



Public Document Pack

DEVELOPMENT CONTROL AGENDA

**THURSDAY 7 APRIL 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 meeting held on Thursday 17th March 2016 (these are circulated separately)

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence

3. DECLARATIONS OF INTEREST

To receive any declarations of interest

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

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

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

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

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

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

4. PUBLIC PARTICIPATION

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

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

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

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

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

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

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

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

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

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

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

- (a) 4/03481/15/MFA - FLAUNDEN HOUSE STABLES, FLAUNDEN, HEMEL HEMPSTEAD, HP3 0PW (Pages 7 - 55)
- (b) 4/03441/15/MFA - SYMBIO PLACE, WHITELEAF ROAD, HEMEL HEMPSTEAD, HP3 9PH (Pages 56 - 100)

- (c) 4/00089/16/FUL - 29 SHRUBLANDS ROAD, BERKHAMSTED, HP4 3HX (Pages 101 - 115)
- (d) 4/00176/16/FUL - 6 SEVERMEAD, HEMEL HEMPSTEAD, HP2 6DX (Pages 116 - 133)
- (e) 4/03492/15/FHA - 13 FIELDWAY, BERKHAMSTED, HP4 2NX (Pages 134 - 149)
- (f) 4/00143/16/FHA - 57 HYDE MEADOWS, BOVINGDON, HEMEL HEMPSTEAD, HP3 0ES (Pages 150 - 156)
- (g) 4/02680/15/FUL - LITTLE BEANEY, NETTLEDEN ROAD NORTH, LITTLE GADDESSEN, BERKHAMSTED, HP4 1PE (Pages 157 - 171)
- (h) 4/02275/15/ROC - HEMEL HEMPSTEAD TOWN FOOTBALL CLUB, VAUXHALL ROAD, HEMEL HEMPSTEAD, HP2 4HW (Pages 172 - 195)
- (i) 4/00395/16/FHA - HAZEL GROVE, WAYSIDE, CHIPPERFIELD, KINGS LANGLEY, WD4 9JJ (Pages 196 - 200)

6. APPEALS (Pages 201 - 202)

7. EXCLUSION OF THE PUBLIC

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

INDEX TO PLANNING APPLICATIONS

Item No	Application No.	Description and Address	Pg No.
5.01	4/03481/15/MFA	CONVERSION OF EXISTING AGRICULTURAL BARN TO FORM A 4 BED DETACHED DWELLING; CONVERSION OF EXISTING AGRICULTURAL BARN TO FORM A 2 BED DETACHED DWELLING WITH MANAGER'S OFFICE; SINGLE STOREY REAR EXTENSION TO COACH HOUSE; AND REFURBISHMENT AND IMPROVEMENT OF EXISTING STABLES. FLAUNDEN HOUSE STABLES, FLAUNDEN, HEMEL HEMPSTEAD, HP3 0PW	
5.02	4/03441/15/MFA	DEMOLITION AND REPLACEMENT OF A 4 STOREY OFFICE BUILDING WITH 16 STOREY RESIDENTIAL DEVELOPMENT. FEATURING 272 APARTMENTS, ON-SITE GYM AND LEISURE FACILITIES, ON-SITE COFFEE SHOP, ROOF GARDEN, INTERNAL ARBORETUM, FUNCTION ROOM AND UNDERGROUND PARKING FACILITIES FOR 313 CARS IN AN AUTOMATIC CAR PARKING SYSTEM, WITH ON-SITE ELECTRIC CAR SHARE AND ELECTRIC BIKE SHARE SCHEME. PLEASE NOTE THAT THIS RE CONSULTATION APPLIES ONLY TO THE SURFACE WATER DRAINAGE STRATEGY - LISTED ON THE WEBSITE AS ADDITIONAL INFORMATION 3/3/2016 1. SYMBIO PLACE, WHITELEAF ROAD, HEMEL HEMPSTEAD, HP3 9PH	
5.03	4/00089/16/FUL	DEMOLITION OF EXISTING PROPERTY AND CONSTRUCTION OF THREE NEW DWELLING HOUSES AND ONE NEW CROSSOVER 29 SHRUBLANDS ROAD, BERKHAMSTED, HP4 3HX	
5.04	4/00176/16/FUL	ENLARGEMENT OF EXISTING DWELLING AND CONVERSION INTO TWO DWELLINGS 6 SEVERNMEAD, HEMEL HEMPSTEAD, HP2 6DX	
5.05	4/03492/15/FHA	REAR EXTENSION AND ROOF RIDGE RAISED TO CREATE LOFT CONVERSION 13 FIELDWAY, BERKHAMSTED, HP4 2NX	
5.06	4/00143/16/FHA	FRONT PORCH. REAR TWO STOREY EXTENSION.	

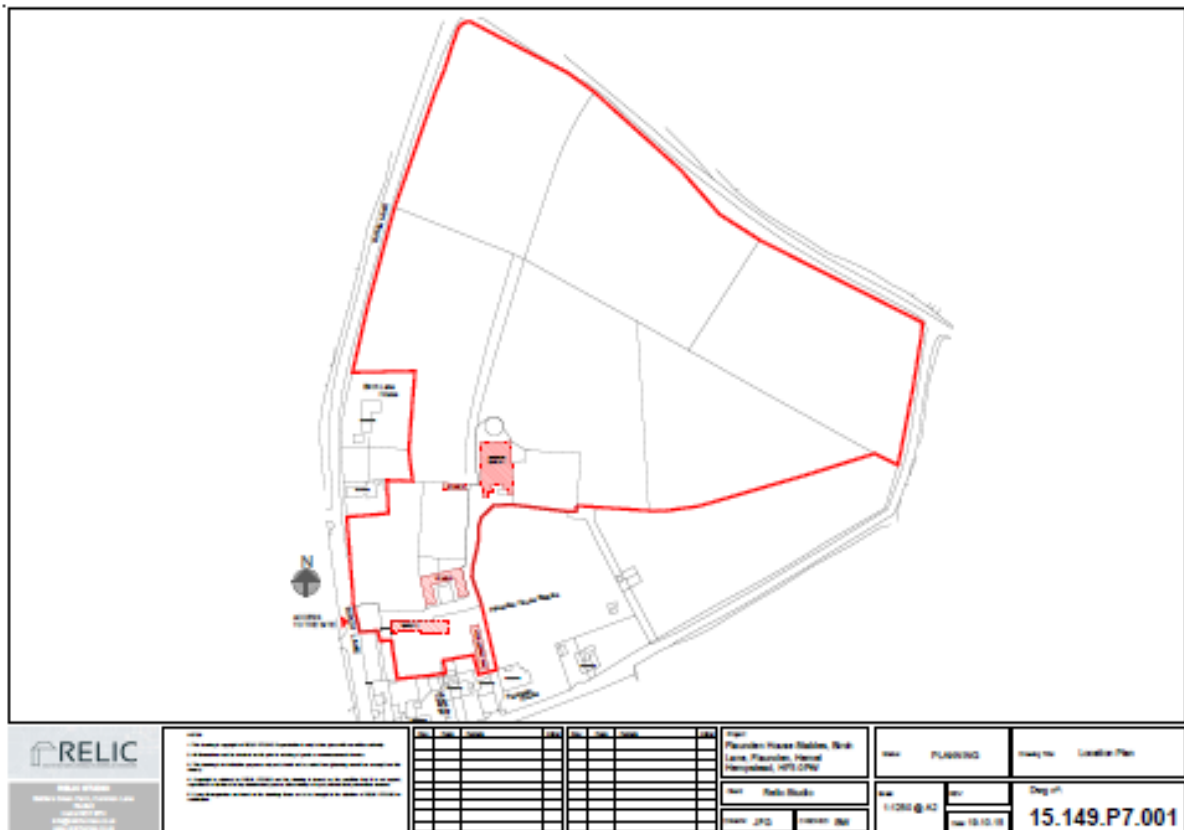
57 HYDE MEADOWS, BOVINGDON, HEMEL
HEMPSTEAD, HP3 0ES

- 5.07 4/02680/15/FUL DEMOLITION OF EXISTING DWELLING AND REPLACEMENT WITH NEW DWELLING AND GARAGE.
LITTLE BEANEY, NETTLEDEN ROAD NORTH,
LITTLE GADDESSEN, BERKHAMSTED, HP4
1PE
- 5.08 4/02275/15/ROC VARIATION OF CONDITION 3 (PERMANENT EXTENDED HOURS OF USE FOR MONDAY TO THURSDAY 09.00 TO 22.00 HOURS AND FRIDAY 09.00 TO 21.30 HOURS AND TEMPORARY EXTENDED HOURS OF USE FOR A 12 MONTH PERIOD FOR SATURDAY 09.00 TO 20.00 HOURS) AND CONDITION 5 (PERMANENT RETENTION OF RETRACTABLE NET AT ITS FULL HEIGHT) OF PLANNING PERMISSION 4/01156/10 /FUL (ASTRO PITCH ON FORMER 5-A-SIDE AREA/TENNIS COURTS, CONSTRUCTION OF CHANGING/ANCILLARY TWO STOREY ACCOMMODATION BLOCK, FLOODLIGHTING OF ASTRO PITCH AND ASSOCIATED FENCING)
HEMEL HEMPSTEAD TOWN FOOTBALL CLUB,
VAUXHALL ROAD, HEMEL HEMPSTEAD, HP2
4HW
- 5.09 4/00395/16/FHA CONVERSION OF GARAGE AND ASSOCIATED ROOMS TO ANNEX ACCOMMODATION
HAZEL GROVE, WAYSIDE, CHIPPERFIELD,
KINGS LANGLEY, WD4 9JJ

Item 5.01

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

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



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

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

APPLICANT: Relic Homes Ltd.

[Case Officer - Elspeth Palmer]

This application was previously considered at the meeting on 25th February 2016. The Committee agreed to defer the application as a number of questions were raised regarding the above application which could not be immediately answered.

The information required included:

- Firm details on parking for vehicles and horse boxes;
- Tracking details showing turning arrangements for horse boxes;
- Details of Hay and Tack store; and
- Water supply arrangements.

Information Requested

The following additional information was requested from the applicant:

- A detailed plan showing where water is available and where hay, straw and other foodstuffs can be stored on site;
- A detailed plan (may be same plan as above) showing the extra buildings and double stables that you mentioned at the meeting;
- An amended plan of the internal arrangements of Barn B showing a tack room, saddle store, first aid cupboard; and
- A separate plan showing parking for the Cottage, Barn B and the equestrian use. This will include turning circle and tracking.

This information was submitted by the applicant and went out for consultation on Wednesday 2nd March. This gave consultees the required 14 days to comment in order for their comments to be placed into the Addendum for the next Development Control Committee Meeting or to be reported to the meeting on the night.

Information submitted

1. Site Plan No. 15.149.P7.200 showing the following:

- where water is available (2 taps on large stable and 1 on small Stable)
- where hay and dry feed to be stored (small stable has an existing hay store and large stable has existing storage to the rear);
- the small stable has two large corner units which could house a mare and foal;

- shelving for first aid kit, medicine, tack, saddle store and equipment in Barn B; and
 - fire extinguisher location.
2. Proposed Plans and Elevations (Barn 2) No. 15.149.P7.301 showing the following:
 - amendments to Barn B showing provision of tack, saddle and related equipment store.
 3. Car and horse Trailer parking Plan No. 15.149.P7.600 showing parking for vehicles on site and tracking for manoeuvring of horse boxes.
 4. Photographs of current existing stables and areas intended to be repaired and restored as part of the application.
 5. Covering letter setting out further information and confirming that the applicant is prepared to submit a business plan for the future management of the proposed equestrian use on the site to the Council for its written approval as part of a planning condition.

Other issues that were raised include:

Were Business rates paid for the previous equestrian use?

It has been established by contact with the Business Rates section of the Council that there are two commercial units on the site and both are on the rating list. This does not mean that rates have been paid it just means that they are listed as rated business/commercial activities. One of the units has been listed since 2003 and the other since 2005.

As the equestrian use is to be retained on the site this information has been gained purely to resolve the issue as raised by both the applicant and local objectors.

Offers to buy the site

There has been an offer to buy the site. The person who offered asked for the overage clause on the property and land to be cancelled or paid off. This offer was made by someone who has been objecting to the proposal.

Acres vs Hectares

“The area of pasture required per horse will depend on the type of grass, ground conditions, time of year, type of horse and degree of pasture management employed. As a general rule, each horse requires approximately 0.5 – 1.0 hectares (or **1.25 to 2.5 acres**) of grazing of a suitable quality if no supplementary feeding is being provided.” (*Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids* 2009:3).

