harm.

Fundamentally this historic 'live' approval for residential development on part of the application site represents the lawful 'starting point' / 'fallback position' for the LPA's consideration of the very special circumstances.

In terms of the fallback position the proposed 3 dwellings reflect the 'development envelope'/land associated with decision 4/00127/11/LDP with fewer units and less floor space. The approved and proposed schemes are however otherwise fundamentally materially different in terms of the layout, form and means of access.

Due to the effect of the proposed roadway from Langley Road to serve the development there will be a significant resultant encroachment of the Green Belt adversely affecting its current openness and its 'lawful openness'. In comparing the extant permission's form/ layout fallback position with the proposal, the openness will also be significantly and harmfully changed by the position of the proposed dwellinghouse Plot 2 when the development is viewed and approached from Wayside.

Despite the weight that can be given to the fallback position in supporting residential development at the site due to the effect of the roadway and the dwellinghouse on Plot 2 these will individually and collectively fundamentally harm the openness of the Green Belt. Therefore the established fallback position is insufficient to outweigh identified harm to the Green Belt resulting from the proposal which will urbanise a large area of Green Belt due to the roadway.

There are no overriding known highway/ infrastructure/ servicing or environmental objections to the development. This is with due regard to the specialist advice provided by the responding technical consultees.

It has been taken into account that proposal's effect upon the residential amenity of Wayside and Megg Lane will be much less than the fallback position based primarily upon the impact of vehicular movements. However, this effect/ benefit does not outweigh the identified harm to the Green Belt.

Site Description

Longfield is a mature substantial two storey dwellinghouse occupying a very large wooded plot located on the northern side of Langley Road. The dwelling is significantly set back from the site's elongated curved and wooded frontage.

Longfield is served by two gated accesses at the respective eastern and western ends of the site's frontage. These provide an entry and exit driveway arrangement linked to the parking/turning area in front of the house. The eastern driveway is split with a second driveway leading to the substantial rear garden.

There is a very substantial area land to the north west of the dwelling forming Longfield's large elongated rear garden. The land features wooded boundaries, is partially undulating and is served by a gated access linked to the Wayside. A fire hydrant adjoins the access, with dwellings on both sides known as Pinetrees and Amberslea.

Wayside is a long winding long unmade private cul de sac of plotlands style dwellings of early 20th Century origins. The Wayside roadway is linked to Megg Lane and via this to the adopted Langley Road.

The local planning authority has been advised by the applicant that there is a legal right of way between the gated access and Wayside and therefore a lawful vehicular link to Megg Lane and Langley Road. Please see Annex A.

The upper part of application site closest to Wayside features some foundations of 9 approved dwellings started in the 1960's. These were to be served by the access from Wayside. As confirmed by the Summary this permission remains lawful/ implementable, notwithstanding the time gap (see History).

Longfield features an historic roadway between its curtilage and the rear of its land within the vicinity of Wayside. This is not in use.

Proposal

The application is for the construction of 3 detached two storey gable roof 4 bedroom dwellings on land within the upper part of the rear of Longfield to the south west end of Wayside. Each will be served by a detached hipped roof double garage. The layout features the dwellings clustered around a turning head. Each dwelling will be served by a large garden.

Plot 1 will adjoin Pinetrees to the south and closest to Longfield. Plot 2 will occupy a central position facing onto the turning head and visible from Wayside. Plot 3 adjoining

Amberslea on the north western side will have access to a paddock to the north.

The 3 dwellings will be linked to Langley Road by an elongated roadway in a different position to the historic roadway at Longfield. The proposed approximately 300m length mainly 3.7m wide roadway will be designed to accommodate the requirements of emergency, refuse and service vehicles. The roadway will be located between Plots 1 and 2.

Access onto Langley Road will involve the replacing the existing 'in and out' access arrangements. The design will replicate that which LPA approved in 2012 for a single access to serve Longfield only. This access was designed with a width, radii and sight lines which could serve up to 4 dwellings. However, in granting permission this strictly limited to only Longfield. For clarification an associated access road shown by the submitted plans at that time was excluded from the permission. This permission has expired.

There will be no vehicular access from Wayside.

The development will be connected to the existing foul drainage system at the site with the opportunity for all services to be linked through Longfield.

Annex A is the Applicant's Supporting Statement submitted for Application 4/ 03490/15 /OUT .This refers to the legal fall back position, the Green Belt implications/ Very Special Circumstances and the Access from Wayside.

Procedural Issue: Wayside

It is understood that Wayside is subject to multiple ownership with rights of way for all the dwellings.

Hertfordshire County Council Highways has confirmed that Wayside is not highway, the connecting Megg Lane is highway and Langley Road is highway maintained by the Highway Authority.

See Annex A.

Referral to Committee

This is referred to the DCC due to the background history of other current applications whereby all 3 should be considered by the DCC(with the others called in) and the level of public interest.

Relevant Site Planning History

1.Planning Permission W/37/56 and Reserved Matters W/2224/64: 9 Dwellings at Land at the Rear of Longfield.

2.Certificate of Lawful Development 4/00127/11/LDP : Continuation of Development of Site for 9 Dwellings under Implemented Planning Permissions W/37/56 and Reserved Matters W/2224/64.

In March 2011 the LPA confirmed that both the above are lawful and the owner is

entitled to continue to construct and complete the development. This is with access via Wayside. Counsel's opinion was provided to the LPA.

The associated Officer Report noted the following, with regard to a previously withdrawn 'LDP' application:

"In assessing the previous LDE application, given the complexities of the case and given the strong local opinion expressed by the local residents, and the local Ward Councillor, Councillor Roberts, it was felt that it would be prudent to seek Counsel's Opinion in this matter. Counsel's Opinion was therefore sought and received during the course of the previous application.

The Counsel's Opinion concludes that the digging of trenches and the construction of foundations at the site is sufficient to conclude, on the balance of probabilities that the development had begun, by way of a specified operation, in February 1967. The permissions were not subject to any time limits and he therefore concludes that they cannot have been abandoned.

Counsel states that there is no principle in planning law that a valid planning permission capable of being implemented according to its terms can be abandoned. He concludes that, provided that the 1956 planning permission is capable of being implemented according to its terms, it cannot be said to have been abandoned in law and the owner is entitled to continue to construct and complete the development in accordance with it.

The Counsel's Opinion also deals with the issue of what weight should be afforded to the extant planning permission, once the Certificate was granted. Counsel concludes that, in order to be afforded any weight, there must be a real as opposed to a merely theoretical possibility of the 1956 planning permission being built out. Counsel makes it clear that he shares Officers' skepticism on this issue.

Counsel concludes that, absent any evidence that there is a real possibility of the 1956 scheme being built out, the Council should have regard to the 1956 planning permission but afford it no weight in the determination of any future planning application on site.

Conclusion

Given the advice received in the Counsel's Opinion summarized above, it is quite clear that the development of 9 dwellings to rear of Longfield is lawful and the owner is entitled to continue to construct and complete the development. A Certificate can therefore be granted. "

3. Planning Permission 4/0518/12/FHA. Closure of two existing vehicular access crossovers onto Langley Road serving Longfield and the formation of new access to highway onto Longfield and associated landscaping scheme (incorporating future management). This decision was made by the DCC. This permission has expired. A range of conditions were imposed including that the access only to serve Longfield, with no associated connection to the current application site. Condition 2 specified:

Notwithstanding any details submitted with this application, the access, associated driveway and turning area hereby permitted and shown by Drawing Nos. SK -058/01, 3037-D and 12.167.01, shall only serve the existing dwellinghouse (Longfield) and this permission does NOT in anyway

extend to any approval for the formation of the access road shown by withdrawn Drawing No.2785-D. In addition there shall be no further construction of access roads/drives/links from the access hereby approved without the formal approval of the Local Planning Authority.

Reason: The Local Planning Authority is satisfied that there are no Green Belt, highway safety or environmental objections to new access shown by the above mentioned approved drawings serving only Longfield. The Local Planning Authority has made its decision entirely/solely on this basis. Any increased use of the access would require separate consideration by the Local Planning Authority in relation to highways safety and impact on the amenity of Longfield and neighbouring properties.

4. Building Regulation Approval B/16/01589/R. 9 dwellings following an earlier refusal based upon is understood be a technicality and taking into account the need to determine the application within the required 5 weeks.

5. Planning Applications 4/03490/15/OUT and 4/03696/15/FUL. Please see the Agenda.

National Policy Guidance

National Planning Policy Framework (NPPF)

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS2 - Selection of Development Sites
CS5 - The Green Belt
CS8 - Sustainable Transport
CS9 - Management of Roads
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS17 - New Housing
CS19 - Affordable Housing
CS25 - Landscape Character
CS26 - Green Infrastructure
CS27 - Quality of the Historic Environment
CS28 - Renewable Energy
CS29 - Sustainable Design and Construction
CS30 - Sustainability Offset Fund
CS31 - Water Management
CS32 - Air, Water and Soil Quality
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 13,15,18, 21, 22, 51, 54 ,58 , 61, 62, ,63, 99, 100, 101, 103, 111 ,113 and 118

Appendices 3, 5 and 8

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Conservation & Sustainable Drainage (June 2005)
Energy Efficiency & Conservation (June 2006)
Landscape Character Assessment (May 2004)
Chilterns Buildings Design Guide and associated documents
Affordable Housing (Jan 2013)
Chipperfield Village Design Statement..

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

Summary of Representations

(Please Note: Some of the consultations refer to the other applications at the site in combining advice. From a procedural perspective each application is to be considered upon its individual merits).

Chipperfield Parish Council

Objects strongly. Please refer to the objection letter sent to DBC from one of the residents . CPC agree with all the comments and feel there is nothing else they could add to this. The letter was also sent to Highways, HCC Councillor Richard Roberts and Councillor Adam Barnes. There were again several Wayside residents at the Planning Meeting, all objecting strongly.

The letter raises a wide range of issues.

Strategic Planning & Regeneration

The application site is located within the village of Chipperfield and the property concerned is located off Langley Road and to the west of Wayside. The site is synonymous with the rear garden associated with Longfield and situated within the Green Belt (but outside of the boundary of the designated 'Small Village within the Green Belt').

Pre-application advice has previously been provided on a similar scheme at this site which proposed the construction of three detached dwellings, creating 594m² of new floor space (4/03323/14/PRE). Planning permission is now sought for the construction of 3 detached dwellings with associated garages taking access off Langley Road through the existing property known as Longfield.

The Council are also considering two further planning applications at this site including an outline application for 8 detached dwellings (4/03490/15/OUT) and a further application for full permission for 3 detached dwellings and garages but with access off Wayside (4/03696/15/FUL).

With regard to planning application 4/03696/15/FUL, which is pending the Councils consideration, there are clearly a number of similarities with that proposal and the

proposal contained within this subsequent planning application 4/03857/15/FUL, including the number and type of dwellings proposed, scale of the proposed development, and layout arrangements relating to the position of the proposed dwellings. The key variance relates to the proposed access arrangements with the former application proposing access off Wayside and this subsequent application proposing access off Langley Road via a driveway through the curtilage of the existing residential property known as Longfield. Therefore, the response below considers the proposed access arrangements only as the Strategic Planning Team's response to planning application 4/03696/15/FUL should also be considered material to this proposal..