The site has 16 acres available for the equestrian use. Based on the above standards it could support at most 12.8 or 13 horses. Clearly this figure does depend on other issues such as type of grass, ground conditions etc.

NPPF Para 74 states:

Para "74. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss."

The applicant did not need planning permission to stop the equestrian use. The use is currently not operating on the site. The MFA application proposes to reintroduce the equestrian use on the site at a more sustainable level of use than the previous use. The site does not have existing sports and recreational buildings and the proposal does not involve building on the land merely converting existing buildings.

Summary of objections on the additional information

Flauden Parish Council

Flauden Parish Council does not consider that there are any additional comments, which would cause them to change their recommendation that this application be **REFUSED**.

Comments made with our original objection and at subsequent Development Control Committees still stand.

In addition we would make the following comments on the latest additional information provided:

106 Agreement: We note that the document states that the Owner is the freehold owner of the Property registered at the Land Registry with Absolute Title. Can you confirm that Relic Homes are the Title holders, as Land Registry Records appear to suggest otherwise, and are they therefore able to sign this document?

Storage Facilities: We do not believe the applicant has adequately addressed the problem of providing adequate storage facilities. All of the storage facilities marked on the applicant's plans are currently in existence and are in addition to the facilities previously provided in both Barn A and Barn B. Barn B was originally only given planning permission, as it was felt essential to provide additional storage facilities for the equestrian business. By converting Barn B to a domestic dwelling, even a smaller scale 16 stable business will not be able to provide the practical facilities required by anyone wishing to rent stabling.

No provision is given for storage of equipment such as tractor for maintenance of the ménage and fields.

Parking for cars and horse boxes: We believe the parking plan given is unrealistic. In reality it is hard to see there is sufficient turning space for horseboxes or indeed provide the room to load or offload horses. The additional traffic created within the yard by having two additional properties is likely be an unattractive proposition for anyone wanting to rent the stables, and it is hard to see how anyone wishing to purchase a substantial detached four bedroom property, would want to share their access way with horses/horse boxes, delivery vehicles plus tractors and potentially 12 other vehicles for which parking spaces have been allocated.

No space has been allocated for the permanent parking of horse boxes. Again making the suggestion of the stables being suitable for rental to potentially 16 horses, impractical and unworkable.

Waste Management: The document fails to mention the important issue of waste disposal, in particular from the muck heap, as it is a controlled waste.

Manager's Office: The applicant suggests that having originally applied for planning

permission to include a Manager's Office in Barn B, this is no longer considered to be necessary, and this has conveniently been re-allocated in the amended plans to provide an equipment storage room. No explanation is provided to where a Stable Manager would manage the complex. No toilet or washing facilities are offered for staff or horse owners.

Business Plan: Mr Watts mentions that the applicant is prepared to submit a business plan for the future management of the equestrian activities. We do not believe this application should be put before the Development Control Committee without this plan being in place.

Garden Space: Plans now show an area of garden allocated to Barn B. No explanation has been given by the applicant to explain why this piece of land, which is currently a field, should be re-designated as a domestic garden.

Barn A, which is a large detached 4 bedroom house with footprint of 400 sq m has not been allocated the minimum amount of garden, ie a depth of 11.5m as stated in 'Saved Appendix 3 of Local Plans – Layout of Residential Areas". And as all the land around it has been allocated to the equestrian complex, it will not have direct access to any other land.

For a county with a very large horse population we are surprised not to find any Supplementary Planning Guidance for Stables and Equestrian Developments within the Dacorum Planning policies. Guidance of this nature, prepared by someone with expertise in the area, would have been very helpful in dealing with the issues in this application.

As with all previous applications for this site, plans seem to have been rushed through and appear incomplete and ill thought out. The application would appear to have been compiled by someone with little knowledge of equestrian establishments or the infrastructure required.

The Old Chapel - Objects

I am very disappointed that this application has not already been rejected. I do not see anything in the additional information submitted by Relic Homes that differs from my initial objections which still stand.

Flauden House - Objects

Provision for parking is impractical and not enough for 16 stables, with one or more vehicle per horse (car and/or horsebox/trailer). The diagram showing parking of three horseboxes does not make sense – it is dangerous and impractical.

There is still not enough dedicated building area for essential equipment such as tractors, etc. for the maintenance of the ménage/arena and the fields, let alone storage for hay, tack and bedding. 16 horses require huge bales of hay and bedding, which are needed twice a day. Each horse will need inside space for saddles, rugs, etc. According to Relic's plans, there is inadequate provision for hay and bedding, and based on this it would require a twice-daily delivery from the suppliers, which is not feasible or desirable.

Relic simply do not have any idea what a small livery yard would need, nor do I think they care. As it stands, the proposed livery yard would probably not attract enough people to make it viable, as it is so badly and naively planned – which is probably exactly what Relic want.

There is now no Manager's Office, therefore no facilities for stable staff.

Showing photos of minor repairs to be undertaken is simply not relevant to the application

Where is the business plan showing the viability of the proposed new 16-stable livery yard or the non-viability of the previous 34-stable business? – Both of these are required by policy.

Additionally, there is still no assessment undertaken to clearly show that the buildings are surplus to requirements as required by NPPF Para 74.

The additional information provided does not materially change my initial grounds for objection to this application, which therefore remain valid.

Relic continues to waste everyone's time. Too much attention is now going on the proposed livery yard. The matter of the inappropriate conversion of the large barn, the extension of the coach house while overlooking the illegal conversion of part of it a few years ago, and the conversion of barns which were only allowed to be built to support the thriving equestrian business are still not being addressed.

Birch Lane House - Objects

1. The additional information provided does not materially change my initial grounds for objection to this application that therefore remain valid.

2. The 106 Agreement for the retention of a minor part of the historic equestrian business on site does not constitute 'every reasonable effort' being made to secure a business and does not support the development of rural economy as required under Local Plan 110 and CS5.

Additionally, the 106 Agreement as currently worded, stating 'unless the Council agree otherwise in writing', is no more binding or secure in protecting the long term business than the permission for the building of the storage barn (Barn B) was in 2009. This was built under the strict requirement from the Council that it was 'to be used only for storage directly associated with the equestrian use of the site and for no other purpose' and is now being recommended by Dacorum Planning for residential conversion.

The 106 Agreement also states the use is for 'Commercial Use' defined as 'stabling for equestrian use'. As defined, this does not, I believe, preclude the stables being used or kept solely for private equestrian use and not run as a business for third party clients and the wider community.

3. With regard to the additional amended plans and drawings submitted by Relic Homes my comments are:

(i) Parking provision is ill thought out, impractical and inadequate. Parking 3 horse boxes within the stables 'D' is both dangerous to horses and unworkable.

(ii) Where will essential equipment be stored e.g. tractor and rake for maintenance of manege etc be stored?

(iii) The removal of a 'Manager's Office' means that there are now no facilities whatsoever for stable staff.

(iv) There is no calculation to determine that the very simple wooden sheds designated for storage are of adequate size and structure for a commercial equestrian facility.

(v) Minor cosmetic repairs and general maintenance to gutters, eaves, doors, downpipes, fascia boards etc whilst necessary and good are not material to the planning application.

4. There is still no business plan either showing the viability of the proposed new 16 stable proposal or to demonstrate the non-viability of the historic 34 stable business, both of which are required by policy.

5. There is still no assessment undertaken to clearly show that the buildings are surplus to requirements as required by NPPF Para 74.

Bluebell Cottage - objects

As far as the equestrian business is concerned, it has been on the site for at least 30 years and was perfectly viable at the beginning of 2015. There is enough evidence to substantiate

this including the submission of The British Horse Society. The subsequent closure of the equestrian business was purely at the instigation of Relic Homes who have deliberately allowed the site to deteriorate.

These are just two examples of Relic Homes cavalier attitude to planning requirements. I cannot believe that the planning officers are condoning the cynical closure of a viable local business for a quick profit by recommending approval of this proposal. The compromise "solution" of a few stables without adequate supporting facilities is less likely to be viable than if the premises were reopened again as a livery yard. Restoration of the premises as a proper equestrian business would succeed as there is a significant shortage of such facilities in the area. I look forward to seeing Relic Homes business plan for the proposed compromise "solution" and reasons for their claim that the established equestrian business on the premises was not viable.

So far the only evidence of unviability is the throw away three line paragraph 10.2 of the Additional Information provided by Relic Homes on 29 December 2015. The evidence of The British Horse Society and the fact that there are prospective purchasers who would reinstate the equestrian business clearly suggests that the business was viable. Even if the books for this business cannot be obtained, a comparison with other equestrian businesses in the area would soon show that there is significant demand for such facilities. Just because Relic Homes may make more money replacing the equestrian business with residential development, this does not mean that the equestrian business was unviable.

I note that your final paragraph accepts that the equestrian businesses probably were viable but that it would be difficult to establish this. My understanding is that it is for Relic Homes to show that the equestrian business was unviable rather than for the objectors to demonstrate that it is viable as alluded to in your reply.

Highways Authority

The parking tracking appears to be OK. However, this is an internal activity and not on public highway.

Conclusion:

It is considered that the additional information provided by the applicant provides the clarity required by members at the previous Development Control Committee.

The recommendation of this report remains the same as the previous one which was to be (as verbally advised at the meeting on 25th February)

RECOMMENDATION - That determination of the application be **DELEGATED** to the Group Manager, Development Management with a view to approval subject to the signing of the Unilateral Undertaking by the relevant parties and the conditions previously suggested in DCC report of 25th February (below).

Addendum:

Previous Report to Development Control Committee on 25th February, 2016

Summary

The application is recommended for approval.

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

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

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

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

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

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

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

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

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

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

The proposed development is in line with recent changes to planning policies at local and

national level. The Core Strategy, NPPF and the GPDO now encourage the conversion of agricultural/rural buildings to residential.

Site Description

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

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

The site can be broken down into 3 parts.

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

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

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

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

Proposal

The proposal includes the following:

- conversion of an existing agricultural barn (Barn A) to form a 4 bedroom detached dwelling with garage and workshop;
- conversion of an existing agricultural building (Barn B) to form a 2 bedroom dwelling with manager's office;
- extend the existing dwelling and provide parking for the The Coach House;
- retain the menage and associated land (within the applicant's ownership) for equestrian purposes;
- provide parking for the equestrian use; and
- retain and refurbish the two bespoke stable buildings (with 16 stables) specifically the refurbishment will include:
 - Replacement and renewal of worn felt roof on the stables;*
 - Replacement of rotten stable doors with new stable doors;*
 - Repaint loose bricks to the bottom of wall; and*
 - Renew / seal leaking rainwater goods.*

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

The applications include:

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

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

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

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

Referral to Committee

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

Planning History

4/02895/15/FUL CONVERSION OF EXISTING AGRICULTURAL BARN TO FORM A DETACHED FOUR BEDROOM HOUSE WITH HOME OFFICE AND STABLES (AMENDED SCHEME).
Withdrawn
04/11/2015

4/01123/15/FUL CONVERSION OF AN EXISTING STABLES TO FORM A SINGLE FOUR BEDROOM HOUSE WITH GARAGE AND WORKSHOP (REVISED SCHEME).
Refused
21/08/2015

4/00201/15/FUL CONVERSION OF EXISTING STABLES TO FORM A FOUR BEDROOM HOUSE WITH GARAGE AND WORKSHOP
Withdrawn
17/03/2015

4/01569/05/FUL STATIONING OF CARAVAN FOR SAFETY AND WELFARE OF HORSES
Refused
20/09/2005

4/02292/03/FUL EXTENSION TO COTTAGE AND CONVERSION OF ADJOINING STABLES. DEMOLITION OF TACK/FEED ROOM
Granted
18/12/2003

4/00567/03/FUL DEMOLITION OF EXISTING TACK AND FEED ROOM, CONVERSION OF STABLES AND EXTENSION TO ACCOMMODATION
Refused
09/05/2003

4/02089/01/CAC REMOVAL OF BARN
Refused
01/03/2002

4/02088/01/FUL REPLACEMENT OF EXISTING BARN WITH NEW DWELLINGHOUSE
Refused
28/02/2002

4/00848/01/CAC DEMOLITION OF BARN
Refused
28/08/2001

4/00821/01/ ONE DWELLING
Refused
28/08/2001

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

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

Adopted Core Strategy

NP1 - Supporting Development
CS5 - The Green Belt
CS7 - Rural Area
CS8 - Sustainable Transport
CS9 - Management of Roads
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS14 - Economic Development
CS17 - New Housing
CS25 - Landscape Character
CS27 - Quality of the Historic Environment
CS29 - Sustainable Design and Construction
CS31 - Water Management

CS32 - Air, Water and Soil Quality

Saved Policies of the Dacorum Borough Local Plan

Policies 13, 81,110
Appendices 3 and 5

Supplementary Planning Guidance / Documents

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

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

Summary of Representations

Flaunden Parish Council

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

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

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

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

The application fails to comply with paragraph 74 of the NPPF in that an assessment demonstrating that the stables are surplus to requirements has not been submitted.

The application is contrary to Green Belt policy.

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

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

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

The land has been allowed to become derelict and overgrown with vegetation. Since its

purchase, Relic Homes have made no attempts to continue to rent out the land and stables.

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

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

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

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

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

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

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

The report contains several inaccuracies;

- the Coach House has never been granted permission to become a three bed cottage
- there is a covenant on the land which is not made reference to
- the land has never been used as farming
- the previous equestrian use of the site was run as a viable business

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

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

Strategic Planning and Regeneration

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

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

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

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

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

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

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

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

Comments on Viability Report from Strategic Planning and Regeneration

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

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

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

Conservation and Design

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

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

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

Hertfordshire Highways

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

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

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

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

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

Trees and Woodlands

Comments from previous applications:

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

HCC Development Services

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

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

All dwellings must be adequately served by fire hydrants in the event of fire. The County

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

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

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

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

Justification

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

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

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

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

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

(ii) Directly related to the development;

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

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

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

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

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

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

Hertfordshire Biological Records Centre

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

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

- "Bats and their roosts remain protected at all times under National and European law. If bats or evidence for them is discovered during the course of works, work must stop immediately and advice sought on how to proceed lawfully from Natural England (Tel: 0300 060 3900) or a licensed bat consultant."
- "Site clearance should be undertaken outside the bird nesting season, typically March to September (inclusive), to protect breeding birds, their nests, eggs and young. If this is not possible then a search of the building/surrounding vegetation should be made by a suitably experienced ecologist and if active nests are found, then works must be delayed until the nesting period has finished."

Contaminated Land Officer

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

Thames Water

Waste Comments

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

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

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.

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

Water Comments

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

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

Broadlands, Flaunden Lane – objects

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

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

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

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

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

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

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

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

106 Flaunden – objects

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

- the Coach House has never been granted planning permission for a three bedroom

cottage

- the permission from 2003 includes the conversion of the adjoining stables to the north of the property and a new extension attached to the west, maintaining a one bed cottage
- the approved drawing excludes the three agricultural units at the southern end of the Coach House

These units have now been converted without planning permission.

September Cottage - objects

The proposed development would create a precedent.

Flaunden is the wrong place to build new homes as it has insufficient facilities.

The proposal is contrary to Green Belt policy and no very special circumstances have been put forward to support the development.

The enhanced use of the Green Belt including for outdoor sport and recreation should be encouraged.

The application contains numerous inaccuracies designed to mislead.

Lavender Cottage – objects

The stables are a major asset to the community. Their loss would fail to support the local economy, contrary to local and national policy.

Most of the tenants who were evicted in 2015 would wish to return. The application has made no effort to continue to run the equestrian business.

The application states there is a wish to retain some stables for equestrian use: this lacks credibility based on the proposals and the information submitted with the application.

The barns are described in the application as 'agricultural'. This is inaccurate as they have only ever been used for equestrian purposes.

The Coach House has already been extended without planning permission.

1 Birch Lane - objects

The current proposal is not materially different to the individual applications that have been made on the site for the proposed development.

The proposed development would be contradictory to the planning policies which have maintained the character so well over many years. It is against Green Belt policy and guidelines.

The openness and local distinctiveness of the area will be changed by the proposed development.

The development would not support the local economy. The closure of the stables has also led to the loss of employment.

Existing buildings should only be re-used if they are surplus to requirements. This was not the case with the stables.

The closure of the stables has resulted in the loss of opportunity for equestrian sport within the Green Belt.

The information within the application, particularly in the Design and Access Statement, is misleading and inaccurate.

Relic Homes have not provided any evidence that the equestrian business was not viable.

The barn to be converted is a light weight construction and not a substantial construction required by planning policy.

The proposed dwelling is significantly bigger than many of the large houses in Flaunden. Its scale would be out of proportion with the surrounding properties.

There is no garden shown and the amenity space identified on the plans is small in comparison to the size of the house. It seems inevitable that some of the surrounding fields will be turned into gardens, reducing the open nature of the site and resulting in the loss of Green Belt.

Prior to the acquisition of the site by Relic Homes, development was added to the site (concerning the 2 bedroom house) without the benefit of planning permission. The plans of the building have been altered to make the building look more like a suitable building for conversion to residential use.

The Coach House was converted to residential use for equestrian use in 2003, and subsequently extended without permission. The application for the extension to the Coach House is seeking to regularise this illegal expansion.

The viability report is misleading and inaccurate.

Flaunden is a thriving village and contains a range of local businesses and community facilities: Flaunden House Stables is one such business. Its closure would be a loss to the village.

Flaunden is not an area identified for housing by Dacorum.

Tambarram – objects

The application is incorrect on a number of counts and is not supported by evidence.

No attempt has been made to maintain and market the commercial activity on the site.

The proposal is detrimental to both the rural economy and the Green Belt.

The development would negatively impact upon the privacy of neighbouring properties.

The proposal would set a precedent if granted.

The application is contrary to planning policy and guidance, including Green Belt policy. The development would not protect the character and local distinctiveness of Flaunden.

It would not support the rural economy.

No assessment has been made as to the demand for the equestrian facilities.

The development does not support outdoor sport and recreation in the Green Belt.

The remaining stables on the site would be far less attractive for future use following the development.

The arguments as to how the development would benefit the local economy are misleading and implausible.

The reference that the development would be a suitable use of this redundant and non-economic is wrong.

The development would have an adverse impact upon the amenities of the neighbouring property and would detract from the character of the village.

The Old Chapel – objects

The application has not met the requirements of the earlier rejection in that all reasonable efforts to maintain and market the existing equestrian business on the site have not been made.

The site was vacated immediately prior to Relic Homes' purchase of it.

There is demand for equestrian activity in the area.

There is no need for additional housing linked to equestrian activities.

The application and the report are misleading.

The development and use of the Green Belt (that has never been redundant) is contrary to Government policy.

The development would detract from the character of the village.

The maximisation of profit is not a relevant argument to be used in the case.

Flaunden House - objects

The application is inaccurate in several ways.

No evidence has been submitted proving the business is not viable.

No attempt has been made to market and maintain the existing commercial activity on the site.

The proposal would be detrimental to the rural economy and the Green Belt.

The proposal would impact upon the neighbouring properties.

This would result in a precedent.

There is demand for the stables.

The closure of the stables has resulted in the loss of employment.

The viability report is misleading.

There is interest in purchasing the site as a viable concern.

105 Flaunden – objects

The business on the site was viable.

No attempt has been made to maintain the existing activity.

The site has always been as stables and not for agriculture.

Honeysuckle Cottage – objects

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

The barns were in equestrian use not agricultural use.

No attempt has been made to market and maintain the existing commercial activity on the site.

It seems likely that the developers would seek to develop much of the rest of the site too.

The development is contrary to policy.

Bluebell Cottage – objects

The site has never been used for agricultural purposes.

The information submitted with the application is inaccurate and misleading.

The amenities of the village would be harmed.

The development is contrary to Green Belt policy.

There is a shortage of equestrian facilities in the area.

Hazel Cottage – objects

The application has not met the requirements of the previous refused application.

There is strong demand for equestrian activities in the area.

There is no need for additional residential buildings linked to equestrian activities.

The application and the report are deliberately misleading.

The proposal is contrary to Green Belt policy.

The development would detract from the character of the area.

The maximisation of profit is not a relevant argument to be used in the case.

Birch Lane House - objects

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

development, though this is not relevant to the planning application.

The report contains many misleading and inaccurate statements;

- the farm does not comprise a farm establishment
- the extension to the Coach House (4/02292/03/FUL) was granted to ensure that living accommodation is available for equestrian use
- the top barn was extended (4/01912/09/FUL) for storage purposes directly associated with the agricultural use of the site
- the site is only empty and becoming derelict since the previous tenants were evicted upon purchase of the site by Relic Homes in 2015
- the main barn was historically a stable block containing 18 stables
- the annual stable maintenance cost of £500 is not well researched and is overstated
- the application makes assumptions about the Council's view as to the current application
- there are accounts and evidence of the established equestrian business on the site

There are also inaccuracies in statements from previous applications from Relic Homes concerning the site and its history.

The 2015 applications to convert the two barns do not meet the guidelines set out in the National Planning Policy Framework, including;

- development ought to support a prosperous rural economy to create jobs and support the sustainable growth and expansion of all types of business and enterprise in rural areas
- promote healthy communities in delivering the social, recreational and cultural facilities and services the community needs
- protecting Green Belt land by planning positively to enhance the beneficial uses of the Green Belt, for the provision and use of shared space and community facilities such as sports venues, to ensure that established facilities are able to develop and are retained for the benefit of the community and are not built upon unless an assessment has been made that they are not required

Flaunden House Stables have a history of over 30 years established, professional equine use.

The British Horse Society Hertfordshire - Objects

The British Horse Society Hertfordshire have submitted several documents to be considered as part of this application.

- Covering letter with objections dated 31 December, 2015;
6. Commercial History Report dated December 2015;
7. Follow up letter dated 4th January, 2016;
8. Critique of viability report submitted as part of the application.

See Appendix 1 for a full copy of these documents.

The British Horse Society state "It is important that these proposals meet the necessary welfare, legislative and infrastructure requirements to ensure such operations can be well managed".

The British Horse Society ask for the following:

9. Plans to be submitted for approval to demonstrate the stables and the supporting buildings and infrastructure for the operation of the livery yard are in accordance with:
- DEFRA Code of practice for the Welfare of Horses, Ponies, Donkeys and
 - NEWC Compendium for the Welfare of Horses, Ponies and Donkeys.
 - BHS Approval Criteria for Livery Yards.

Hybrids

(Reason: to ensure the livery yard development is suitable for purpose and designed, planned and erected in accordance with advice from an appropriate source of information).

- Details to be provided for designated on-site parking areas for livery yard staff, horse owner's and regular visitors motor vehicles.

(Reason – to prevent offsite parking in a narrow country road and local lanes creating congestion and damage to verges in the rural area - regular visitors will include Vet's, Farriers, Physio's, and Equine Dentists. For the proposed yard a minimum of six defined parking spaces).

- Transport maintained and available on site should emergency veterinary treatment be required.

(Reason - the provision of a trailer and towing vehicle and or horse box is a welfare requirement for the transportation to a Veterinary hospital for sick animals requiring urgent lifesaving surgery if diagnosed by a veterinary surgeon or other competent person).

Considerations

Policy and Principle

The reason for refusal given by the DCC on 6th August, 2015 for the application 4/01123/15/FUL for "conversion of an existing stables to form a single four bedroom house with garage and workshop" was:

By removing an existing equestrian use, the proposal fails to support the rural economy, contrary to Policy C5 of the Core Strategy, and has failed to demonstrate that every reasonable effort has been made to secure a business, recreation or tourism-related reuse, contrary to saved Local Plan Policy 110.

The applicant has addressed the reason for refusal by agreeing and making provision for the equestrian use to be reinstated on the site. The applicant has also provided a Viability Report for the site which considers the viability of other uses such as business, recreation or tourism-related reuse.

The Viability Report states that the proposal will ensure that 14.75 acres (total area is 16.45 acres) of land will be used for equestrian purposes. The DEFRA standards which are supported by the British Horse Society states that each horse requires approx. 1.25-2.5 acres of grazing land. There will be stabling for 16 horses. The horse to grazing land ratio would be 1:0.82 acres. A minimum ratio of one horse per half acre is generally expected so the provision of 16 stables will achieve this standard.

The proposal is providing stabling for 16 horses which is in line with the what the standards require.

The Viability Report concludes by stating that the "conversion of the barns to either storage, office, light industrial, retail or an alternative leisure/recreation use would not only be unviable but would also be detrimental to the existing residential use of the Coach House and the remaining potential equestrian use of the land and would negatively affect the amenity value of nearby residential properties and undermine the rural setting of Flaunden Village".

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

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

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

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

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

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

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

The Coach House

Policy and Principle

The previous planning permission for the Coach House:

4/02292/03/FUL	Extension to Cottage and conversion of adjoining stables. Demolition of tack/feed room. Granted 18/12/2003
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One of the conditions placed on this approval was:

The occupation of the dwelling shall be limited to a person solely or mainly working at Flaunden House Stable or a widow or widower of such a person and to any resident dependants.