Access off Langley Road:

The proposed development consists of the construction of three detached dwellings and detached garages which would be situated to the rear of Longfield (within the current rear garden of this property). These dwellings would be accessed via a new junction off Langley Road. There are currently two access points off Langley Road serving the existing property and the proposal seeks consent to close these two access points in favour of one access located centrally within the plot frontage.

Access to the existing property (Longfield) and the proposed dwellings would then be established via the construction of a proposed new driveway which would traverse through the current curtilage of Longfield (to the east of the dwelling) leading northward then northwest over approximately 300m. The access road would measure 3.7 metres wide with sections measuring up to 4.8 metres wide to connect to Longfield and the proposed dwellings to the north. It is proposed to be constructed using loose gravel hogging for the main length of the track with the first 10 metres back from the highway formed using some form of hard bound surface/materials (specific details not referred to within the application).

It is also noted that the applicant refers to, and relies upon, a former permission granted by the Council on 30th November 2012 for the closure of the two existing accesses and construction of a new, single access off Langley Road (planning permission 4/00518/12/FHA). However, as far as the Council are aware, this consent has not been implemented and the time period for implementation has now lapsed (i.e. 30th November 2015).

Impact of the Proposed Access on the Green Belt

In addition to comments provided in response to planning application 4/03696/15/FUL the proposed access arrangements from Langley Road to the proposed detached dwellings should be considered in respect of the appropriateness of development within the Green Belt. In isolation, the construction of a road could be deemed to constitute an engineering operation which might therefore be considered as appropriate development within the Green Belt (paragraph 90 of the NPPF). However, the development proposed and before the Council for consideration is '*Residential development of 3 Dwellings with detached garages and access driveway through Longfield. Formation of new access to highway to Langley Road and associated landscaping work including the closure of two existing vehicular access crossovers*' and should therefore be assessed in its entirety in respect of national and development plan policies relating to the Green Belt (i.e. the NPPF and Core Strategy Policy CS5).

Notwithstanding the above, as well as comments previously made in respect of planning application 4/03696/15/FUL which remain material to consideration of this planning application; SP would also note the impact of the proposed access road on the openness of the Green Belt. The proposed access road would traverse across the site and be formed of hard surfacing materials which would introduce an urbanised character on land that is currently undeveloped (i.e. a greenfield site) forming the garden of the existing dwelling. Additionally, the proposed development includes the erection of close-boarded fencing to delineate the garden areas for proposed plots 1 and 2 alongside the access track/driveway (as well as additional fencing to define the third residential plot). This would also cause further intrusion into the openness of the Green Belt at this location. As such, the proposed driveway, which would enable access to the three proposed dwellings, is considered to detrimentally impact upon, and reduce, the openness of the Green Belt in this part of the Borough. Mindful of paragraph 90 of the NPPF, which states that 'Certain other forms of development [engineering operations] are also not inappropriate in 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', the proposed development is considered to be contrary to the NPPF and Core Strategy CS5, particularly in the absence of very special circumstances which have not been advanced within this application.

Other Matters:

Both the ecology survey and tree survey/arboricultural assessment report submitted in support of this planning application were produced/published following assessments on site that took place during 2011. Given the time that has lapsed since these assessments, it would be reasonable to conclude that the situation on site may have changed over the intervening four years. As such, the applicant should be advised to carry a new and/or updated Phase 1 Habitat survey, to carry out any relevant protected species surveys and complete a new/updated tree survey and arboricultural assessment which covers the entire application site incorporating both the proposed access track and area proposed for housing. This information seems to only cover the area of the proposed access track off Langley Road and part of the application site within the curtilage immediately surrounding Longfield. It does not there provide any assessment of the part of the application site where the three new dwellings are proposed.

Conclusion:

As per SP's conclusion for planning application 4/03696/15/FUL, the proposed development is considered to be inappropriate development within the Green Belt. The proposed access off Langley Road and the subsequent driveway leading to the proposed new dwellings would also have an additional detrimental impact upon the openness of the Green Belt by introducing built development and an urbanising character on land that is currently described as 'greenfield/undeveloped'. Therefore, in absence of very special circumstances' for the Council to consider, the proposed development is contrary to national planning policy contained within the NPPF and Core Strategy Policies CS5 and CS6.

(Note: Strategic Planning Response to Planning Application 4/03696/15/FUL)

The application site is located within the village of Chipperfield and the property

concerned is located off Langley Road and to the west of Wayside. The site is synonymous with the rear garden associated with Longfield and situated within the Green Belt (but outside of the boundary of the designated 'Small Village within the Green Belt').

Pre-application advice has previously been provided on a similar scheme at this site which proposed the construction of three detached dwellings, creating 594m² of new floorspace (4/03323/14/PRE). Planning permission is now sought for the construction of 3 detached dwellings with associated garages. The Council are also considering two further planning applications at this site including an outline application for 8 detached dwellings (4/03490/15/OUT) and a further application for full permission for 3 detached dwellings and garages but with access off Langley Road (4/03857/15/FUL)

Planning History:

As previously alluded to within SP's earlier pre-application advice, we are aware that planning permission was previously granted for the construction of 9 dwellings at this site in 1956 (W/37/56) and again in 1965 (W/2224/64). Subsequently, these planning consents were deemed to still be extant (and thus not abandoned) through the issuing of a Certificate of Lawful Development in 2011 (4/00127/11/LDP) on the basis of Counsel Advice. Within this Counsel Opinion, it was considered that the digging of trenches and construction of foundations was deemed to constitute commencement of the development and the respective planning permission did not impose any time limitations regarding the construction or completion of the approved development.

More crucially to this proposed development, it was established that the abovementioned planning permissions were material considerations in the determination of the Certificate of Lawful Development but considered that no weight should be afforded to the precedent set by the substantive 1956 permission in the determination of future planning applications.

Should you concur with this assessment and decide not to attach any, or very limited, weight to these former, extant planning permissions, the planning application should be determined in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. As such, the principle of the proposed development should consequently be considered against relevant development plan policies such as Core Strategy Policies CS1, CS5, CS11 and CS12; saved Local Plan Policies 18, 21 and 51; and the NPPF

Principle of Development:

SP recognise this application is the second which has recently been submitted for development at this site and follows the submission of an outline planning application for the proposed construction of 8 dwellings, which is currently pending consideration. The following comments are therefore similar in nature to those provided for planning application 4/03490/15/OUT due to the comparative policy issues.

Core Strategy Policy CS1 states that decisions on the scale and location of development will be made in accordance with the settlement hierarchy and the rural

character of the borough will be conserved. Development will be supported where it does not damage the existing character of the village and/or surrounding area and is compatible with policies protecting (inter alia) the Green Belt. The application site is located within Chipperfield, which is identified as a Small Village within the Green Belt and therefore considered to be an area of development constraint.

The proposed development would see the construction of three 4+ bed detached dwellings arranged in a cul-de-sac layout with access taken off the western extent of Wayside via Megg Lane from Langley Road. With regard to the character of the surrounding area, the proposed layout and scale of these properties is reflective of the existing plots off Wayside in that they provide a detached property with a detached garage set within a substantial curtilage. However, it is also noted that the proposed development would be situated on land that currently forms part of an undeveloped gap between Wayside and residential properties around Croft Lane/Croft End Road, which separates these distinct character areas. The site also contains mature vegetated boundaries to the northeast and southwest of the application site which enhances the rural character.

Green Belt:

However, the application site is located within the Green Belt. Core Strategy Policy CS5 applies national Green Belt policy to protect the openness and character of the Green Belt, local distinctiveness and physical separation of settlements. Paragraph 89 of the NPPF regards the construction of new buildings as inappropriate development where inappropriate development is, by definition, harmful to the Green Belt (paragraph 87). Although there are exceptions to this policy approach which includes the partial or complete redevelopment of previously developed land subject to the impact upon the openness of, and purpose of including land within, the Green Belt. The NPPF defines previously developed land as:

'Land which is or was occupied by a permanent structure, including the curtilage of the developed land...and any associated fixed surface infrastructure. This excludes: (inter alia) land in built up areas such as private residential gardens...; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.' (Annex 2: Glossary).

The site is generally characterised as a greenfield site (being that of an existing residential garden) and does not either currently contain any built development, nor previously had any built development on the land (i.e. permanent structures). However, following implementation of planning permissions W/37/56 and W/2224/64 granted in 1956 and 1965, respectively, part of the site could be construed as previously developed land by virtue of the existing (albeit subterranean) foundations/footings for the consented 9no. new dwellings. This is evidenced by a photograph within the applicants' former planning application and supporting evidence for a lawful development certificate which was granted by the Council in 2011 (4/00127/11/LDP).

These foundations could be considered to constitute 'associated fixed surface infrastructure'; however, as per the definition of previously developed land described above, it could also be considered that if any such fixed surface infrastructure (or permanent structure) has blended into the landscape in the process of time it is excluded from the definition of previously developed land. With the passage of 48

years since the extant planning consents were first implemented and the fact that these foundations had to be excavated to prove implementation of the former consents as part of the 2011 lawful development certificate application, it would be reasonable to conclude that these foundations have blended into the landscape.

Alternatively, if a view is taken that this fixed surface infrastructure has not blended into the landscape (i.e. it is considered that the part of the site synonymous with the foundations is considered to be previously developed land), not knowing the full extent or coverage of these foundations (i.e. whether they have been constructed for one or all nine of the consented dwellings), it is difficult to make a judgement on the proportion of greenfield and previously developed land within the application site. It would be helpful if the applicant could provide further information to determine this.

Therefore, for the parts of the site which are considered to be greenfield coinciding with the extent of the application area, the proposed development would not fall within any of the exceptions identified in national planning policy (paragraph 89 of the NPPF). In this respect, we note that the applicant has not provided any case for very special circumstances for the Council to consider. Paragraph 88 of the NPPF states that substantial weight should be given to any harm to the Green Belt and 'very special circumstances' will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other (material) considerations. Although the application site is located outside of the defined 'Small Village within the Green Belt' boundary, Core Strategy Policy CS6 could also be considered relevant to development within Chipperfield. The policy lists a number of limited developments which could be considered acceptable. The proposed development, again, would not accord with the developments listed in (a) to (f) within this policy.

For the part/extent of the site which is deemed to be previously developed land, the proposed development could be considered to fall within one of the exceptions for built development within the Green Belt as identified by paragraph 89 of the NPPF. This exception states:

'Limited infilling or the partial or completed redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.'

The key consideration in this instance would therefore be whether the proposed development would have a greater impact upon the openness of, and purpose of including land within, the Green Belt compared to the existing development. Given that the extent of existing development has been demonstrated to include the construction of some foundations and footings, the proposed development for 8 new dwellings would have a detrimental impact upon the openness of the Green Belt and contradict one of the purposes of including land within the Green Belt which is to safeguard the countryside from encroachment. Furthermore, the proposed development would also result in a physical and perceptual reduction in the gap between the existing development off Wayside/Megg Lane and the Croft estate to the west of the application site.

In conclusion of the foregoing, overall the proposed development is either considered to be inappropriate development within the Green Belt, for which very special

circumstances have not been advanced for consideration; or, on the part of the site considered to be previously developed land, the proposed development is considered to have a detrimental impact upon the openness of, and purpose of including land within, the Green Belt when compared to the extent of existing development. Therefore, the proposed development is considered to be contrary to Core Strategy policies CS5 and CS6 and national planning policy relating to development within the Green Belt.

Access:

The proposed development seeks to take access off Langley Road, onto Megg Lane and then along Wayside to the application site which forms land to the rear of Longfield. It is understood that both Megg Lane and Wayside are private, unadopted roads and are not therefore maintained by Hertfordshire County Council as the Local Highway Authority.

Nevertheless, consideration should be given to the impact of the proposed development in highway and traffic terms. Paragraph 32 of the NPPF states that decisions should take account of whether safe and suitable access to the site can be achieved for all people. Saved Local Plan Policy 51 states that all development proposals should be assessed to ensure there is no significant impact upon (inter alia) (a) the nature, capacity and use of the highway and its ability to accommodate traffic generated by development. It also states that in villages and countryside areas special regard will be paid to the effect on the safety and environmental character of country lanes.

Whilst the proposed development is not likely to generate significant amounts of traffic, consideration should be given as to whether any additional ingress/egress off of/onto Langley Road would impede the flow of traffic or detrimentally impact upon highway safety. The advice of the Local Highway Authority should be sought in this respect. Although both Megg Lane and Wayside are unadopted, private roads, the additional traffic generated by three dwellings is not likely to significantly alter the environmental character of this country lane.

Design:

In terms of design, the proposed development should be considered against Core Strategy Policy CS12, which states that development should provide a safe and satisfactory means of access, retain important trees and replace them with suitable species, integrate with the street character and respect adjoining properties in respect of (inter alia) layout, site coverage, scale, height, and materials. The proposed development would be consistent with nearby residential properties in terms of layout, height (being of two storeys) and scale of the nearby detached properties with particular use of the encouraged L- or T-plan layout for larger buildings. Also, the applicant has provided an indication of the location of replacement trees to be planted following any to be removed as result of the proposed development (drawing no. 14-017-11 Nov'15). However, in respect of trees, SP note that the tree survey provided with the planning application was carried out in November 2011 and relates to the proposed construction of an access track through Longfield. Additionally, no plan is included within the appendices and therefore it is not clear whether the trees within this application site have been surveyed. Additional or updated information should therefore be sought from the applicant to enable the Council to make an informed

judgement.

In terms of materials, the proposed development would be constructed using facing brick work with render and horizontal weatherboarding. The roof would be finished using interlocking tiles and the fenestrations would be either timber or uPVC double-glazed units. The applicant has not provided detail regarding the type and colouration of the above materials and therefore, it is difficult to assess whether the proposal would respect adjoining properties or the rural setting of the application site. Nevertheless, regard should be paid to the Chipperfield Village Design Statement (2001) and the guidelines contained within the Landscape Character Assessment (2004), both of which have been adopted as a Supplementary Planning Guidance by the Council. These documents identify the need to conserve and enhance the distinctive character of traditional settlements through high standards of new buildings with the consistent use of local traditional materials and designed to reflect the traditional character of the area.

Consideration should also be given to Core Strategy Policy CS11 and Saved Local Plan Policies 18 and 21 regarding the appropriate provision of new dwellings. In particular, regard should be paid to the density and character of development that is suitable to the area (Policy 18 (c)). On a site measuring 0.92 hectare, the proposed development would be constructed at a density of 3.26 dwellings per hectare. Saved Local Plan Policy 21 states that proposals which have a density of below 30 dwellings per hectare (net) should be avoided. However, SP recognise the context within which the application site sits and the surrounding character of residential development and, as aforementioned, consider that the proposed layout is reflective of the existing residential character off Wayside and Megg Lane.

Affordable Housing:

Given the potential scale of the proposed development on the site, and size of the application site in particular (0.92 Ha), any permission granted should be subject to the provision of affordable homes (Policy CS19). This policy states that affordable homes will be provided on sites providing a minimum of 0.16ha or 5 dwellings. As such, 35% of these new dwellings should be affordable homes (i.e. 1 home in this instance).

However, the LPA obviously has a choice as to whether to apply the policy strictly or take a more pragmatic approach (subject to justifying circumstances) given that generally a waiver exists for contributions for smaller schemes (i.e. where they are below both the size and area thresholds). For example, there may be advantages for the openness of the Green Belt in supporting a smaller scale of development, if fully justified in planning terms, over a larger scheme on the site (i.e. that under 4/3490/15/OUT). This approach would require a clear justification of site-specific reasons to ensure that the decision did not undermine the application of the policy in other instances. SP would also need to be satisfied that the site would not ultimately form part of a larger site which would normally be subject to the charge. The Strategic Housing team may have a view about whether a pragmatic approach is justified here or not.

Whilst located just outside of the defined boundary of the Chipperfield 'Selected Small Village in the Green Belt', the LPA may wish to also consider if any weight should be attributed to Core Strategy CS20, although it is recognised that this is a market housing -led scheme. This policy states that small-scale schemes for local affordable

homes will be promoted in *and adjoining* small villages in the countryside, and exceptionally elsewhere with the support of the local Parish Council. If pertinent to consideration of this application, development should only be permitted if (a) it meets an identified local need for affordable housing; (b) the housing is for people who have a strong local connection with the village or parish through work, residence or family; and (c) the scheme is of a scale and design that respects the character, setting and form of the village and surrounding countryside. The applicant has not provided sufficient detail regarding the provision of affordable homes as part of the proposed development and therefore additional information should be sought for consideration.

Conclusion:

The proposed development is considered to be inappropriate development within the Green Belt and the applicant has not advanced any very special circumstances to warrant an exception to the relevant national and local development plan policies. Therefore, the principle of the proposed development is not considered to be acceptable. However, consideration should also be given to the potential fall-back position and what weight (if any) should be afforded to this in the determination of this planning application.

Conservation & Design

Whilst Conservation & Design recognise the proposal under this application for 3 dwellings to be identical to that 4/03696/15/FUL in terms of the design of the three dwellings and layout is the same as 4/0369/15FUL the main difference is the means of access for the new dwelling, which would be directly from Langley Road, rather than Wayside. This is by means of a new access drive through the rear garden of the existing early Edwardian Longfield, with a new access point created on the highway and providing joint access to the existing dwelling.

This scheme is considered to be adversely harmful to the character of the area with respect to this proposed driveway, which is considered to be uncharacteristically long, convoluted, and intrusive in nature. This proposal effectively creates a very small residential enclave, which whilst directly adjacent to existing residential development is physically disconnected and isolated from it despite appearing to an extension to it. That said it is also considered this driveway has an adverse impact on the setting of Longfield.

Whilst the design and layout of the 3 dwellings would be unchanged the proposed driveway is considered to be incongruous awkward feature that ultimately is harmful to the character and grain of this part of Chipperfield. As such Conservation & Design would raise an objection to 4/03857/15/FUL.

Building Control

No formal response.

Trees & Woodlands

After visiting the site TW became aware that far fewer trees would be affected by the proposed development as originally assumed. The most valuable trees that would merit TPO are situated near the existing entrance but these will not be affected as this

entrance will be closed. Another issue to consider is that even if there were trees of good amenity value within the site, because they cannot be seen from a public place, we would be unable to TPO them.

TW entirely agree with Hertfordshire Ecology stating '... am less concerned about the loss of trees to accommodate the access road from Wayside as some compensation for these could be provided where appropriate as part of any landscaping work'. The detailed tree survey submitted is of very high quality and has adequately addressed all the issues that would be of concern to me. The tree survey makes good recommendations for necessary tree work and the 'no dig' method proposed will minimise any possible damage to Root Protection Areas. The total number of trees recommended for felling is 7 trees and TW recommend that these are compensated for in the landscape scheme that should also be submitted. The tree survey report states that 'the trees should not be considered a constraint on the proposed development'. TW agree with this assessment and also find the tree protection measures recommended in the tree survey of good quality.

Finally, TW is satisfied that very few trees on this site would be adversely affected by the proposed development and the recommendations set out in the tree survey would ensure that the impact on the existing trees would be minimised to an acceptable level.

Scientific Officer

The site is located within the vicinity of potentially contaminative former land uses. Consequently there may be land contamination issues associated with this site. It is recommended 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 Councils website (www.dacorum.gov.uk/default.aspx?page=2247).

Noise & Pollution

No response.

Refuse Controller

No response.

Hertfordshire County Council: 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 subject to a condition (see below).

Comment

1. Overview. Hertfordshire County Council has no objection in principle to the proposed three new dwellings with new access road off Langley Road subject to the permanent closing off of the two existing vehicle crossovers (Allowed under planning permission 4/00518/12/MFA). The latter offsite works will be subject to a legal section 278

agreement and highway authority would ask that the following condition and informatives are also included within any permission to grant.

S278 Agreement Any works within the highway boundary, including alterations to the footway reinstatement and the new site access off Langley Road, C74, known as 'off site works' will need to be secured and approved via a legal S278 agreement with HCC.

2.Recommended Condition

Prior to the first occupation of the development hereby permitted (or Prior to the commencement of the use hereby permitted) a visibility splay measuring 2.4 metres x 80 metres to the left and 2.4 metres x 88 metres to the right hand side when exiting, shall be provided to each side of the new centre access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety.

3. Recommended Advisory Notes

The Highway Authority recommends inclusion of the following Advisory Notes (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

AN1) Where works are required within the public highway to facilitate a new vehicle access or modify an existing, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to Hertfordshire County Council Highways team to obtain their permission and requirements.

AN2) 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.

AN3) 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.

3.Description of the Proposal

The proposal is for the construction of three new detached dwellings and garages with a new private access drive off Langley Road to the rear of 'Longfield'. The new access drive will also serve the existing house, 'Longfield'. The two existing vehicular accesses either ends of the frontage of 'Longfield' will be closed off permanently. This change of access arrangement was subject to a planning application made in 2012 which the highway authority understands has now been granted.

4.Assessment

The applicant has not submitted any transport information ie - Transport Assessment, Transport Statement or a Travel Plan. However, the applicant has submitted a Design and Access statement.

5. Langley Road.

This is a classified road, C74/530, L1 local distributor and is maintained by HCC as the highway authority. The section from the 40 mph sign to the junction of Megg Lane (U88) is 304 m long. The road is unlit and there are no current volume counts either. This information can be obtained from the Gazetteer or Webmaps.

Looking at the rolling 5year RTC data there has been two recorded RTC's in this period RTC details Slight injury incident. Date: 2 December 2011. At 08:20am. Location o/s Chipperfield Lodge. Weather conditions were recorded as fine and road surface was wet. The location of this RTC is around the corner from this site some 510 metres away and it would appear that it had no bearing on this particular site The second RTC Slight injury incident. Date: 26th April 2011. At 16:50pm . Weather conditions were recorded as fine and road surface was dry. The location of this RTC was some 480m away heading towards Kings Langley. Again it is unlikely that this RTC has anything to do with the current accesses to Longfield.

6. Analysis

As part of a Design and Access statement, the application should take account of the following policy documents:

7. National Planning Policy Framework (March 2012); • Hertfordshire County Council (HCC) Local Transport Plan 3-2011-2031 • Roads in Hertfordshire Design Guide 3rd Edition • Dacorum Borough Local Plan saved Appendix 5 Parking Provision.

8. Trip generation and distribution

9. As there are no supporting/mitigating details from the applicant regarding trip generation and distribution that this level of development will generate. However, this level of development is unlikely to generate significantly high levels of movements which would ultimately lead to demonstrable harm to the highway network in terms of free flow and capacity.

10. Impact on Highway Network

The creation of three new detached dwellings on this site will only impact on the highway if the development fails to provide sufficient off street parking space. This includes visitor parking if applicable.