Reason: For the avoidance of doubt and to ensure living accommodation is available for the equestrian use which the applicants have previously argued is required.

Application 4/02987/15/FHA for a single storey rear extension to The Coach House has not been determined as yet.

Planning permission could not be granted for an extension to this dwelling while the condition could not be met (ie there was no activity at Flaunden House Stables for the resident to be employed in).

It is proposed as part of this MFA and the attached Unilateral Undertaking that this condition be moved to the 2 bed conversion ie. Barn B. Thus saved Policy 22 of the DBLP can be used to assess the proposed extension.

The site lies within the Green Belt where limited extensions to existing buildings will be permitted provided it has no significant impact on the character and appearance of the countryside and it supports the rural economy and maintenance of the wider countryside.

Green Belt

As the site is located in the Green Belt it is important to consider the five criteria within saved Policy 22 of the DBLP. In this respect it is considered that:

- a) the scheme is compact and well-related in terms of the already approved dwelling, principally because it matches the existing dwelling in terms of design and scale.
- b) the site will have a private amenity space of 165 square metres which will ensure that adequate space around the dwelling remains. The extension will not significantly reduce the area around The Coach House or detrimentally affect the setting of the plot.
- c) the proposed extension is single storey and set to the rear of the dwelling which is already a large gravel area providing amenity space for the existing dwelling so will not be visually intrusive on the skyline or the open character of the surrounding countryside.
- d) the extension would not prejudice the retention of any significant trees or hedgerows.
- e) the extension can be considered limited in size.

Under the previous planning permission 4/2292/03/FUL a 12.64 square metre increase of floor space was allowed. The percentage increase would have been 12%. This was however never constructed.

If the original dwelling is taken as the area allowed to be converted under this application then the floor area of the original dwelling was 108.96 square metres.

The current proposal is for a single storey rear extension totalling 36.54 square metres. This would result in a % increase of 34%.

According to saved Policy 22 of the DBLP limited in size will be judged according to the following:

- **within the Green Belt the resulting building (including any earlier extensions and alterations or replacement) should be less than 130% of the floor area of the original dwelling.**

Based on this advice the extension currently proposed can be considered limited in size.

Effects on appearance of building

As mentioned above the proposed extension will be in character with the existing dwelling in terms of scale and design.

Impact on Street Scene

The site does not have a street scene in traditional terms as it is set back of the road and is well within the Flaunden House Stables site. However as the extension is single storey and set down from the access road it is not considered that the proposal will be visually prominent in any way.

Impact on Trees and Landscaping

There are no significant trees in proximity to the proposal.

Impact on Highway Safety

The means of access is not changing so there will be no impact on highway safety. The proposal provides for two off street parking spaces which is adequate for a 2 bedroom dwelling.

Impact on Neighbours

The single storey rear extension is not in close proximity to any of the adjacent neighbours so will not result in a significant loss of sunlight and daylight. There are new windows at ground floor level in the new bedroom but there is a 1.8 metre close boarded fence along the opposite boundary between the extension and the adjacent neighbour.

As the condition making The Coach House a Flaunden House Stable worker's dwelling will be transferred to Barn 2 using the Unilateral Undertaking this extension can now be assessed under Saved Policy 22. The proposal complies with this policy for the reasons listed above.

Barn A

Policy and Principle

National Planning Policy Framework

Paragraphs 89 and 90 state the following:

The re-use of buildings provided that the buildings are of permanent and substantial construction is not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green. Paragraph 55 states that, in rural areas, local planning authorities should normally avoid isolated dwellings unless there are special circumstances. One such special circumstance identified is where the development would re-use redundant or disused buildings and result in an enhancement to the immediate setting.

Policy NP1: Supporting Development states that the Council will take a positive approach to the consideration of development proposals, reflecting the presumption in favour of sustainable development contained in the National Planning Policy Framework

The Core Strategy Settlement Hierarchy (p41) states that the village of Flaunden is classified as falling within the "Other small village and the countryside" category and is therefore an area of most development constraint within the Borough.

Core Strategy Policy 5 Green Belt states that within the Green Belt, small scale development will be permitted. This includes the appropriate reuse of permanent, substantial rural buildings provided that:

- it has no significant impact on the character and appearance of the countryside; and

- it supports the rural economy and maintenance of the wider countryside.

Saved Local Plan Policy 110 Agriculture and Re-use of Rural Buildings states that permission will not be granted for residential reuse unless every reasonable effort has been made to secure business, recreation or tourism-related reuse.

Local Plan Policy 81 Equestrian Activities

It is important to note that Local Plan Policy 81 and 110 were saved following adoption of the Core Strategy and have not therefore been checked for compliance with the NPPF. Policy 110 has essentially been superseded by the policies of the NPPF when considering the re-use of rural buildings, and only limited weight can be applied to this policy as a result. This has been confirmed with SPAR.

The Town and Country Planning (GPD) (England) Order 2015.

In 2014, the Government introduced new permitted development rights to allow the conversion of certain agricultural buildings to housing through a prior approval process. Up to 450 sq. metres of agricultural buildings can now be converted to provide a maximum of three homes without the need for planning permission. Where applicable the permission would not be affected by the site being within the Green Belt. Whilst the building in question is an equestrian building, these recent changes illustrate the Government's stated desire to increase significantly the supply of housing, including through making use of suitable rural buildings.

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

Impact on Green Belt

The Structural report submitted with the application concludes:

- that the structures of the main building, and that of the feed store and tack room are free from defect and are of substantial and permanent type constructions.
- the building is capable of being converted to a residential dwelling without any major demolition works being necessary.

The proposal will not have any significant impact on the character and appearance of the countryside for the following reasons:

- the footprint of the new dwelling will be smaller than the barn, resulting in an improvement to openness;
- the volume of the new dwelling will be smaller than the barn, resulting in an improvement to openness;
- the amenity space for the dwelling will be within the footprint of the original barn and hidden behind fencing so any residential paraphernalia will not be visible and will not impact on the openness of the green belt;
- the car parking and garage space will be included in the footprint of the original barn;
- the existing car parking area will be removed and returned to grassland, resulting in a visual improvement to the site;
- the dwelling will be serviced by an existing access; and
- minimal changes to the exterior of the barn ie. addition of windows and doors.

Complies with CS 5 Green Belt

This current application is a comprehensive approach for the site which addresses the reasons for refusal given for 4/01123/15/FUL for "conversion of an existing stables to form a 4 bedroom house with garage and workshop".

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

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

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

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

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

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

Effects on appearance of building

The proposal will change the exterior of the barn somewhat by adding windows and doors but overall the design maintains the rural character.

Impact on the Conservation Area

The proposal is adjacent to the Conservation Area but the barn does not have any historical value.

There will be no adverse impact on the character or appearance of the Conservation Area and so the proposal complies with CS 27.

Impact on Trees and Landscaping

To convert the barn should not detrimentally affect the adjacent trees. It is considered that the tree screen along the western boundary of the site is very important as a visual buffer between the new dwelling and the neighbours on the western side. Retention will be secured by condition.

Impact on Neighbours

The nearest neighbours are Birch Lane House (61 metres away), The Old Chapel (62 metres away) and Flaunden House (101 metres away). Due to the distances it is not considered that there will be any loss of privacy or loss of sunlight and daylight for any of these neighbours.

Amenity Space

Saved Appendix 3 Layout and Design of Residential Areas states that private gardens should have an average minimum depth of 11.5 metres. The proposals garden area falls short of this but has direct access onto the open countryside so this shortfall is not considered significant.

Parking Requirements

Saved Appendix 5 Parking Provision requires that a four bedroom dwelling has 3 parking spaces. The proposal now has 3 parking spaces.

Barn B

Policy and Principle

National Planning Policy Framework

Paragraphs 89 and 90 state the following:

The re-use of buildings provided that the buildings are of permanent and substantial construction is not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt.

Policy NP1: Supporting Development states that the Council will take a positive approach to the consideration of development proposals, reflecting the presumption in favour of sustainable development contained in the National Planning Policy Framework

The Core Strategy Settlement Hierarchy (p41) states that the village of Flaunden is classified as falling within the "Other small village and the countryside" category and is therefore an area of most development constraint within the Borough.

Core Strategy Policy 5 Green Belt states that within the Green Belt, small scale development will be permitted. This includes the appropriate reuse of permanent, substantial rural buildings provided that:

- it has no significant impact on the character and appearance of the countryside; and
- 10. it supports the rural economy and maintenance of the wider countryside.

A previous application 4/01123/15/FUL for Conversion of an existing stables at the Flaunden Huse Stables site to form a single four bedroom house with garage and workshop was refused at DCC on 6 August, 2015. The site for this application is close to the subject site.

The reason for refusal was:

By removing an existing equestrian use, the proposal fails to support the rural economy, contrary to Policy C5 of the Core Strategy, and has failed to demonstrate that every reasonable effort has been made to secure a business, recreation or tourism-related reuse, contrary to saved Local Plan Policy 110.

The current building is physically separated from the above barn (being near to the access with Birch Lane) and is currently used primarily for storage of equipment.

Impact on Green Belt

The Design and Access Statement submitted with the application states:

11. the building has been confirmed to be a permanent and substantial building in a report

from an independent structural engineer who made a visual inspection;

- the building is not of a temporary structure and was built to accommodate agricultural vehicle storage and other ancillary storage uses;
- the residential conversion can be undertaken without substantial demolition works and alterations to the external appearance;
- the structure of the building is well founded with solid walls but requires the construction of internal stud work and better insulation;
- it has two different roof coverings and would benefit from a more unified approach to the roof by replacing those coverings with slates or clay tiles.

The proposal will not have any significant impact on the character and appearance of the countryside for the following reasons:

- the footprint of the new dwelling will be the same as the existing barn;
- the volume of the new dwelling will be the same as the barn;
- the amenity space for the dwelling will be located at the back of the barn which is adjacent to the rear gardens of dwellings facing Flaunden and any residential paraphernalia will only be visible from these dwellings themselves and will not impact on the openness of the green belt;
- the car parking will be at the western end of the dwelling and only visible from the road;
- the dwelling will be serviced by an existing access; and
- the area to be designated as amenity space is already enclosed with fencing (a variety of different types of fencing enclose the rear part of the site).

The amenity space for the dwelling will be located at the back of the barn which is adjacent to the rear gardens of dwellings facing Flaunden. Any residential paraphernalia will only be visible from these dwellings themselves and will not impact on the openness of the green belt as such but it will extend the urban fabric further into the green belt.

Complies with CS5 Green Belt:

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

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

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

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

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

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

Effects on appearance of building

The proposal will change the exterior of the barn by adding some windows and doors but the changes still maintain the rural character of the building.

Impact on the Conservation Area

The applicant has made some amendments based on the Conservation Officer's comments and any other requirements will be met via condition.

There will be no adverse impact on the character or appearance of the Conservation Area and so complies with CS 27.

Impact on Trees and Landscaping

As there is no extension to the building involved as part of the proposal the trees located near the access should not be affected.

Impact on Neighbours

The nearest neighbours are The Coach House (which is part of the Flaunden House Stables) and the dwellings facing Flaunden.

Due to the distances between the dwellings it is not considered that there will be any loss of privacy or loss of sunlight and daylight for any of these neighbours. There are no side windows proposed looking towards The Coach House which would be the nearest neighbour.

Amenity Space

The amenity space is 650square metres which is considered more than adequate for a 2 bedroom house.

Parking Requirements

Saved Appendix 5 Parking Provision requires that a 2 bedroom dwelling has 1.5 parking spaces. The proposal has 2 parking spaces which is more than adequate.

The British Horse Society has stated that in order for the equestrian use to be viable provision for parking for horse boxes and emergency care visitors will be required. Additional plans were requested and submitted showing provision of parking for this use to be located to the rear of the stables and near to Barn A. Further details will be requested via a condition to any approval granted.

Sustainability

Policy CS29: Sustainable Design and Construction requires that new development will comply with the highest standards of sustainable design and construction possible. The applicants have been asked to prepare a Sustainability Statement.

CIL

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

The Charging Schedule clarifies that the site is in Zone 2 within which a charge of £150 per square metre is applicable to this development. The CIL is calculated on the basis of the net increase in internal floor area. CIL relief is available for affordable housing, charities and Self Builders and may be claimed using the appropriate forms.

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

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

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

- 2 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in size, colour and texture those used on the existing buildings.**

Reason: To ensure a satisfactory appearance to the development and to comply with CS 11,12 and 27.

No development shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:

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

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area and to comply with CS5,11,12 and 27.