11. Highway Layout The applicant already has permission for a new centrally located access and drive as part of a previous planning application. The access drive will not be adopted. The works to create this new access will be covered in a legal section 278 agreement.

Parking .Although parking is a matter for the Local Planning Authority (LPA), the applicant should provide details of parking provision and whether or not there will be any impact on the highway. In this case the applicant is providing 4 off street parking spaces which is a slight reduction from the present which stands at 6. It is unclear if the spaces will be DDA compliant though. The applicant is also providing 2 cycle spaces.

Roads in Hertfordshire highway design guide 3rd Edition states that the dimension and location requirements for parking bays, driveways shall be in accordance with the guidance in DfT Manual for Streets.

12. Accessibility

Forward Planning Officers (Passenger Transport Unit) have not supplied any details of bus services and bus infrastructure to identify gaps in the service. Refer to HCC's Bus strategy (<http://www.hertsdirect.org/docs/pdf/b/busstrategy.pdf>).

Public Rights of Way (PRoW). There appears to be no Public Rights of Way affected by this proposal. If this is incorrect then feedback from Right of Way Officer should be requested. Note that the granting of planning permission does not entitle the developer to obstruct the Public Right of Way and permission would need to be granted to temporarily close the route if required. The applicant must ensure all necessary legal procedures for any diversions are implemented. Enforcement action may be taken against any person who obstructs or damages a Public Right of Way.

13. Servicing Arrangements. Refuse and recycling receptacle storage will need to be provided. No information is provided regarding servicing of the property and a servicing arrangement is required. However, it is likely that the refuse vehicle will be able to get to the houses via the new drive. Track runs on the previous submission showed this but this will need to be confirmed as part of this application.

14. Travel Plans. The applicant has not submitted a travel plan as part of this application. The scale of the development falls below the threshold that requires either a Travel Plan or a Statement

15. Planning Obligations/ Community Infrastructure Levy (CIL)

It is not considered that any planning obligations are considered applicable to the proposed development.

16. Conclusion

The assessment does not indicate any significant issues with the proposal. The highway authority would not wish to restrict the grant of planning permission subject to the inclusion of the above conditions.

Hertfordshire Fire & Rescue Service

Fire Safety Inspector :HFRS has examined the drawings and note that the access for fire appliances and provision of water supplies appears to be adequate.

Further comments will be made when we receive details of the Building Regulations application

Hertfordshire County Council: Development Services

Response on behalf of Hertfordshire Fire and Rescue Services.

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 DS seek the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit. DS reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in accordance with standard practice.

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 number and location of 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

The County Council seeks fire hydrant provisions for public adoptable fire hydrants and not private fire hydrants. Such hydrants are generally not within the building site and are not covered by Part B5 of the Building Regulations 2010 as supported by Secretary of State Guidance "Approved Document B".

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.

Further Advice

As above. Also:

A Section 106 legal agreement would be the County Councils 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. DS propose the following wording:

"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."

Hertfordshire County Council: Lead Flood Authority

As it is a minor application the LLFA are not a statutory consultee. However LFA have been asked by the LPA to offer advice to place DBC in a position to make its own decision regarding surface water and drainage.

The information submitted in relation to surface water does not demonstrate the proposed development site can be adequately drained.

The Proposed Site Plan carried out by Sidey Design reference 14/017/14 states that the access road will be constructed of permeable block pave. However no further information regarding discharge location has been given. LFA acknowledge that there no surface water sewers in the vicinity therefore should infiltration be proposed. LFA recommend to LPA that infiltration tests should be carried out in accordance with BRE Digest 365.

For further guidance on HCC's policies on SuDS, HCC Developers Guide and Checklist and links to national policy and industry best practice guidance please refer to our surface water drainage webpage:

<http://www.hertsdirect.org/services/envplan/water/floods/surfacewaterdrainage/>

Informative to DBC

As the site lies over a Groundwater Source Protection Zone 3, two SuDS treatment stages should be provided to manage any potential contaminants from surface water run-off from car parking areas and access roads. The current proposals are only

proposing 1 treatment stage. The LPA should have regard to the Water Framework Directive in relation to water quality.

Hertfordshire Constabulary: Crime Prevention Officer

As regards designing out crime no comments.

Hertfordshire Ecology

HE have no data for this site. It would never have been looked at given its location and use as essentially garden land. The site benefits from long established planning permission, and this application seeks to modify the potential access.

Despite its location it is clear the site has been managed by mowing for around the last 50 years or so. Whether this was ever taken as a hay crop is unknown, possibly not for at least some of the time if foundations were present which would not have been visible under long grass when cutting.

Despite this the ecological survey – undertaken in October 2011 - clearly describes and maps the open grassland as unimproved. It supports at least 10 indicator species (see below in bold) sufficient for Wildlife Site status. However HE note the statement goes on to describe the sward as not species rich and not a Priority habitat. The grassland of this area is naturally acid-neutral and as such may not naturally be particularly species rich. However, HE consider that any sward including these species is highly likely to be a Priority Habitat and of potential WS quality in supporting 10 neutral grassland indicators. This could be confirmed with a survey at a better time of year. Whilst all such species cannot be dominant, this description would suggest that at least some of the Indicator species are not simply rare or restricted to one or two individuals, especially given the poor survey time and conditions. This further confirms the potential quality of the grassland:

‘Dominant species identified included: cock’s foot (*Dactylis glomerata*), common bent (*Agrostis capillaris*), sweet vernal grass (*Anthoxanthum odoratum*), meadow fescue (*Festuca pratensis*), ox-eye daisy (*Leucanthemum vulgare*), meadow buttercup (*Ranunculus acris*), common sorrel (*Rumex acetosa*), meadow vetching (*Lathyrus pratensis*), red clover (*Trifolium pratense*), white clover (*T. repens*), devil's bit scabious (*Succisa pratensis*), hawkbit (*Hieracium umbellatum*), cat's ear (*Hypochaeris radicata*), common knapweed (*Centaurea nigra*), bird's foot trefoil (*Lotus corniculatus*), dandelion (*Taraxacum* agg.), ribwort plantain (*Plantago lanceolata*), black medick (*Medicago lupulina*) and bristly ox-tongue (*Picris echioides*). Indicator species of neutral grassland are present but the sward is not considered species-rich and therefore not considered a BAP habitat.’

Continued regular mowing management for over 50 years would have ensured the grassland did not revert to scrub or rank grassland, although some nutrient build-up may have occurred.

HE note some old fruit trees are being removed, in particular an old pear. The site is associated with a small orchard close to Longfield itself in the 1930's and this tree may be connected with this. HE also note that the remaining open land within the ownership of the applicant has no built development proposals although this will remain entirely landlocked with no external access.

The development itself will result in the loss of an area of unimproved grassland. The remaining open area at the NW end of the site is identified as a 'paddock' to plot 3'. This implies it will be incorporated as another horse grazed field. Would this also require a Change of Use? Given the potential grassland interest, this area should be considered for retention for ecological purposes although its management will pose a significant problem if it is to remain inaccessible other than through the new residential garden.

HE is less concerned about any loss of trees to accommodate the access road from Langley Road. These may have an impact at the site level but the area is already reasonably well treed with remnant or new boundary hedgerows and woods throughout the increasingly urban veneer of Chipperfield. In any event it may be possible to provide some compensation as part of any landscaping works if appropriate.

The presence of badgers will need to be addressed as necessary, although this is recognised by the Consultant ecologists. The access road will pass very close to three outlier badger setts along the NE boundary. Appropriate provision will need to be made and a suitable Method statement adopted if works proceed in this area. However HE have no reason to believe that with appropriate guidance, this could not be achieved.

HE's main concern lies in the loss of unimproved grassland irrespective of its lack of formal Wildlife Site status. **Retention of the paddock for wildlife and / or Biodiversity Offsetting should be considered as a Condition of approval to address this.** The proposals will be damaging to the areas to be developed and the creation of gardens cannot be reasonably relied upon to maintain any existing grassland interest. The grassland interest of the paddock area will depend entirely upon its management and use – if intensive pony grazing, which is most likely the intention, this would be damaging. Unimproved grassland is a very vulnerable ecological resource within the county and locally and is still subject to losses. If the paddock area cannot be secured with an appropriate ecological management plan, then offsetting this interest away from this area should also be required. This could be aided by a translocation of the existing grassland using some topsoil striping and / or hay cut, but only if a suitable receptor site could be found locally.

Consequently, if planning permission is deemed to be already in existence and would simply be modified by this application, **there would seem little reasonable point in objecting to the proposals.** However there will be impacts on the existing unimproved grassland, directly from the built development and indirectly from the paddock creation. Whilst the latter could be retained and managed in situ, the loss to houses and gardens will not otherwise be compensated. However even the paddock will not survive under poor management.

Therefore **retention and biodiversity offsetting** or a **wholly biodiversity offsetting approach** would seem to be necessary either as a **Condition of Approval** or submitted as **further information prior to determination** in support of the proposals, in order to adequately deal with grassland conservation / translocation / replacement on this site. The need for this could be confirmed with an appropriate survey during summer months if the grassland is not destroyed in the meantime. However in HE's **the Consultant's report clearly demonstrates unimproved grassland of Wildlife Site quality is highly likely to be present. This is sufficient to justify the mitigation / compensation measures proposed.**

HE is not aware of any other ecological issues associated with these proposals for which I have any significant concerns.

Environment Agency

Based on the information submitted the EA have no formal comments to make as the constraints now fall outside of our remit. However, the EA is pleased to see that the applicants are now proposing to connect to mains.

Thames Water

Waste .Sewerage infrastructure capacity. No objection.

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 to discuss the options available at this site.

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

Water .This is within the area covered by the Affinity Water Company.

Affinity Water

No response.

EDF Energy

No response.

British Gas

No response.

NATS

No safeguarding objection.

Civil Aviation Authority

No response.

Response to Neighbour Notification/ Publicity

6 objections. There are many reasons :

Green Belt.

Precedent.

Incompatibility with surroundings. Out of keeping.

Conflicts with Conservation and Environmental Objectives.

Does not reflect the former plan for the site.

Conflict with relevant local policies.

Highway safety/ access.

Effect upon trees.

Out of date ecological surveys.

Gaining access via Wayside.

Utilities/ Infrastructure.

Lighting.

Legal position in relation to planning permission at the site.

Considerations

Principle

Green Belt

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It identifies such a designation as serving 5 purposes, one of which is to safeguard the countryside from encroachment.

Core Strategy Policy CS5 applies national Green Belt policy to protect the openness and character of the Green Belt, local distinctiveness and physical separation of settlements. Paragraph 89 of the NPPF regards the construction of new buildings as inappropriate development where inappropriate development is, by definition, harmful to the Green Belt (paragraph 87).

There are exceptions to this policy approach which includes the partial or complete redevelopment of previously developed land subject to the impact upon the openness of, and purpose of including land within, the Green Belt. The NPPF defines previously developed land as:

'Land which is or was occupied by a permanent structure, including the curtilage of the developed land...and any associated fixed surface infrastructure. This excludes: (inter alia) land in built up areas such as private residential gardens...; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.' (Annex 2: Glossary).

The 1960's foundations at the site have blended into the landscape in the process of time and therefore it is interpreted that **the site does not fall within the working definition of previously developed land**. These foundations had to be excavated to prove implementation of part of the 2011 lawful development certificate application.

Therefore the residential development of the site has to be justified based upon very special circumstances. Paragraph 88 of the NPPF states that substantial weight should be given to any harm to the Green Belt and 'very special circumstances' will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other (material) considerations.