3

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

For the purposes of this condition:

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

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

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

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

- 5 **Prior to commencement of development the refurbishment of the stables as described in the application must be completed.**

Reason: To comply with CS5 with particular reference to supporting the rural economy.

- 6 **Prior to commencement of development plans to be submitted for approval by the local planning authority to demonstrate the stables and the supporting buildings and infrastructure for the operation of the livery yard are in accordance with:**

DEFRA Code of practice for the Welfare of Horses, Ponies, Donkeys and Hybrids.

NEWC Compendium for the Welfare of Horses, Ponies and Donkeys.

BHS Approval Criteria for Livery Yards.

Reason: to ensure the livery yard development is suitable for purpose and designed, planned and erected in accordance with advice from an appropriate source of information.

- 7 **Detailed proposals for the fire hydrants serving the development as incorporated into the provision of the mains water services for the development whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus shall be submitted**

to and approved in writing by the Local Planning Authority prior to the commencement of the development and in accordance with the approved details thereafter implemented prior to occupation of any building forming part of the development.

Reason: To enable appropriate development to occur, ensure a safe, sustainable form of development which provides for its own infrastructure for fire emergencies in accordance with core strategy policies CS1, CS4, CS12 & CS29.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:**

**Schedule 2 Part 1 Classes [A, B, C, D, E, F and G]
Part 2 Classes [A, B and C].**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality.

Reason: In the interests of safeguarding the openness of the Green Belt; the rural character of the building and the site; and the visual amenity of the surrounding countryside. The proposed development comprises of the conversion of two agricultural buildings in a rural area and it is important for the local planning authority to retain control over certain future development which would normally represent permitted development, in order to safeguard the rural character of the surrounding countryside.

- 9 The occupation of the two bed conversion shall be limited to a person solely or mainly working at the stables located immediately north-east of the dwelling or a widow or widower of such a person and to any resident dependants.**

Reason: For the avoidance of doubt and to ensure that the stables opposite will be retained and offered to local people for the stabling of their horses.

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

Reason: To ensure a satisfactory appearance to the development and to comply with CS 11 and 12.

Reason: In the interests of the visual amenities of the Conservation Area and to comply with CS 27.

- 11 Prior to commencement of development a Business Plan for the equestrian use must be prepared and approved by the local planning authority.**

Reason: To comply with CS5 with particular reference to supporting the rural economy.

- 12 The development hereby permitted shall be carried out in accordance with the**

following approved plans/documents:

Design and Access Statement

Heritage Statement

CIL Form

Site Location Plan P7 001

P7 100 Existing Site Plan

P7 201

P7 200

P7 202

P7 203

P7 300.A

P7 400

P7 401

Master Plan 15.149.P7.500 - showing proposed ownership of land parcels.

Unilateral Undertaking - tying Barn B and all land not under the ownership of Barn A and The Coach House to the stables for the equestrian use

Viability Report

EIA Analysis and screening proforma

Additional information:

Site Plan No. 15.149.P7.700

Proposed Plans and Elevations (Barn 2) No. 15.149.P7.301 Rev B submitted on 8/3/16

Car and horse Trailer parking Plan No. 15.149.P7.600

Photographs of current existing stables and areas intended to be repaired and restored as part of the application.

Covering letter setting out further information and confirming that the applicant is prepared to submit a business plan for the future management of the proposed equestrian use on the site to the Council for its written approval as part of a planning condition.

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.

Informatives:

Highways:

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

AN2. The developer should be aware that the required standards regarding the

maintenance of the public right of way and safety during the construction. The public rights of way along the carriageway and footways should remain unobstructed by vehicles, machinery, materials and other aspects of construction works.

Transport maintained and available on site should emergency veterinary treatment be required.

(Reason - the provision of a trailer and towing vehicle and or horse box is a welfare requirement for the transportation to a Veterinary hospital for sick animals requiring urgent lifesaving surgery if diagnosed by a veterinary surgeon or other competent person).

Protected Species:

- "Bats and their roosts remain protected at all times under National and European law. If bats or evidence for them is discovered during the course of works, work must stop immediately and advice sought on how to proceed lawfully from Natural England (Tel: 0300 060 3900) or a licensed bat consultant."
- "Site clearance should be undertaken outside the bird nesting season, typically March to September (inclusive), to protect breeding birds, their nests, eggs and young. If this is not possible then a search of the building/surrounding vegetation should be made by a suitably experienced ecologist and if active nests are found, then works must be delayed until the nesting period has finished."

It is possible that bats may be using areas of the existing building.

UK and European Legislation makes it illegal to:

Deliberately kill, injure or capture bats;

Recklessly disturb bats;

Damage, destroy or obstruct access to bat roosts (whether or not bats are present).

If bats or evidence of them are found to be present a licence will be required before any relevant works can be undertaken and this will involve preparation of a Method Statement to demonstrate how bats can be accommodated within the development.

If bats are discovered during the course of any works, work must stop immediately and Natural England (0300 060 3900), Bat Conservation Trust Helpline (0845 1300 228) or the Hertfordshire & Middlesex Bat Group Helpline (01992 581442) should be consulted for advice on how to proceed.

Thames Water:

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

Appendix 1:

31 December 2015

Dear Ms Palmer,

**Dacorum Planning Ref: 4/03481/15/MFA
Conversion of two stables and extension to The Coach House at Flaunden House
Stables .**

On behalf of the British Horse Society Hertfordshire Committee, I enclose for your attention a comprehensive history of the ownership and commercial business activities for Flaunden House Stables and Equestrian Centre over the past 30 years. Due to the tight deadline and restrictions created by the holiday periods the report is forwarded direct to you at the request of Ms Lynn Myland the current BHS Herts County Chairman.

The BHS Hertfordshire Committee requests that the above planning application for change of use be refused in in light of misleading information in the application and supporting documentation.

The report was researched and produced following complaints received from Society members evicted from the above venue as a result of the purchase and immediate closure of the equestrian business. This confirms the view that the above and previous planning applications are inaccurate and misleading in a great number of ways. In particular the applications are incorrect by suggesting the American Barn and stables at this this equestrian venue have an agricultural status. For example:

The following key statements of the application (page 6 para 4) do not reflect the data available:

1. *“the applicant has since established that there was no viable equestrian business here; no records held in Companies House; and no accounts submitted”.*
As shown in the report a simple search on the internet for Flaunden House Stables revealed a number of records at Companies House and they indicate accounts submitted. A search also revealed St Albans Valuation Office records show this venue is assessed as a business unit and non-domestic rates apply. No rate relief records were found for agricultural buildings.
The owners of the livery yard businesses renting the large barn and buildings from 1999 confirm their operations were both viable and they paid business rates direct to Dacorum Borough Council.

2. *“Hamptons confirmed they did not market the site as a business”.*
The Hamptons Equestrian Sales Literature for the venue states:
“A viewing is essential to appreciate the impressive equestrian set up that is currently operational and could provide a business revenue”.

This statement clearly indicates the venue was marketed to be attractive to either:

1. A buyer requiring a self-contained equestrian competition yard.
2. A buyer keen to find and purchase an established operational equestrian business.
3. A private buyer seeking established equestrian premises and land.

In the 1980's and 90's Flaunden House and stables and land was a successful yard operated by professional showjumpers. It was sold in 1998 to a developer who eventually sold off the main house and a few acres but retained and rented out the yard, stables and majority of the land. Eventually the yard was sold in 2009 and returned to being a competition yard. The new owners continued renting the American Barn stables and land to the established livery yard business owner.

In 1998 the owners who had purchased Flaunden house and equestrian venue installed 18 internal stables in the larger barn and rented this and other facilities to a Limited Company

operating a livery yard business. It appears the developer may have failed to apply for permission for change of use.

It is suggested locally that you are aware of this and accept with the passage of time of some 15 years the initial unapproved change of use to commercial equestrian premises has become valid.

No doubt you would have expected an application to be made for a Certificate of Lawful Use to regularise the situation, as presumably would a solicitor handling a sale or purchase of the property.

We suggest the Barns with stables, rated as non-domestic premises, housing horses from 1999 until 2015, cannot be classed as agricultural buildings as is claimed in the planning applications.

Local information confirms that the yard, house, stables and land were then put up for sale due to the owner's illness, with completion taking place in May 2015.

Relic Homes applied for planning permission in March 2015 claiming a change of use from "agricultural buildings, unlawfully used as stables", to domestic use. As has been reported they required as a condition of purchase – vacant possession of all the premises prior to completion.

This in effect closed a viable rural commercial equestrian business considered locally as a community asset also involving the loss of a number of local rural jobs. This is hardly in line with national, county or borough strategies and policies for rural areas. Worthy of note, is a previous livery business owner for this site, who took time out to raise a family, approached the new owner of the venue and explained she was keen to rent the stables and restart her business but heard nothing for months.

At some stage after taking possession Relic Homes demolished the stables and fittings in both barns and removed much of the supporting infrastructure required to operate the remaining stables.

The current planning application suggests that some remaining stables and some land could be designated for local livery purposes. It is important that these proposals should include the necessary supporting infrastructure to ensure that such operations could be run successfully. A further letter will follow dealing with both this issue in more detail and the 106 Agreement and include our comments on the Commercial Appraisal report – only just received.

We trust you will find the above information useful and should you require clarification on any points please do not hesitate to contact either the undersigned, the BHS Hertfordshire Committee or the Society's Regional Development Officer. Details can be obtained from the following website:

<http://www.bhs.org.uk/bhs-in-your-area/east-of-england/hertfordshire>.

**Report produced for The Hertfordshire Committee of the British Horse Society
Flaunden House Stables re: – Dacorum Planning Ref: 4/03481/15/MFA
December 2015.**

Background

Flaunden House with its Stables, Equestrian Centre and land have been successfully managed for over 30 years by professional horse owners and independent proprietors.

Records available from The Land Registry, Companies House, Dacorum Borough Council, the Valuation Records Office St Albans (VRO) and Electoral Roll demonstrate the ownership and continuous operation of professional and commercial equestrian businesses at this location:

This included the keeping, breeding, buying and training of horses, plus the sale of competition horses, the provision of livery services and the trading of bloodstock.

Professional instructors regularly used the arena for training and education clinics for local livery yard clients and visiting horse and pony club owners.

Current Status

Flaunden House and some adjacent land was sold in 2006. The remaining Equestrian venue and stable yards include a residential house plus outbuildings and 16.5 acres of fenced land. This continued as an ongoing mix of equestrian businesses until the latest change of ownership.

The new and current owners required vacant possession; the horses and tenants were evicted by the time of completion and change of ownership in May 2015.

The result was the closure of both a long established rural business plus the loss of a number of full and part time local rural employment positions.

The equestrian complex and livery yards contained four separate stable blocks.

1. The large American style barn with 18 internal stables.
2. 4 stables in a small unit by the American Barn at the end of the arena.
3. 12 stables arranged in the traditional U shape around a central yard.
4. The top barn partially converted to include 4 stables within the past 5 years.

Chronological History.

In the 1980's Flaunden House and the associated land, stables, coach house and outbuildings were owned and managed by Mr & Mrs Meyerding.

Lutz Meyerding - a businessman and professional showjumper kept horses in the upper stable yard and trained these in the arena (manege). His business interests also included importing horses and bloodstock from the continent and he was a director of a number of companies including Peden Bloodstock Ltd (Company number

Susan Meyerding also dealt in horses and bred from her brood mares, who with their foals were stabled in the large barn with open sides configured with a series of corrals and pens using hurdles and gates.

This configuration is confirmed by Mr D Burgin of Flaunden who amongst others delivered straw and hay direct to the corral type stables within the barn in the mid 1980's.

Tim Stockdale (now an established British Olympic showjumper and trainer) then joined them and took up residence at the Flaunden House yard in order to gain further experience and be trained and coached by Lutz Meyerding. This is confirmed in his brief biography in the Nottingham Trent University archives following the award of an Honorary Masters degree. Tim was well known in the village for some years and kept his large horsebox on site – travelling around the UK and continent to competitions.

Tim Stockdale initiated evening and day time training classes including jumping lessons, horsemanship and horse management for owners visiting the yard with their own horses and ponies. No doubt providing a useful source of extra income and set the precedent for his youth

development training and coaching clinics that continue to this day.

Tim Stockdale moved on to be replaced by two more Professional showjumpers with horses, Stuart Harvey and then Philip Spivey, who rented the whole yard complex. Both of whom became very successful international showjumping competitors and trainers.

Mrs. Sue Featherstone, a British Horse Society Registered Instructor and Chief Examiner, confirms she undertook freelance teaching to owners on their horses at Flaunden House yard when Philip Spivey was in residence. Mrs. Featherstone, as well as examining local BHS candidates, regularly taught and trained clients at the regions equestrian centres.

Philip Spivey joined Tim Stockdale on the prestigious showjumping team sponsored by Traxdata.

In 1998 Flaunden house, land, stables, coach house and associated outbuildings were sold to new owners - Mr & Mrs Goldie. It is understood that Lutz Meyerding moved to America and he and Susan Meyerding separated (*see note below*).

Mr & Mrs Goldie were directors of the property developers, Huntley Construction and took up residence in Flaunden House with their family. They modified the large barn - removed the corral pens, erected solid external walls and fitted out the inside with stables in an American barn style.

In Feb 1999 they rented out the American Barn and part of the land to The Equestrian Trading Company Ltd run by Sarah Franklin. She used the barn for her "Equus business" and with her staff operated a full and part livery service to local horse owners.

Records show non-domestic business rates for Flaunden House Stables increased following the

Five year VRO re-assessment that took place for premises in England and Wales in 2004.

Mr & Mrs Goldie rented out the remaining 12 stables on the top yard to local horse and pony owners on a simple DIY livery basis. Grooms from the American barn provided services at times to the DIY clients whilst others used local grooms including Miss Tammy Bright who kept her horse at the yard. This included the turning out or bringing horses in from their exercise fields during the day, particularly when DIY clients were unable to attend.

The open area of the top barn opposite the stables was used as a store by local feed, hay and straw merchants who sold small lots of the items to the DIY Clients. At some stage the tack room and DIY support facilities at the coach house were rebuilt in the feed barn store.

In 2006 Sarah Franklin moved with her business to the South West and the American Barn livery business was taken over by Pelly Kouzelis also renting the premises from Mr & Mrs Goldie and she continued paying the "business rates" direct to Dacorum Borough Council.

In 2006 Mr & Mrs Goldie also sold Flaunden House along with a smaller parcel of adjoining land and moved into the nearby Honeysuckle cottage. They retained the yard and stables and continued to rent out the stable blocks, the American Barn and remaining land.

In 2009 Mr & Mrs Goldie put the equestrian yard and remaining land up for sale. The sale was completed in December 2009 with the new owners being Mr & Mrs Turner.

Brian and Georgina Turner moved in with their Hackney horses and carriages. They are well known long established trainers of Hackney horses. Georgina judged at horse shows around the UK and has for many years competed at national hackney carriage driving competitions including the Horse of The Year Show.

They ran the business by continuing renting out the large barn to Pelly Kouzelis for her business whilst the Turners managed the DIY stables and clients. However their long experience and professional knowledge enabled them to improve the type of service to DIY clients with advice and assistance at times on horse management and welfare requirements.

In order to segregate and ensure no harm came to their Hackney horses from mixing with the livery client's horses - they rebuilt and converted much of the top barn to stables for their exclusive use and also operated a segregated exercise regime. They invested more capital in the business and erected a further storage barn specifically for equestrian storage purposes.

They also supported the continuation of on-site clinics and training by visiting professional trainers and coaches for clients at the yard plus outside horses/owners and this continued up until 2015.

Mr & Mrs Turner advertised the equestrian complex for sale including the domestic accommodation and land and completed the sale in May 2015.

Hamptons Equestrian sales literature includes "A viewing is essential to appreciate the impressive equestrian set up that is currently operational and could provide a business revenue".

Notes

In March 2015 the purchaser applied, in advance of the May 2015 completion and change of ownership, for planning permission for a change of use to convert a number of what became the vacant commercially rated outbuildings (demolished stables) to domestic dwellings. No record can be found of any attempt to secure a commercial business, equestrian or otherwise, for the site despite the local high demand from horse owners for properly managed equestrian livery premises.

Planning permission was eventually refused by Dacorum Borough Council Development Committee.

Pelly Kouzelis, has approached the new owner about the possibility of the yard being reopened and or used again but has yet to receive a clear answer. It is understood the domestic accommodation in the coach house has been let to tenants.

Information:

Professional Trainers who worked with clients at the yard include:

<i>Ernest Dillion.</i>	<i>Fellow British Horse Society Specialises in Horsemanship and all aspects of training & coaching.</i>
<i>Chris Haywood.</i>	<i>British Horse Society - instructor. Production of riders at all levels – former riding master Household Cavalry.</i>
<i>Louise Spate</i>	<i>International Dressage rider, judge and coach. Coaches at all levels from Pony Club through to National levels.</i>
<i>Lisa Keys.</i>	<i>British Horse Society - instructor. International Event Rider – teaches all levels including Pony Club.</i>

For information:

<i>Susan Ricketts</i>	<i>Sue (Meyerding) is married to Derek Ricketts – co selector with</i>
<i>Di Lampard</i>	<i>for the UK show jumping 2015/16 European and Olympic team.</i>

4 January 2016

Dear Ms Palmer,

**Dacorum Planning Ref: 4/03481/15/MFA
Conversion of two stables and extension to The Coach House at Flaunden House Stables.**

On behalf of the British Horse Society (BHS) Hertfordshire Committee, I now provide the further information as promised in our report and letter 31 Dec 2015.

This is to address the proposed Section 106 agreement for the above application plus some additional information received over the holiday period. We have yet to complete our observations on the Aitchison Raffety Viability Report circulated on 24 December and will forward this separately.

Section 106 Agreement.

The current planning application suggests that some remaining stables and some land could be designated for local livery purposes. It is important that these proposals meet the necessary welfare, legislative and infrastructure requirements to ensure such operations can be well managed.

You will be aware that a large number of Local Planning Authorities, particularly in areas with a large equine population, have produced and adopted Local Policy Guidelines (LPG) to assist them in determining both planning applications for recreational and commercial riding establishments or livery yards and the production of accompanying Section 106 agreements.

A number of the common features in the DEFRA and the National Equine Welfare Council (NEWC) guidelines and the LPG's are highly appropriate for the above application and we request the three items underlined below are included in the Section 106 agreement/deed proposed:

Plans to be submitted for approval to demonstrate the stables and the supporting buildings and infrastructure for the operation of the livery yard are in accordance with:
DEFRA Code of practice for the Welfare of Horses, Ponies, Donkeys and Hybrids.
NEWC Compendium for the Welfare of Horses, Ponies and Donkeys.
BHS Approval Criteria for Livery Yards.

(Reason: to ensure the livery yard development is suitable for purpose and designed, planned and erected in accordance with advice from an appropriate source of information).

Details to be provided for designated on-site parking areas for livery yard staff, horse owner's and regular visitors motor vehicles.

(Reason – to prevent offsite parking in a narrow country road and local lanes creating congestion and damage to verges in the rural area - regular visitors will include Vet's, Farriers, Physio's, and Equine Dentists. For the proposed yard a minimum of six defined parking spaces).

Transport maintained and available on site should emergency veterinary treatment be required.

(Reason - the provision of a trailer and towing vehicle and or horse box is a welfare requirement for the transportation to a Veterinary hospital for sick animals requiring urgent lifesaving surgery if diagnosed by a veterinary surgeon or other competent person).

Additional information received and verified following our report and 31 Dec letter.

Flaunden House stables and land as has been demonstrated was a professional show jumping

and horse breeding establishment in the 1980'/1990's and then became a long established commercial equestrian venue until the purchase, closure and eviction of tenants and horses in April/May 2015.

We understand the LPA had asked Relic Studio to provide: *strong evidence that every reasonable effort has been made to secure business, recreation or tourism-related reuse, before residential conversion is considered.*

Our extensive enquiries found no evidence of this having taken place amongst recreational riders a number of whom kept their horses for many years at this equestrian venue.

We wish to place on record that two local experienced livery yard managers made enquiries expressing an interest to rent or lease all or part of the equestrian premises and land.

They heard nothing from Relic for a long period of time but by then partial demolition of the yard infrastructure had taken place plus land maintenance had been abandoned resulting in a site looking semi derelict. Local contractors have suggested it would not take long to restore the land and surrounds back to good order given suitable weather conditions.

We also understand Dacorum Borough Council include the following as part of their policies: *An applicant for planning permission may seek to demonstrate through an independent assessment that the land or buildings are surplus to requirements. Developers will need to consult the local community and demonstrate their proposals are widely supported by them.*

We understand the Developers have met with the local parish council and some residents but learn that they did not support the proposals.

As indicated above no evidence can be found of the developer consulting with the displaced horse owners or business tenants from the equestrian venue they purchased.

We assume the independent assessment is the Aitcheson Rafferty Viability Report - Relic Studio forwarded to the LPA circulated as a public document on 24 Dec 2015.

Our comments and observations as previously indicated will be forwarded separately.

It remains our opinion that this venue should remain in equestrian use and the provisions requiring the Coach House to be used in conjunction with this activity be maintained.

4 January 2016

Dear Ms Palmer,

**Dacorum Planning Ref: 4/03481/15/MFA
Conversion of two stables and extension to The Coach House at Flaunden House
Stables.**

**British Horse Society Hertfordshire – observations on the Aitcheson Rafferty –
Viability Report.**

We regret to note that this Viability Report is incomplete and repeats the misleading and inaccurate information included within and submitted with the above application.

The author in 2.1 of the Viability Report describes this venue as a farm establishment set within 16.5 acres of land, despite evidence readily available from a few simple searches and local enquiries that it is a long established equestrian centre.

In 10.2 the report states:

There is no evidence of any previous viable equestrian business at the Property, and no records of any business operating at the Property at Companies House. No accounts have been produced. Any previous equestrian use must have been on a low key basis.

The following clearly demonstrates the errors in these misleading statements.

This venue is well documented in a variety of records as having been an established professional showjumping equestrian yard with four international riders in residence from the early 1980's until the early 2000's. Three of whom represented GB teams internationally and one as part of the British Olympic Team. The contact details of the three riders are available from The British Show Jumping Association should the LPA require them to provide confirmatory evidence.

Companies House records a number of companies registered at this address for this period but we have assumed the accompanying accounts to be irrelevant for this exercise.

The equestrian venue was sold in 1998 to Mr & Mrs Goldie who leased and rented out the stables and the large American barn as livery yards to commercial equestrian businesses and individual tenants. They later sold Flaunden House and some land but retained possession of the coach house, stables and the majority of the land - trading as Flaunden House Stables.

Companies House records show Mr & Mrs Goldie at Flaunden House as Directors of Huntley Construction Limited – General Construction, Civil Engineering and Property Developers. The last annual return was shown to be in 1999 and the company was dissolved in 2002. Companies House records show Mr Goldie was a director of Crownband Limited registered and recorded as - Management of Real Estate. The records show accounts were made up to 2008, 2009 and 2010 for a dormant company and in Jan 2012 an application was submitted to have the company struck off. It is our understanding that accounts for such companies when struck off are forwarded to HM Revenue and Customs and will not be available in the Companies House Records.

It is not known where Mr Goldie recorded the income derived from Flaunden House Stables and as he and his wife moved abroad some years ago it has not been possible to obtain any further information.

Companies House records also show Sarah Franklin of The Equestrian Trading Company Limited was trading at Flaunden House Stables from 1999 to 2006. The company is still in

existence but relocated to Tiverton, Somerset in 2006. Accounts are available.

The Equine Chartered Physiotherapist Mrs Lorna Skinner MCSPC. HPC MBacC ACAPT has records to demonstrate she has treated clients horses at the yard from 1991, initially at the request of a veterinary surgeon of Park Veterinary Centre. She entered into a contract with Mr Goldie to rent 8 stables in the American barn for 2004 and 2005 for her own horses and as a rehabilitation unit for clients' horses. She continued with regular visits to the yard to treat clients' horses up until shortly before the then new yard owners Mr & Mrs Turner left. Mrs Skinner now divides her physiotherapy practice time between her many clients in and around SW Herts. and her stables in Derbyshire.

Both Lorna Skinner and Sarah Franklin paid business rates for the commercial premises (stables) to Dacorum Borough Council.

Ms Kouzelis rented the American barn from 2006 to operate her livery business, paying rent initially to Mr & Mrs Goldie and then to the new owners - Mr & Mrs Turner. She paid business rates direct to Dacorum Borough Council.

As she and Mrs Skinner are sole traders their accounts are submitted to HMRC and are not available as public records.

The equestrian venue was purchased by Mr & Mrs Turner in 2009 and whilst Companies House records show Georgina Turner as a director of the Hackney Horse Society based at Flaunden House Stables, the accounts are those of the Society and therefore not relevant.

Mr & Mrs Turner sold the business due to illness and moved to Devon. We assume the accounts for their professional Hackney Horse training yard and the continuing livery business they controlled were also declared as sole traders.