The applicant's case for very special circumstances relies upon the fallback/ starting position that there is an extant permission for substantial residential development at the site. Counsel considered that no weight should be afforded to the precedent set by the substantive 1956 permission in the determination of future planning applications.

This position has been reviewed. It is interpreted that substantial weight can be given to the extant / live permission. This issue is referred to below.

The Fallback Position and Very Special Circumstances

The applicant's case for very special circumstances relies upon the fallback/ starting position that there is an extant permission for substantial residential development at the site. Counsel considered that no weight should be afforded to the precedent set by the substantive 1956 permission in the determination of future planning applications.

It is interpreted that substantial weight can be given to the extant / live permission. The issue is referred to below.

The Fall Back Position and Very Special Circumstances

The key issues are:

1. There is an extant planning permission at the site to build 9 dwellings. This is the fallback position.

2. Notwithstanding the very significant time interval since the foundations were installed the construction of the development can be carried out in part or wholly from a **planning perspective**. The onus will be with the landowner / developer if / when this happens, being entirely outside the local planning authority's jurisdiction/ remit.

3. The recent approval of Building Regulations enables the landowner / developer to start again upon the construction of the extant permission at any time within the next 3 years.

4. In 2011 Counsel's opinion to the LPA was amongst a range of issues:

'My guidance would that, absent any evidence that there is a real possibility of the 1956 scheme being built out, the Council should have regard to the 1956 planning permission but afford it no weight in the determination of any future planning application on site'.

5. After this advice LPA has reviewed the situation with reference to planning case law, with input from the Council's legal officers at different times. This has been at pre application and since the receipt of applications at the site.

6. It can be viewed that the prospect of the fallback position does not have to be probable or even have a high chance of occurring. It has to be only more than a merely theoretical prospect. Where the possibility of the fallback position happening is "very slight indeed", or merely "an outside chance", that is sufficient to make the position a material consideration in the determination of a planning application.

7. Set against this background the weight to be given to the fall back position is, then, a matter for the decision maker.

8. Officers consider that with the very recent Building Regulations Approval in place to carrying out the original permission and based upon content the submitted Annex A regarding to legal access to the site from Wayside, there is a distinct prospect that the 9 dwellings could be built.

9. There are no apparent overarching planning /legal/ procedural/ building construction/ environmental /utilities/ servicing reasons that would prevent the lawful scheme being started or built partially or in full.

10. For clarification it is understood that at the commencement stage there will be no other separate approvals required such as those for various utilities / infrastructure to 're start' construction at the site. Also there will be no requirement to address site archaeology, contamination, protected trees etc. This is notwithstanding the need for a licence(s) regarding protected species, given the presence of badgers and notwithstanding this based upon Hertfordshire Ecology's expert advice their presence is not an overarching factor.

11. Therefore it could be argued that with the principle of residential development established for 9 dwellings at the site this is a robust fallback position. In this respect it can be a significant material consideration in considering the individual merits of any application for new development at the site. Whatever the outcome of any application, each of which has to be considered upon its individual merits.

12. Of course, the fallback position is one of a wide range of material considerations in the determination of any applications at the site.

Subject to some 'fine tuning' /modifications to the approved 1956/1964 layout/ template/ scheme to satisfy modern / current Building Regulations / Fire- Refuse Access, residential development at the site following the approach to the lawful approval can be carried out.

In this context in terms of assessing the impact upon openness the 'starting point is the 'live' template provided by the approved 9 dwellings in the Green Belt. Therefore whatever form the development takes place there is an inbuilt acknowledgement that 9 dwellings will affect the existing openness of the Green Belt. In a way it could even be argued that despite the time lapse the current openness it is an 'artificial'/ temporary openness.

Effectively the approved scheme provides a template to demonstrate what can be accommodated at the site.

In terms of the fallback position the proposed 3 dwellings reflect the 'development envelope'/land associated with decision 4/00127/11/LDP with fewer units and less floor space. The approved and proposed schemes are however otherwise fundamentally materially different in terms of the layout, form and means of access.

Although the proposal comprises of two components – the housing and the access road – they should be considered together.

The impact of the proposed access road on the openness of the Green Belt. In isolation, the construction of a road is an engineering operation which is defined as appropriate development within the Green Belt (paragraph 90 of the NPPF). However, the development proposed and before the Council for consideration is '*Residential development of 3 Dwellings with detached garages and access driveway through Longfield. Formation of new access to highway to Langley Road and associated landscaping work including the closure of two existing vehicular access crossovers*' and should therefore be assessed in its entirety in respect of national and development plan policies relating to the Green Belt (i.e. the NPPF and Core Strategy Policy CS5).

The proposed access road represents a significant scale of new development. To satisfy fire/ emergency access the very elongated roadway is required to be 3.7m, with passing bays and a loading/ surfacing capacity of 13.5 tonnes across a significant part currently undeveloped (i.e. a greenfield site) forming the garden of the existing dwelling introducing an urbanised character to the large tract of 'development free' land. The impact upon the openness is reinforced by the proposed development includes the construction of close-boarded fencing to delineate the garden areas for proposed Plots 1 and 2 alongside the access track/driveway (as well as additional fencing to define Plot 3) . This would also cause further intrusion into the openness of the Green Belt at this location.

The proposed roadway would have a detrimental impact upon, and reduce, the openness of the Green Belt. With due weight to paragraph 90 of the NPPF, which states that '*Certain other forms of development [engineering operations] are also not inappropriate in 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*, the proposed development is considered to be contrary to the NPPF and Dacorum Core Strategy CS5.

It is acknowledged that permitted development rights for domestic outbuildings and boundary fences, and hardsurfacing within the residential curtilage of Longfield could be carried out as a fallback position again with a resultant impact upon the openness of the Green Belt without planning permission. However, it would be most unusual for so much permitted development be exercised and therefore little weight should be given to this scenario. For clarification the formation of the roadway within the curtilage is considered to be an engineering operation which falls outside the remit of 'permitted development' within the curtilage of a dwellinghouse.

The dwellinghouse on Plot 2. The openness of the Green Belt will be significantly, noticeably and harmfully changed by the position and visibility of the proposed dwellinghouse on Plot 2 when the development is viewed and approached from Wayside. Although in terms of established design practice a dwellinghouse positioned at the termination/ head of a cul de sac would normally form a sense of enclosure set against the backdrop of trees the dwelling's position and size will significantly change the openness of this part of the Green Belt. This contrasts with the approved layout/ fallback position which features the dwellings aligned and set back on both sides of the access road maintaining a sense of openness with long views maintained, notwithstanding the loss of trees.

A repositioned lower profile dwelling on Plot 2 would establish more openness at this critical vista.

Reliance alone upon the very special circumstances based upon the otherwise robust fallback position of the extant planning permission for 9 dwellings cannot justify the proposal's harm to the openness of the Green Belt. There is significant material difference between the approved and proposed schemes.

Design/ Visual Amenity of the Green Belt

The roadway will significantly urbanise and irrevocably harm a significant tract of undeveloped countryside by fundamentally changing its character. This takes into account the necessary design standards, its position and use. This is regardless of whether it is lit. Due to the roadway there is no physical / geographical cohesion between the housing and Wayside which is expected in respecting the character of a locality.

However, the housing scheme itself respects the varied character and change in Wayside, maintaining the perception of a 'logical' modern extension and termination of the cul de sac.

The position and size of Plot 1 echoes the established character of Wayside. This to a lesser extent also applies to Plot 3 opposite with aforementioned Plot 2 facing the turning head as a terminal feature. The layout also maintains the wooded backdrop for views from the end of the cul de sac.

Where it fails as confirmed above is if the locality's openness is to be maintained there needs to be some design / layout change in relation to Plot 2 in order to seamlessly visually fuse the development within its context/ setting with minimal perceived visual impact. This is achieved through the extant scheme due to the set back alignment of the dwellings on either side of the access road in relation to the end of Wayside with the opportunity for substantial front garden structural planting.

There are no arbiricultural objections. The layout provides space to retain the south western backdrop of trees.

Impact on Neighbours

This is in the context of Core Strategy Policies CS12 and CS32 and the NPPF paragraph 133. There will be no harm.

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

Access onto Langley Road/ Traffic Generation . HCC Highways raise no objections. This assessment would have taken into account the sight lines, the traffic highway data and the expected traffic movements.

Internal Layout. The layout plan confirms that general, fire and emergency access, refuse servicing and turning can be accommodated. Access for persons with disabilities/ limited mobility is feasible and can be addressed at the Building Regulations stage. Curtilage parking is acceptable.

Sustainable Location/ No Car Modes of Access. The layout of the roadway is not pedestrian friendly by day, even less at night. A footpath could be incorporated within the design but is unlikely to be used . Langley Road is served by a footpath linked to the village centre which features a range of services on a key bus route. It would be questionable whether a refusal could be substantiated based upon the issue of sustainable location.

Construction. There are no fundamental objections. It would be expected that the upgraded access from Langley Road is used rather than Wayside.

Ecological Implications/ Biodiversity

Hertfordshire Ecology and the Trees & Woodlands Officer have considered the implications.

There are no fundamental objections. There will be the need to separately address the badger sett/ movement implications through licensing given the relationship with the layout, requiring separate approval.

Hertfordshire Ecology's main concern lies in the loss of unimproved grassland irrespective of its lack of Wildlife Site status. As confirmed Biodiversity Offsetting should be considered as a condition of approval to address this issue given the impact of the proposals and the lack of such resource within the county generally and continued local losses. This could best be achieved with some topsoil striping and / or hay cut to help translocate some grassland interest if a suitable receptor site could be found locally.

Drainage/ Contamination/ Land Stability

Foul Drainage. Thames Water raises no objections. This is with due regard to the

existing link available within the site.

Surface Water. This can be addressed through a 'SUDS' based condition, with on site storage if necessary.

Flooding. The site is not identified as one of risk.

Contamination. A condition is recommended by the Scientific Officer which is fundamentally disagreed by the agent :

The Scientific officer mentions that there should be a condition applied to any approval regarding contaminated land from former land uses in the vicinity. As far as we are aware there has been no known former use of this land, except garden or paddock associated with Longfield in the vicinity. We attach some historic maps which are dated between 1873 and 1988. These maps all show the site as vacant, associated with the house Longfield with no buildings sited in the vicinity of the proposed development. As such we request that this condition is NOT attached to any approval'.

An informative would be an appropriate alternative.

Land Stability. The onus is with developer to ensure that land is not subject to any known natural or artificial geological conditions which would militate against the construction of the development.

Water Supply (including Fire Hydrants). There have been no responses from Affinity Water. This issue was investigated at the pre application stage with regard to the issue of fire hydrants and fire access with Hertfordshire Fire & Rescue Service. If granted a condition would be necessary.

Sustainable Construction

If granted a condition would be necessary to address the expectations Policy CS29.

Crime Prevention/ Security

The Crime Prevention Officer raises no fundamental objections. The layout has inbuilt natural surveillance with this cul de sac design. In this location there will be some inevitable individual external lighting requirements. The access road is unsuitable for night time use by pedestrians.

Lighting

This is a sensitive E1 Lighting Zone.

As in the case of the fallback position the development will transform this tract of 'undeveloped land' through the combined effect of internal and exterior lighting

associated with any modern residential development. This should be to a lesser extent due to the number of units.

Any lighting of the access road would exacerbate the harmful impact of the dwellings , even setting aside the ecological implications as observed by the submitted ecological report. It will urbanise a wide tract of countryside.

Archaeological Implications

There are no archaeological objections.

Conditions

If granted these will need to satisfy the normal legal tests.

Due to the extenuating circumstances these could extend to the withdrawal of permitted development rights, lighting, an ecological management plan, no vehicular link to Wayside.

Affordable Housing

Dacorum Core Strategy Policy CS19 expects that affordable homes will be provided on sites providing a minimum of 0.16ha or 5 dwellings. One of the dwellings is required to be for affordable purposes.

The dwellings can be adapted to provide lifetime homes

Air Safeguarding

There are no implications.

Community Infrastructure Levy

This will be necessary.

Environmental Impact Assessment

This is not required.

Article 35 Dialogue

This has been extensive, exaggerated by the unusual legal/ historical background with reference to the fallback position and questions regarding the right of way along Wayside and highway link to Langley Road.

Conclusions

This application is not straightforward due to the lawful position and the Green Belt implications, with due regard to the significant time lapse between the grant of the 1956 permission and the termination of construction in 1967.

Regardless of the decision upon this application there is planning permission for 9 detached two storey dwellinghouses on part of the application the site which can be built. This is the fallback position and is the basis of the very special circumstances.

Although the amount of the proposed development in terms of buildings is less than the extant permission and it is acknowledged that engineering operations such as access road are not regarded as inappropriate development within the Green Belt, the proposal's impact upon the openness of the development will be significant and much more than the fallback position.

The openness and character of this whole tract of Green Belt land will be significantly harmed due to the roadway resulting in substantial physical encroachment and the effect of the position of the dwelling on Plot 2 when viewed and approached from Wayside. Any lighting of the roadway would be extremely harmful to the night time landscape.

Also HCC Highways raise no objection to an access serving the 3 dwellings and Longfield from Langley Road. In addition the impact of this development will be far less than the extant permission in terms of the residential amenity of Wayside with regard to vehicular movements and will be served by a modern roadway with a safe access onto Langley Road.

RECOMMENDATION - That planning permission be **REFUSED** for the following reasons:

- 1 **The proposal is considered to be inappropriate development in the Green Belt which results in harm to the openness of the Green Belt. No very special circumstances have been put forward which outweigh the harm by reason of inappropriate development. As such, it is considered that the proposal by reason of the impact of the elongated access road and the position of the dwelling house on Plot 2 would significantly harm the current and lawful openness of a substantial area of land within the Green Belt, failing to meet the expectations of the National Planning Framework and Policy CS5 of the adopted Dacorum Core Strategy.**

ARTICLE 35 STATEMENT

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted pro-actively through positive engagement with the applicant at pre application stage in an attempt to

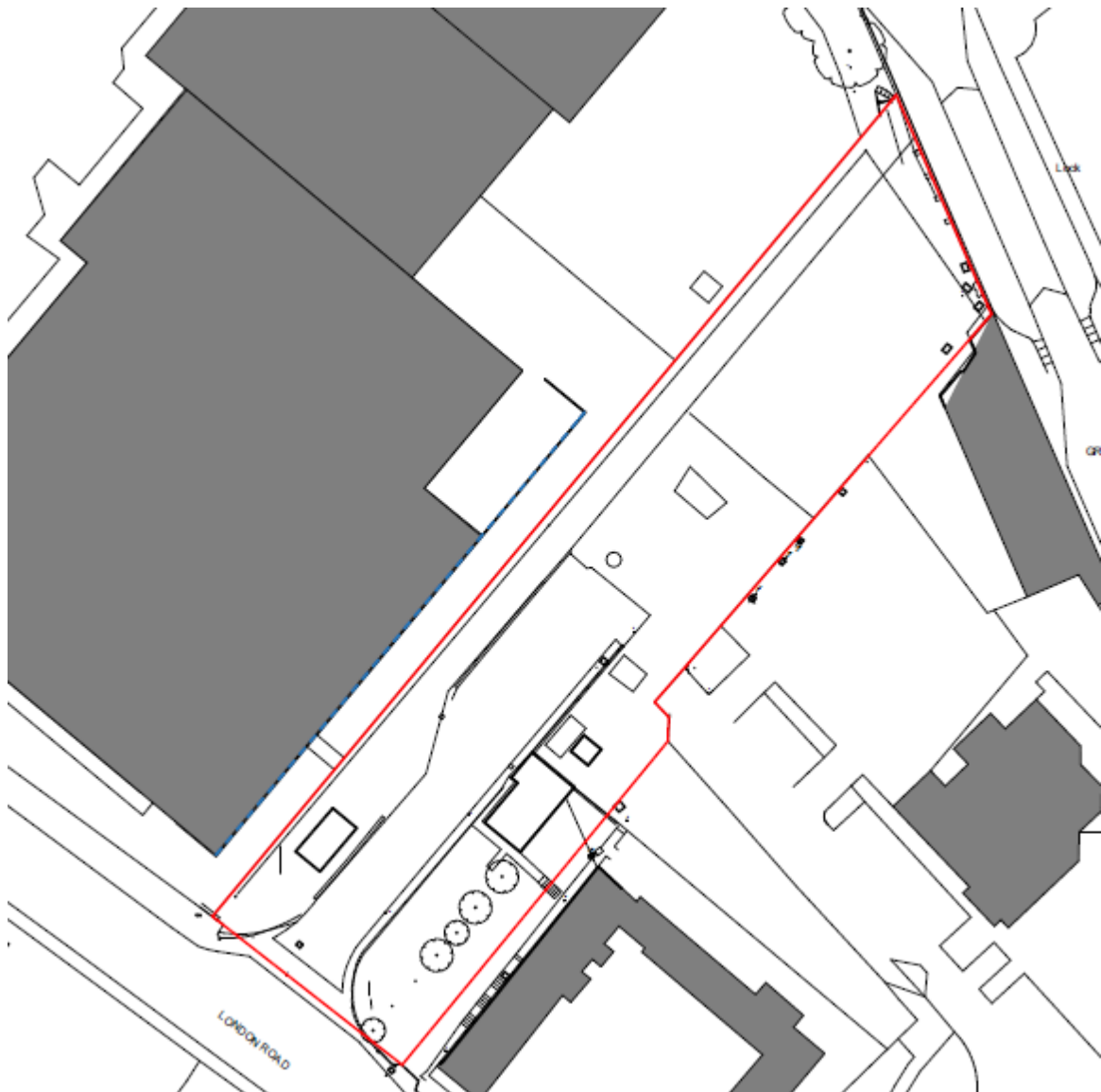
narrow down the reasons for refusal but fundamental objections with in particular reference to the roadway could not be overcome. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

ANNEX A: APPLICANT'S PLANNING STATEMENT- SEE ANNEX A OF APPLICATION 4/03490/15

Item 5.05

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



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**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 and are satisfied that the revised scheme achieves sufficient spacing/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 proposals 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.

Formal updated comments from EA on amended plans to be reported in addendum

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.

Lead Local Flood Authority

In response to the information provided by Waterco reference w3160-151006-FRA dated October 2015 in support of the above application, we can confirm that we the Lead Local Flood Authority have no objection in principle on flood risk grounds.

We note that two options for drainage have been proposed, first based on infiltration and the alternative based on attenuation and discharge into the Grand Union Canal via an existing 900mm culvert. We acknowledge that the discharge rate will be limited to the 5 l/s and 166m³ attenuation volume is required to manage runoff for a 1 in 100 year (+30%) event.

Drawing no. W3160-P00 dated December 2015 has been provided with the drainage layout showing location of proposed SuDS schemes. We acknowledge the attenuation tanks and permeable paving to attenuate surface water before discharge into soakaway. We note soakaway design has been based upon the average infiltration rate of 1.18E-04 as stated on drainage plan.

As the proposed scheme has yet to provide the final detail and in order to secure the principles of the current proposed scheme we recommend the following planning condition to the LPA should planning permission be granted:

LLFA position

The proposed development will only meet the requirements of the National Planning Policy Framework if the measures detailed in the surface water drainage assessment carried out by Waterco reference w3160-151006-FRA dated October 2015 submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition 1

1. 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.
2. Providing attenuation 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.

Reason

1. To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.
2. To reduce the risk of flooding to the proposed development and future occupants.

Condition 2

No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro- geological context of the development has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year + 30% for climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

3. Provision of a fully detailed drainage plan showing pipe diameters, pipe runs, outlet points and location of SuDS features and supporting calculations.
1. Provide a sustainable drainage system prioritising above ground methods and source control measures.
2. Where discharging into the Grand Union Canal, confirmation that the exiting 900mm culvert can cater for the proposed discharge rate and volumes.

Reason

To prevent the increased risk of flooding, both on and off site.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Informative to the LPA

The LPA will need to be satisfied that the proposed drainage strategy will be maintained and managed for the lifetime of the development.

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 wwriskmanagement@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

3. 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.

4. 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.
3. 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:
 1. Width 2.5m Length: 8.1m
 - Height: 3.3m Weight: 17.8 tonnes
 - Minimum clearance height 3.7m

Water Supplies

- Water supplies should be provided in accordance with BS 9999.
2. This authority would consider the following hydrant provision adequate:
 3. 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, 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 assessment 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.
- 4. 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 and have also removed their objection to the scheme on the basis of achieving a satisfactory buffer zone to the de-culverted area.

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

RECOMMENDATION - That determination of the application be **DELEGATED** to the Group Manager, Development Management and Planning with a view to approval, subject to no additional material considerations being raised during the consultation period.

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

- 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,**
 - **archeological sites and ancient monuments;**
- **an appraisal of remedial options, and proposal of the preferred option(s).**

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

(b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local

Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(c) Implementation of Approved Remediation Scheme

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

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

(d) Reporting of Unexpected Contamination

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS32 of the 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 **Prior to commencement of development, details shall be provide which show that the surface water run-off generated by the 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site and details showing attenuation 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.**

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site and reduce the risk of flooding to the proposed development and future occupants in accordance with the NPPF.

- 15 **No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro- geological context of the development has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year + 30% for climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.**

The scheme shall also include:

- 1. Provision of a fully detailed drainage plan showing pipe diameters, pipe runs, outlet points and location of SuDS features and supporting calculations.**
- 2. Provide a sustainable drainage system prioritising above ground methods and source control measures.**
- 3. Where discharging into the Grand Union Canal, confirmation that the exiting 900mm culvert can cater for the proposed discharge rate and volumes.**

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent the increased risk of flooding, both on and off site in accordance with NPPG.

- 16 **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)".

**4/03693/15/FUL - CHANGE OF USE FROM SHOP TO FAST FOOD RESTAURANT.
38 LONG CHAULDEN, HEMEL HEMPSTEAD, HP1 2HX.
APPLICANT: MR A KHAN.**

[Case Officer - Elspeth Palmer]

Summary

The application is recommended for approval. The principle of an A3/A5 use is generally acceptable in this broad location. The proposal accords with CS4: Towns and Large Villages and Saved Policy 43 of the DBLP.

Site Description

The application site is located at 38 Long Chaulden, a designated and Council managed local centre (Chaulden) within the principle town of Hemel Hempstead.

The local centre is on the northern side of Long Chaulden, Hemel Hempstead and is set back from the road with car parking to the front of the shops. There are car parking spaces in front of the Local Centre. There is a rear access which loops around the back of this row of shops.