In view of the fact that the author of the Viability Report was not able to take the above information and commercial operations of this venue into account we suggest the conclusions are incomplete as it fails to provide an assessment of the potential to retain the venue as a viable equestrian venue and livery yard and the estimated revenue.

Prior to receipt of the Viability Report we had already researched the supply and demand for livery yards in this area and confirm there is a shortage of such yards and most have waiting lists and no vacancies. There is a high demand from amateur competitive riders who seek a venue with good training facilities through to recreational riders with less demanding requirements.

The British Horse Society members who were evicted from Flaunden House Stables have maintained a social media group and with others in the group have provided Flaunden Parish Council with names of the horse owners keen to return to this equestrian venue should it reopen.

Flaunden House Stables prior to the latest purchase operated as a long established livery yard and equestrian centre. Our enquiries reveal a number of local livery yards of a similar size with about 30 stables, have been operating for many years as viable businesses. Some registered with local authorities where they also hire out horses and others only provide livery services ranging from full livery to DIY livery.

We also checked with two yards and a local builder who provide maintenance services to farms and equestrian yards as to what level of annual maintenance costs they would apportion per stable. They could not immediately provide a definitive answer but suggested the figure of £500 per stable quoted in the Viability Report was fanciful and unrealistic. The builder suggested the figure probably applied to a large firm of contractors who operated

in the commercial buildings sector changing high man hour and travelling costs that would be an unattractive supplier to a rural equestrian business.

It is our conclusion from the information we have obtained that Flaunden House Stables has the potential to remain as a viable equestrian commercial business.

We therefore suggest that the current owners should actively market the site in this manner as required by Dacorum Borough Council and the latest planning application be refused.

The Coach House domestic accommodation has a long standing restriction in place that it can only be used in conjunction with the equestrian establishment. We strongly recommend that this be retained and be continues to be occupied by a proprietor or their staff to fulfill this requirement.

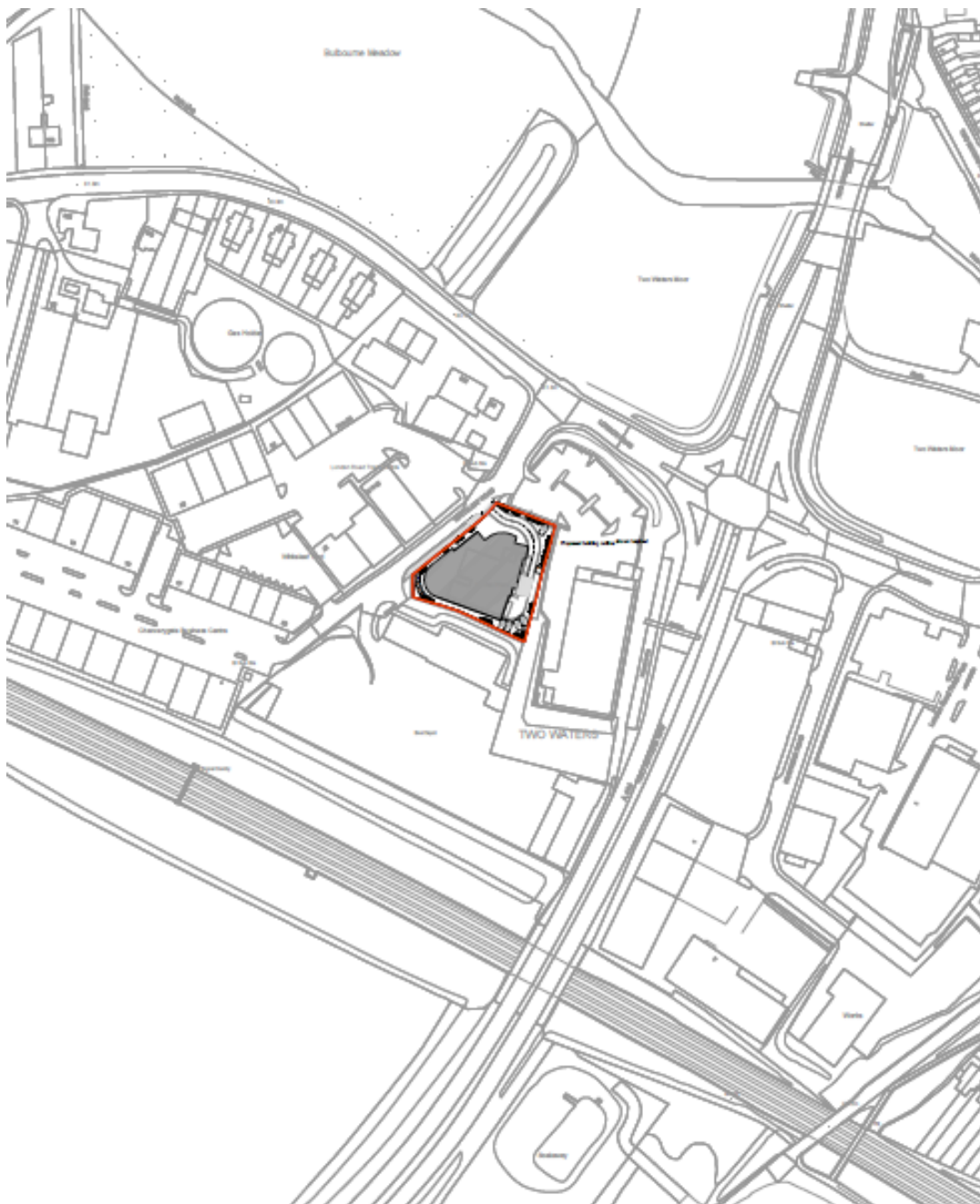
Agenda Item 5b

Item 5.02

4/03441/15/MFA - DEMOLITION AND REPLACEMENT OF A 4 STOREY OFFICE BUILDING WITH 16 STOREY RESIDENTIAL DEVELOPMENT. FEATURING 272 APARTMENTS, ON-SITE GYM AND LEISURE FACILITIES, ON-SITE COFFEE SHOP, ROOF GARDEN, INTERNAL ARBORETUM, FUNCTION ROOM AND UNDERGROUND PARKING FACILITIES FOR 313 CARS IN AN AUTOMATIC CAR PARKING SYSTEM, WITH ON-SITE ELECTRIC CAR SHARE AND ELECTRIC BIKE SHARE SCHEME.

PLEASE NOTE THAT THIS RE CONSULTATION APPLIES ONLY TO THE SURFACE WATER DRAINAGE STRATEGY - LISTED ON THE WEBSITE AS ADDITIONAL INFORMATION 3/3/2016 1.

SYMBIO PLACE, WHITELEAF ROAD, HEMEL HEMPSTEAD, HP3 9PH



Item 5.02

4/03441/15/MFA - DEMOLITION AND REPLACEMENT OF A 4 STOREY OFFICE BUILDING WITH 16 STOREY RESIDENTIAL DEVELOPMENT. FEATURING 272 APARTMENTS, ON-SITE GYM AND LEISURE FACILITIES, ON-SITE COFFEE SHOP, ROOF GARDEN, INTERNAL ARBORETUM, FUNCTION ROOM AND UNDERGROUND PARKING FACILITIES FOR 313 CARS IN AN AUTOMATIC CAR PARKING SYSTEM, WITH ON-SITE ELECTRIC CAR SHARE AND ELECTRIC BIKE SHARE SCHEME.

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SYMBIO PLACE, WHITELEAF ROAD, HEMEL HEMPSTEAD, HP3 9PH.

APPLICANT: CORONA PROPERTIES.

[Case Officer - Briony Curtain]

Summary

The application is recommended for approval.

The principle of the redevelopment of this site for mixed use and residential purposes is acceptable in accordance with Policy CS4 and CS17 of the adopted Core Strategy. In addition, outline planning permission has already been granted for a mixed use 16-storey building. The principle of the development has therefore already been established.

The proposals are in accordance with the relevant aspects of the NPPF and the Development Plan and there are no impacts of the development that are unacceptable or cannot be appropriately mitigated. As such there are no sound planning reasons to refuse the proposal.

The applicants have engaged pro-actively with the Local Planning Authority and the scheme has been adapted to take into account the comments received and concerns raised in order to achieve an acceptable development on the site.

Outline planning permission was granted in June 2015 for a 16-storey mixed-use building of 59.3m in height. This is a material consideration that must be afforded significant weight in the determination of this application. It is however important to note that all matters, other than the principle and the means of access remain reserved. A reserved matters application finalising the detail has not yet been assessed.

The current scheme proposes a 16-storey mixed-use building of slightly greater height at 66.15m, and is a **full** application; as such all matters and details must be fully considered not just the principle and means of access.

For comparison, a table summarising the approved outline scheme and the current proposal will be presented with the plans.

The area has previously been identified as a gateway site into Hemel Hempstead where there is justification for a taller building. Despite the slight increase in total height compared to the outline approved scheme, the development would not have any further impacts on skyline views across the nearby Boxmoor Trust land or surrounding Green Belt countryside compared to the previously approved scheme. The proposal represents an efficient use of land and is a sustainable location for development in walking distance to the train station, local bus stops and the town centre. The increased amount of units has been achieved by reorganising the internal layout and losing employment. Generally the efficient use of land is welcomed in this location. The development and its location would provide an acceptable standard of amenity for residents within the building and would not significantly adversely affect the amenity of nearby sensitive uses including the closest residential properties. The proposal would not raise any objections with respect to the strategic aspirations for the Two Waters

General Employment Area, and would be acceptable within the site's key gateway location. It would not have a significant adverse impact on the character or appearance of the wider area.

Specialist Highway advice has been sought with regard to the impact of the proposed development in terms of highway capacity and safety. Given the scale of the development proposed, the automated parking system being used, and its position at an already very busy intersection, further evidence was sought that the development would not adversely impact on the adjacent roads of Whiteleaf Road, London Road and beyond. Additional information has been provided and Herts County Council Highways now recommend conditional approval. The Highway Authority raises no objections to the scheme subject to the imposition of conditions and the introduction of highway improvements at the Two Waters Road /London Road signalised junction (secured by legal agreement).

The site lies close to local services and bus stops and within walking distance (1000m) to the train station. The parking provision falls within the adopted maximum guidelines set out by both Local Plan policies and National Guidance. The ratio of parking spaces to floor space has improved from the earlier outline approval (primarily due to the loss of the office floor space). It is considered that the proposed parking provision and arrangements are adequate in this location. The Automated parking system proposed boasts a number of environmental benefits compared to the underground parking in the consented scheme. The provision of a Green Travel Plan including measures to promote the use of sustainable forms of travel (secured by legal agreement) would assist in reducing the impacts of the development on local highways. It is also proposed to introduce shared car and cycle schemes.

The provision of a financial contribution of £5,000,000 towards affordable housing and community infrastructure provisions would be provided.

The Environment Agency and County Council as Lead Local Flood Authority are satisfied with the submitted Flood Risk Assessment and Surface Water Drainage Strategy.

In this respect the proposal is in accordance with Policies NP1, CS1, CS4, CS8, CS9, CS10, CS11, CS12, CS15, CS16, CS17, CS18, CS19, CS29, CS 31, and CS32 of the Dacorum Core Strategy (September 2013) and saved Policies 13, 18, 31, 51, 58 and 111 of the Dacorum Borough Local Plan 1991-2011.

For the reasons referred to above the proposals are considered to be acceptable subject to a legal agreement and conditions.

Site Description

The application site comprises a four-storey detached building currently occupied by offices (Class B1) located on the south-eastern side of Whiteleaf Road and within the Two Waters General Employment Area. Land uses in the immediate area, particularly off Whiteleaf Road are varied and outlined in detail below.

Land to the north and east of the site is occupied by Aldi supermarket, accessed off Whiteleaf Road, and located at a prominent corner at the intersection of London Road and Two Waters Road. Further north opposite London Road, a wide two to three lane main road, is open land owned by Boxmoor Trust which straddles the River Bulbourne and the Grand Union Canal. Two Waters Road to the east of the site across this section is a two-way, six lane thoroughfare leading to Hemel Hempstead town centre. Opposite Two Waters Road is the continuation of the Two Waters General Employment Area and the recently constructed self storage building.

To the south of the application site is Arriva bus depot which is also accessed at the top of Whiteleaf Road. Beyond this is the mainline railway line and opposite is land within the Green Belt.

Immediately west of the site is Whiteleaf Road a wide two-way two-lane road which offers no on-street parking. Directly opposite there are low profile buildings of commercial use on a lower terrace forming part of the Chancerygate Business Park. These units share private and communal parking areas via a single access off Whiteleaf Road. Further west is land designated for residential development and the closest existing residential properties on London Road to the north-west of the site.