Proposal

The application is seeking the approval for the change of use from a shop (A1) to a fast food restaurant/takeaway (A3/A5). The application site is currently vacant and has remained unoccupied since December 2014. The previous use of the shop unit was a newsagent.

The proposed use will provide food such as:

Pizza, kebabs, grilled chicken, gourmet burgers, fried chicken, French fries, chicken nuggets/wings, naan bread, milkshakes, Mr Whippy ice cream, freshly baked cakes and drinks.

The proposed hours of operation are 11am to 11pm daily.

There are currently 20 parking spaces in the parade plus parking on the side of the building for approx. 6-7 cars but this is restricted during school times. It is proposed that customers visiting the A3/A5 use will use this car park if necessary.

Referral to Committee

The application is referred to the Development Control Committee due to the level of public interest ie. the submission of two petitions with a total of 156 signatures and due to the fact that the site is owned by Dacorum Borough Council.

Planning History

None of relevance.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

Adopted Core Strategy

NP1 - Supporting Development

CS1 - Distribution of Development
CS4 - The Towns and Large Villages
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
CS16 - Shops and Commerce

Saved Policies of the Dacorum Borough Local Plan

Policies 10, 12, 13, 43
Appendix 5,

Supplementary Planning Guidance / Documents

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)

Summary of Representations

Strategic Planning

The key consideration is whether to support a further loss of a shop to a fast food restaurant/takeaway given the limited number of retail units in the Chaulden Local Centre.

The principle of an A3/A5 use is generally acceptable in this broad location (Policy CS4 and saved Policy 43).

Given the limited number of shop units in this small centre, Policy 43: Shopping Areas in Local Centres states that in shopping areas with less than 8 shops, permission will be refused for a change of use involving the loss of a shop use at street level. The aim of the policy is to protect the shopping role and character of the centre.

However, we feel there is scope to be flexible over the application of the policy. The centre currently offers, for its size, a reasonable range of goods and services for the local needs of residents, including a chemist, launderette, hair dresser, beauty treatment, a Chinese takeaway, a Co-op store and an off-licence. Indeed, out of the 9 units at Long Chaulden, 6 are in shop use and the other 3 units are in other uses. This is considered to be a good presence of shops given recent difficult market conditions for small retailers and continuing changes in retailing patterns.

We understand from the Valuation and Estates Team that they have found it difficult to secure an occupier. It has been marketed since February 2015, entering two rounds of marketing in an effort to get a suitable tenant for the unit. Therefore, whilst a shop would be a more preferable use of the unit under policy for the local centre, we feel there would be wider benefits for the centre in now securing its occupancy due to the amount of time the unit has been vacant for. Government is generally keen to promote occupancy and flexibility in use of vacant retail premises.

As with this type of use, it may be appropriate to control activities (Policy CS12c) in order to safeguard local amenities.

Conclusions

In summary, the proposal is considered to be appropriate in principle within local centres within Dacorum. Ultimately, the change of use will bring use back into the property that has been vacant for over a year. The centre will continue to be provided with a small but broad range of local shops and services.

Hertfordshire Highways

Original Information:

The Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:

Hertfordshire County Council (HCC) recommends refusal of the proposed development as not enough information has been provided to support the planning application, from a highways perspective.

The reasons for refusal are as follows;

- No details on trip generation has been provided;
- Information on servicing arrangements need to be confirmed;
- Evidence needs to be provided to demonstrate that the existing car park can accommodate the net level of trips associated with the proposal and that vehicles will not be displaced onto the highway network;
- Confirmation that a delivery element is not included as part of the proposals.

It is recommended that the information above is included in a Design and Access Statement.

Description of the Proposal

The application is for a change of use from a local newsagent to a fast food restaurant, with an internal seating for 24 covers. Limited information has been provided as part of the application submission.

Site Description

The development site is located within a parade of local shops, which is served by a car park from Long Chaulden. Long Chaulden is a local access road with a speed limit of 30mph. The site is surrounded by a mix of commercial and residential land uses.

Analysis

As part of any planning application that has an impact on the highway, a Design and Access Statement (DAS) is required. However, a DAS has not been provided as part of the application submission.

Policy Review

The applicant has provided no evidence to show the following policy documents have been reviewed:

- National Planning Policy Framework (2012)
- Dacorum Borough Council Core Strategy (2013)
- Hertfordshire County Council (HCC) Local Transport Plan 3-2011-2031
- Dacorum Borough Local Plan 1991- 2011 (Sept 2013)

Trip Generation

No information on trip generation has been provided as part of the application, and an A3/A5

use generally has a higher level of associated trips than a newsagents. Information on the net impact of trips generated by the proposed development needs to be provided in order to assess the impact of the development.

Transport Assessment

Due to the size, nature and location of the proposed development, a Transport Assessment (TA), or a Transport Statement (TS), is not required as part of the planning application. However, a Design and Access Statement is required to support the application and this has not been provided with the application.

Impact on Highway Network

Highway Safety

A summary of collision data in the vicinity of the development site has not been provided to support the application. However, a review of 5 years of HCC accident data shows 3 slight collisions within the vicinity of the site. Information on the trip generation needs to be provided before HCC can confirm the proposals will not have an impact on highway safety.

Highway Layout

Site Access

The applicant is proposing to use the existing car park in order to provide vehicular access to the site. HCC has concerns regarding the car park and this is set out within the parking section.

Pedestrian Access

The pedestrian access to the site will be provided in accordance with the existing situation and this would be acceptable.

Refuse and Service Delivery

The applicant has not provided details about the refuse and servicing arrangements. It is assumed that this arrangement will be undertaken in accordance with the existing situation but this needs to be confirmed, along with confirmation that there will be no increase in the number of service and delivery vehicles.

Road Safety Audit

A Stage 1 Road Safety Audit is not required for this level of development.

Parking

Whilst the level of parking proposed is for the Local Planning Authority to determine. HCC raises concerns as to whether there is sufficient capacity to accommodate the level of trips associated with fast food use. As these trips are likely to be short trips to pick up food if the car park is full, vehicles may be tempted to park on the highway in unsafe and unsuitable locations. HCC request that trip generation information is provided and that evidence is submitted in order to demonstrate that the additional vehicles can be accommodated in the existing car park.

It is also not clear from the proposals whether the proposals will have a delivery element. If this is proposed information as to where delivery vehicles will be kept/parked is also required.

Cycle Parking Provisions

The applicant has not stated the cycle parking provisions. The LPA will determine the level of cycle parking required.

Accessibility

Public Transport

The site is service by bus stops on both sides of Long Chaulden, the closest bus stop to the site is the stop opposite School Row, which is served by bus service 3 and ML1.

Hemel Hempstead Train Station is located approximately 1.2km from the proposed development site. This is considered a walkable distance. The train station provides connections to the local area but also Central London.

Walking and Cycling

There are footways provided on both sides of Long Chaulden that provide access to the surrounding area. There are no formal cycling facilities on Long Chaulden; however, the carriageway is considered suitable for cyclists.

The site is considered accessible by sustainable modes of transport.

Travel Plan

Due to the scale and nature of the proposed development, a Travel Plan will not be required.

Planning Obligations / Community Infrastructure Levy (CIL)

Due to the size, nature and location of the proposed development, it is not expected that the development will have an impact on the highways safety and operation. Therefore, no planning obligations will be sought by HCC.

Summary

The application has been reviewed and further information is required to be provided in order for the application to be fully assessed.

Comment from Highways on additional information provided by the applicant:

I can confirm that based on the additional information HCC does not wish to raise an objection to the proposals.

The information provided by the applicant confirms the following:

- The pedestrian access to the premises will be provided in accordance with the existing situation and HCC considers this to be acceptable.
- Information regarding the car park has been provided and it seems reasonable that the busiest operational time is during the school peaks. The applicant confirms that their busiest times would be from 18:00 onwards due to the nature of the business, when there are around 10 or more parking spaces available. HCC are satisfied that the peak times for proposed fast food development would not co-inside with the peak hours and that vehicles should be able to be accommodated and that any impact as a result of the development would not result in a severe impact which is the test considered within the NPPF.
- It is acknowledged that a home delivery service is also provided and that this element of the development will be served from the rear of the property and the vehicle will also be stored in this location. It is also noted that a second vehicle is likely to be used at the weekends but will be kept off site during the week. HCC considers this arrangement to be acceptable and will not have a detrimental impact on safety and operation of the highway network.
- Collision information has been provided and this confirms that only 3 slight collisions have occurred. It is not anticipated that the trips associated with the development proposals would create a safety issue over and above the existing situation.

Police Licensing Officer

No comments to make.

Environmental Health

The Environmental Health Officer has no objections to the proposal but would like the following condition added to any approval:

Prior to the commencement of the potentially odorous activity a scheme for the ventilation of the premises, including the extraction and filtration of cooking fumes. shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out prior to the commencement of the use being permitted.

The information will contain in addition to efflux information and capability of the system, details of potential noise from the system

Reason:

To safeguard the amenities of those premises near the application site and the appearance of the building as a whole. In accordance with Policies and procedures of Dacorum Borough Council

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

Two petitions have been submitted with a total of 156 signatures. The petition is against the planning application for the change of use from A1 to A3/A5.

The petitioners feel this planning application should be refused for the following reasons:

- it would result in further loss of trade at Stoneycroft shops and the shops in Long Chaulden already providing hot food;
- there are sufficient A3/A5 shops in Stoneycroft and Chaulden without another food Takeaway opening and trading as Café/Restaurant/Takeaway; and
- There are not enough customer car parking spaces to cope daily in the car park of Long Chaulden shopping parade what with a Children's school just behind the shops in Long Chaulden plus a Chaulden Community Centre and The Tudor Rose public house all without providing parking spaces.

A Resident above the Chaulden Shops – Objects

- Already inadequate parking for residents and users of the shops and nearby facilities;
- We already put up with smells from the fish and chip shop and noise from people collecting their food late at night; and
- We already put up with the Hermes outhouse delivery lorries and vans and deliveries for the Co-op. If the proposed restaurant were to be approved there will be more deliveries to customers/people collecting their food not to mention additional delivery vehicles supplying the food.

Ambers Beauty Studio – Objects

- Not enough parking currently for residents and users of the shops and other facilities;
- The proposal may entice people to loiter outside the area of the premises which could cause disruption and be off putting to my clients;
- Additional noise would be harmful; and
- Smells and rubbish would also be a concern.

Local Resident - Objects

- There is inadequate parking for the 9 shops, public house, community centre, 11 maisonettes and school entrance which all compete for the existing minimal parking

- spaces. An increase in cars would cause chaos and;
- The increase in cars and the chaos caused would be detrimental to business.

Considerations

The main issues of relevance to the consideration of this application relate to the policy and principle justification for the proposed change of use, the impact on the appearance of the original building and street scene, the impact on neighbouring properties, and the impact on highway safety and car parking.

Policy and Principle

NPPF guidance supports flexibility in shop use and due to recent changes to Permitted Development Rights the site could be changed from A1 to A3 (Restaurant or Café) as part of the Prior Approval Process.

The principle of an A3/A5 use is generally acceptable in this broad location (Policy CS4 and saved Policy 43).

The centre currently offers, for its size, a reasonable range of goods and services for the local needs of residents, including a chemist, launderette, hair dresser, beauty treatment, a Chinese takeaway, a Co-op store and an off-licence. Indeed, out of the 9 units at Long Chaulden, 6 are in shop use and the other 3 units are in other uses. This is considered to be a good presence of shops given recent difficult market conditions for small retailers and continuing changes in retailing patterns.

Impact on appearance of original building and street scene

There are no external changes proposed to the building, however the proposed use is likely to require the installation of an external flue. This is likely to be located to the rear of the building and therefore would not be a dominating feature on the principal elevation or detract from the appearance of the street scene. As such, the proposal is in accordance with Policy CS12 of the Core Strategy.

Impact on neighbouring properties

The nearest sensitive uses to the site include residential uses; it appears there is a flat above therefore conditions shall be placed on any future permission requiring details of the ventilation system and hours of operation.

4/00143/92/FUL Change of use from A1 to A3 was granted on 19th March, 2002 for the Choy Fu Fish and Chip Shop. Condition 2 of the approval states:
“Hot food shall not be sold except between 0900-2300 on Monday to Saturday and 1000-22.30 on Sundays and Bank Holidays.

It is noted that the proposed opening hours would not be dissimilar to the existing take away use in the local centre which also have residential uses (flats above). The proposal is therefore not considered to cause significant levels of disturbance to warrant refusal given the site's location within this established local centre

The proposal is therefore in accordance with Policy CS12 (c) of the Core Strategy.

Environmental Health were consulted as part of this application and have raised no objections to the scheme, subject to the conditions required.

At the discharge of condition stage an assessment will be made of the ventilation details by the Planning Department and Environmental Health who will ensure that any impact on neighbours is adequately mitigated.

The operation of the proposed A3/A5 unit would also be subject to control via the Environmental Protection Act.

Impact on Trees and Landscaping

There are no significant trees in proximity to the proposal.

Impact on Highway Safety

Parking

The table below lists the maximum parking standards listed in Appendix 5 of the DBLP.

Description	Maximum car parking standards
A1 Retail use ie. small shops up to 500 square metres gfa	1 space per 30 square metres gfa
A3 Food and Drink ie. restaurants/cafes	1 space per 5 square metres floor space of dining area plus 3 spaces per 4 employees
A3 Hot food takeaway shops	1 space 3 square metres of floor space of public area plus 3 spaces per 4 employees

The application site falls within Accessibility Zone 4 under the Supplementary Planning Guidance, where 75%-100% of maximum demand based standard.

There will be 4 employees Monday - Thursday and 6 on Friday - Sunday.

The GFA figures provided by the applicant include:

Newsagent:

47 square metres used by Newsagent - car parking required would be 1.5 spaces.

Take Away and Restaurant:

Dining area will be approx. 5.8 square metres

Public area will be approx. 6.5 square metres

Based on the standards differing between restaurant/cafe and take away the maximum car parking required would be 5 spaces.

It is important to note that there is a difference in the amount of parking required for an A1 use compared with an A3/5 use but it is also worth noting that the site could gain an A3 use via the Prior Approval process without requiring planning permission.

It should also be taken into consideration that this is a Local Centre and therefore serves the local community who will walk to the shops when possible. The Local Centre has shared parking so applying standards for parking is extremely difficult.

Cycle Parking

Cycle parking provision requires short-term space and long-term space under saved Appendix 5 of the Local Plan. There is no provision for cycle parking in the parade only rails outside where customers lock their bikes.

The Highway Authority are now satisfied with the details of the proposal ie. the design and access statement and have no objections on Highways grounds.

RECOMMENDATION - That determination of the application be **DELEGATED** to the Group Manager, Development Management and Planning with a view to approval subject to the expiry of the consultation period and no additional material considerations being raised.

- 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 Prior to the commencement of the potentially odorous activity a scheme for the ventilation of the premises, including the extraction and filtration of cooking fumes shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out prior to the commencement of the use being permitted.**

The information will contain in addition to efflux information and capability of the system, details of potential noise from the system

Reason: To safeguard the amenities of those premises near the application site and the appearance of the building as a whole. In accordance with Policies and procedures of Dacorum Borough Council CS 11 and 12.

- 3 The premises shall only be open to customers between 11 am and 11 pm daily. Any customers remaining on the premises after those hours shall leave the premises not later than 11.15 pm.**

Reason: In the interests of the amenities of the occupants of neighbouring dwellings and comply with CS12.

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

CIL Form
Location plan
Floor Plans
Supporting information
GFA figures for existing and proposed use
Design and Access Statement

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) Order 2015.

6. APPEALS

A. LODGED

4/03769/15/FUL RIVERGATE HOMES LTD
8 DWELLING UNITS - FOUR 3 BEDROOM HOUSES AND
FOUR 1 BEDROOM FLATS WITH ASSOCIATED PARKING AND

B. WITHDRAWN

None

C. FORTHCOMING INQUIRIES

None

D. FORTHCOMING HEARINGS

None

E. DISMISSED

4/00371/14/FUL BELGRAVE PROPERTY DEVELOPMENTS LTD
DEMOLITION OF EXISTING GARAGE AND WORKSHOP
BUILDINGS AND CONSTRUCTION OF 1 NO. 4 BEDROOM
DWELLING, DETACHED CAR PORT AND BIN STORE AND
ASSOCIATED HARD AND SOFT LANDSCAPING.
R/O 114-138, PICCOTTS END, HEMEL HEMPSTEAD, HP1

The Inspector considered that the main issues in the appeal were whether the works would preserve the special architectural or historic interest of the adjacent listed buildings and their settings, whether they would preserve the character or appearance of the Piccotts End Conservation Area in which the site lies, and whether the works would harm the significance of those designated heritage assets; whether this would be inappropriate development in the Green Belt that would conflict with the purposes of including land in the Green Belt; the effect of the scheme on highway safety; the effect on the living conditions of neighbouring residents, and if it would cause harm to the Green Belt by reason of inappropriateness and other harm, whether that harm would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the works.

The Inspector considered that the new dwelling would not be at odds with the character

or appearance of the conservation area and as views to it would be limited, there would be little harm. It is considered sufficient distance away from the nearby listed buildings to avoid harm and the new dwelling would afford sufficient spacing on its own site. There was no evidence how at construction phase, the new dwelling would harm the listed buildings and the Inspector found this acceptable.

Turning to Green Belt matters, the Inspector considered the site to form previously developed land however he considered that the proposed buildings would be more bulky and dominant than those on site and considered that it would detract from the openness of the Green Belt. In coming to this view, takes account that the site is on the edge of the village. However, as the entirety of Piccotts End is in the Green Belt then this must still be harming the Green Belt's sense of openness. Furthermore, having regard to the purposes served by the Green Belt and noting the limited size of the village the scheme would result in an increased encroachment of built form into the countryside. Therefore, the Inspector concluded that it would be inappropriate development within the Green Belt that would conflict with the aims and purposes of including land in the Green Belt. The Inspector did not find the very special circumstances sufficient to outweigh the harm to the Green Belt by virtue of inappropriate development.

In terms of Highway safety, it considered that one dwelling would not give rise to significant additional waiting on the narrow lane, resulting in highway safety implications. Finally, the Inspector concluded that the distance between the new dwelling and the neighbours was sufficient to avoid a loss of privacy.

4/02051/15/FUL

Lancaster Brown Surveys Ltd
TWO STOREY ROOF EXTENSION AND SIDE EXTENSION TO
PROVIDE AN ADDITIONAL 7 DWELLING UNITS. CONVERSION
TO PROVIDE 2 RESIDENTIAL UNITS AND CONVERSION OF
PRIVATE STAIRCASES TO COMMUNAL.
NATIONAL WESTMINSTER BANK PLC, 12 BANK COURT,
HEMEL HEMPSTEAD, HP1 1BS

The main issues in this case were:

- a) its effect on the character and appearance of the area, having particular regard to the location of the site in relation to the Grade II registered Historic Park and Garden and
- b) whether it would be consistent with the principles of sustainable design and make adequate provision for bicycles.

The Inspector considered that the nature and appearance of the buildings round the square (bank court) still reflect their origins from the era of the new town development, which was an important phase not just in the history of Hemel Hempstead but also in relation to town planning nationwide. However, they do not form part of the Historic Park and Gardens, being separated from it by the intervening road. The Inspector noted that the Council in its Statement said the appeal property is an undesignated local heritage asset, however in the HIS it is not identified as Building of Local Interest or a building of architectural merit. However, the Inspector considered that has a heritage value arising from its association with the new town era, its relatively unaltered appearance, and its location as part of the composition of the square. It should therefore be treated as a non-

designated heritage asset.

It was noted that the property used to be a bank, and it has an extant planning permission for retail, restaurants and non-residential institutions on the ground floor. Moreover, 2 flats have been accepted as 'permitted development' on the first floor. The proposal would result in the building's height being increased by 2 storeys with 7 more flats being created. To facilitate this, the first floor would be rebuilt and enlarged, and the works would extend over the rear yard. The effect of the development on the significance of the Water Gardens would, in the Inspectors opinion, be limited. The Inspector goes onto consider that the proposed works would not impede that route or reduce views of the Water Gardens. While they would be apparent from Bank Court, they would not affect the designated heritage asset or how that asset was experienced. However, the development would make one building in the square appreciably taller than the others, thereby appearing unduly dominant. As a result it would unbalance the square and undermine its distinctive and strong sense of unity. In townscape terms it would therefore be a discordant element in the square, adversely affecting its character and so constituting an incongruous feature that related poorly to its surrounding context. Furthermore, by significantly altering its height, scale and proportions the development would mask and obscure the building's origins and so would cause harm to the significance of this non-designated heritage asset.

Finally, as amended plans were submitted, it was considered that adequately addresses issues of cycle storage. Therefore given its location in the town centre close to services and facilities, the Inspector considered that contributions to public transport or sustainable transport measures are not necessary

4/02999/15/FHA

Pillay

SINGLE-STOREY FRONT PORCH, BAY AND GARAGE
EXTENSION WITH NEW FRONT BOUNDARY WALL, FENCE
AND GATES

122 NEW PARK DRIVE, HEMEL HEMPSTEAD, HP2 4QW

Appeal Summary

Background

The appeal concerns a two storey dwelling at the end of a terrace of four properties. The terrace is set back significantly further from the street than the immediately adjacent dwellings to either side. As a result, the houses within the terrace have fairly large front gardens. This gives them a particularly open and spacious setting that contributes positively to the streetscene.

Reasons for Dismissal

The disproportionately large single storey front extension, rather than being subordinate, would appear overly dominant in relation to the host dwelling and terrace, as well as the streetscene. It would also unduly diminish the attractive open setting to the front of the terrace.

The front of the property would be enclosed by a combination of a low wall, piers and railings. While having a degree of transparency, the railings would be 1.5m high at their maximum. This would be noticeably taller than the low walls, often with associated planting, found in the vicinity. Most significantly, the frontages of the other dwellings in the host terrace are unenclosed. In these circumstances, even with planting behind, the new boundary treatment would unacceptably detract from the pleasant sense of openness, while appearing visually intrusive and overly dominant.

Conclusion

It is concluded that the streetscene would be harmed. The development would not preserve the attractive streetscape or integrate with its character, while failing to respect the layout and scale of adjoining properties, contrary to Core Strategy Policies CS11 (b) and CS12 (f) and (g). The development would be contrary to the indication in Appendix 7 of the Dacorum Borough Local Plan that extensions should not project beyond the front wall of the dwelling in a way that dominates the streetscene. There would also be conflict with the advice in the Council's Area Based Policies Supplementary Planning Guidance and the NPPF.

F. ALLOWED

None