Buildings within the Two Waters General Employment Area are generally low profile, predominantly two-storey or double-height with mezzanine level. The Chancerygate Business Park on the western side of Whiteleaf Road is arranged on three stepped terraces, consistent with the topography of the area. Specifically, the land rises steadily from London Road to the north of the site and up along Whiteleaf Road in a south-westerly direction.

The site is one property removed from the busy intersection of Two Waters Road and London Road which connects off the A41 bypass, separated only by the low rise Aldi supermarket building and associated open car park. The site's elevated position from London Road and the northern part of Two Waters Road (specifically south of the bridge over the Grand Union Canal) give the site a prominent position from these vantage points.

Proposal

Full Planning permission is sought for a 16-storey building comprising two floors of mixed use and 14 floors of residential accommodation in the form of 272 dwellings (flats), and basement automated car parking over 6 levels (three floors each with a double rack system).

The proposed development includes;

- 131 one bed flats (including 12 studio flats)
- 115 two bed flats
- 26 three bed flats
- 318 car parking spaces

On the ground floor there would be coffee shop / cafe, and a function room for use by residents only and a gym for residents use on the first floor. The building proposes to incorporate high levels of sustainable technology including the use of Solar Panels, external triple glazing, a ground source heat pump, a glass atrium, a roof garden (green roof), rain water harvesting system and internal arboretum. Following objections from the Met Office the two wind turbines (which formed part of the original submission) have been omitted from the proposal.

The car parking is proposed to be automated. Automated Parking is described (in the Design and Access Statement) as being ' a mechanical valet parking system where the driver exits the car and it is parked automatically'. In an automated parking system, a user drives their car into an allocated loading bay. The driver exits the car, which is then parked automatically by the conveyor and robotic system into a car system underground. The car is then retrieved by use of key or code and delivered back to the ground floor loading bays / waiting bays in laybys. No user enters the parking area at basement level. During the course of the application the ground floor plan has been amended to include the introduction of a lay by area with 8 waiting bays. It is also proposed to incorporate a shared car and cycle scheme. 318 parking spaces are provided for 272 units.

Referral to Committee

The application is referred to the Development Control Committee at the request of the Assistant Director

Relevant Planning History

The application site has been the subject of several planning applications in recent years. Of most relevance are the outline planning consent for a 16-storey mixed use building comprising 208 dwellings and the Office Prior Approval consent that permits the change of use of the existing building from offices to 17 flats.

- 4/01761/15/RES RESERVED MATTERS APPLICATION DETAILING ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE REQUIRED BY CONDITION 1 OF PLANNING PERMISSION 4/02320/14/MOA (CONSTRUCTION OF 16-STOREY AND FOUR BASEMENT LEVEL BUILDING COMPRISING OF UP TO 208 FLATS, OFFICES, RETAIL, LEISURE SPACE AND 228 CAR PARKING SPACES FOLLOWING DEMOLITION OF EXISTING OFFICE (CLASS B1) BUILDING (ALL MATTERS RESERVED).
Withdrawn
27/10/2015
- 4/02561/15/VAR VARIATION OF LEGAL AGREEMENT - pending approval
- 4/02320/14/MO A CONSTRUCTION OF 16-STOREY AND FOUR BASEMENT LEVEL BUILDING COMPRISING OF UP TO 208 FLATS, OFFICES, RETAIL, LEISURE SPACE AND 228 CAR PARKING SPACES FOLLOWING DEMOLITION OF EXISTING OFFICE (CLASS B1) BUILDING (ALL MATTERS RESERVED)
Granted
26/06/2015
- 4/01044/14/OPA CHANGE OF USE OF OFFICE DEVELOPMENT (CLASS B1) TO 17 RESIDENTIAL UNITS (CLASS C3)..
Prior approval required and granted
15/07/2014
- 4/00613/14/MFA CHANGE OF USE FROM OFFICES (CLASS B1) TO A 38-BEDROOM HOTEL (CLASS C1), INCLUDING CONSTRUCTION OF SINGLE-STOREY FRONT AND SIDE EXTENSIONS TO FACILITATE ANCILLARY RESTAURANT AND SWIMMING POOL, ALTERATIONS TO CAR PARK AND ASSOCIATED LANDSCAPING
Refused
05/06/2014
- 4/02161/13/FUL INSTALLATION OF FOUR VERTICAL AXIS WIND GENERATORS
Withdrawn
20/01/2015
- 4/01388/12/FUL DEMOLITION OF REAR SINGLE STOREY EXTENSION AND CONSTRUCTION OF TWO STOREY REAR EXTENSION, INTERNAL AND EXTERNAL ALTERATIONS ADDITIONAL CAR PARKING/LOADING BAY AND CREATION OF TERRACE AT SECOND FLOOR LEVEL
Granted

07/09/2012

4/00579/12/FUL DEMOLITION OF REAR SINGLE STOREY EXTENSION AND
CREATION OF ADDITIONAL CAR PARKING. INTERNAL AND
EXTERNAL ALTERATIONS WITH CREATION OF TERRACE AT
SECOND FLOOR LEVEL.

Granted
23/05/2012

4/00587/12/ADV TWO INTERNALLY ALUMINATED FASCIA SIGNS AND ONE FREE
STANDING SIGN.

Granted
17/05/2012

4/00920/06/TEL C

Prior approval not required
20/06/2006

4/00609/01/ADV ILLUMINATED SIGNS

Granted
10/05/2001

4/02109/99/4 NEW CLADDING, ENCLOSURE OF ENTRANCE LOBBY AND NEW
GROUND FLOOR WINDOW

Granted
27/01/2000

4/01141/96/4 NEW SECURITY FENCE

Granted
28/10/1996

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance

Core Strategy (Sept 2013)

Policies NP1, CS1, CS4, CS8, CS11, CS12, CS14, CS15, CS16, CS17, CS18, CS19, CS23,
CS25, CS28, CS29, CS31, CS32, CS33, CS35

Dacorum Borough Local Plan 1991-2011 (saved policies)

Policies 13, 21, 31, 33, 37, 44, 51, 57, 58, 76, 111
Appendices 1, 3 and 5

Supplementary Planning Guidance / Documents (saved)

Environment Guidelines (May 2004)
Water Conservation & Sustainable Drainage (June 2005)
Energy Efficiency & Conservation (June 2006)
Accessibility Zones for the Application of car Parking Standards (July 2002)
Planning Obligations (April 2011)
Affordable Housing (Jan 2013)

Summary of Representations Received - (full consultee responses are provided in an appendix).

Hertfordshire Waste and Minerals

Additional information requested / conditions recommended
Notwithstanding the submitted documents a detailed Site Waste Management Plan is requested.

SWMP received 10/12/15

The SWMP is a live document that evolves with the development. The template submitted has been assessed and overall is specific to the requirements of the development. It is advised that some important elements are updated prior to operation. Recommend conditional approval requiring additional detail and that the SWMP is implemented in full.

Environmental Health – Noise

No objection - do not wish to restrict the grant of permission.

Archaeology

Recommend conditions be applied if consent granted;
Site is located in Two Waters, evidence from historic maps shows a site of a Malthouse within the site bounds. Given this and its topographical position, the development site does possess the potential for the presence of heritage assets with archaeological interest. It is therefore requested that conditions be attached to any consent.

Contaminated Land Officer

Recommend Standard Conditions be applied if consent to be granted.
With regard to Air Quality it is recommended that a condition be attached requiring the implementation of the mitigation measures outlined in the submitted reports.

Crime Prevention Officer

Concerns overcome / addressed - recommend conditions

Amended comments:

- Postal Delivery - via reception to staff (mon-sat) and communal post boxes in reception area which are covered by CCTV. Queries satisfactorily answered.
- Access Control - access control for the whole building was discussed, security standards for communal doors, video entry phone systems and the provision of CCTV. Queries satisfactorily answered.
- Car Parking - Concerns over peak time demand were discussed. It was suggested that this would be managed by staff who would assist. The barrier arm and ANPR would be positioned at the entrance to the vehicle garage. The points were noted but concern remains and it is left with the LPA to resolve any issues (Herts County Council Highways advice sought and following amendments are satisfied with peak demands)

- Cycle Storage - there is provision for cycle storage which would cover a range of sizes and be accessible to all users. Queries satisfactorily answered.
- Studio Flats - discussed and any decision is left to the LPA (National Planning Policy Framework refers Local Planning Authority's to Nationally Described Space Standards).

Original Comments

Advice was received regarding Security, Postal Delivery, Access Control, Car Parking, and cycle storage. The following concerns were raised;

- Postal Delivery - proposed postal system has only partially been explained. If communal post boxes are proposed these must be covered by CCTV to prevent theft.
- Access Control -
 1. pleased regarding access control to communal external doors. Maglocks are stated but not to which standard. Each flat must have a video entry phone to the external communal entrance.
 2. access control must be to stair cores as well as lifts
 3. more widespread CCTV is required to cover ground floor communal areas, post boxes and the area where vehicles are dropped off and collected.
- Car Parking - concern over how automated system would work.
 4. Underground parking area must be secure (a barrier arm would not suffice)
 - concern over entrance/ exit to car park during peak times
- 5. Cycle Storage - no cycle storage provided
- 6. Studio flats - no bed shown on plans, presumed a fold-out bed?

Lead Local Flood Authority

Amended Drainage Strategy

NO OBJECTION - A further surface water drainage strategy has been provided - Recommend Conditional Approval

Original drainage strategy

OBJECT

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.

Affinity Water

NO OBJECTION - Recommend conditions be attached to any consent

Site is located within a groundwater Protection Zone (GPZ) for Hunton Bridge Pumping Station. This is a public water supply. The construction works should be done in accordance with the relevant British Standards and Best Management Practices to reduce groundwater pollution risk. If pollution is found then appropriate monitoring and remediation methods will need to be taken.

Thames Water

Subject to suggested conditions NO OBJECTION;

Waste Comments

An impact study is requested to confirm the extent of any network reinforcement required. A 'grampian style' condition requiring a drainage strategy is requested.

Thames water requests that a non-return valve or other suitable device be fitted to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge

during storm conditions.

It is recommended that petrol / oil interceptors be fitted in all car parking / washing/repair facilities.

No impact piling shall take place until a method statement has been submitted.

Water Comments

water supply in this area is covered by Affinity Water,

Environment Agency

NO OBJECTION - Recommend conditions

Condition 1 - require pre-commencement risk assessment and site investigation

Condition 2 - verification report completing remediation measures

Condition 3 - remediation strategy if new contamination found during construction

Condition 4 - no piling or foundation designs using penetrative methods shall be permitted without express written permission, which may be given where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

condition 5 - no investigation boreholes and ground source heating using penetrative methods shall be permitted without express written permission, which may be given where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Condition 6 - no infiltration of surface water drainage into the ground shall be permitted without express written permission, which may be given where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Condition 7 - require long term monitoring and maintenance plan

Ministry Of Defence

NO OBJECTION

The proposed application falls within the safeguarding consultation zone surrounding the meteorological radar site at Chenies. The MOD no longer represent the Met Office for the safeguarding of this site. Therefore, we have no safeguarding concerns.

Met Office

Amended Plans (omission of wind turbine);

NO OBJECTION now that amended plans have been received removing wind turbines as these may have interfered with MET office weather radars.

Highways England

No objection

Hertfordshire County Council Highways

Additional Traffic Assessment;

NO OBJECTION. HCC is satisfied that the applicant has met all the concerns raised in the original recommendation for refusal. It is now recommended that permission is granted subject to conditions, financial contributions and highway improvements.

Conditions;

- Car and Cycle Parking Management Plan
- Green Travel Plan
- Visibility Splays
- Construction Management Plan
- Wheel Cleaning Facilities

Financial Contributions;

- Canal Towpath and Pedestrian Links - £75,000

Highway Improvements;

- KEEP CLEAR Road Markings in front of Whiteleaf Road on London Road
- optimise the operation of the existing SCOOT (Split Cycle Offset Optimisation Technique) traffic light computer control system
- Introduce MOVA (Microprocessor Optimised Vehicle Actuation) software at the Two Waters Road / London Road signalised junction

Original Traffic Assessment

OBJECT;

Recommend Refusal due to lack of information. Two areas of concern relating to impact on highway safety and capacity; the methods used in the Traffic Survey are not accepted (junction modelling is required in place of the submitted gap analysis) and the efficiency of the APS to safely, process peak period demand without vehicles queuing onto Whiteleaf Road.

Strategic Planning

The site is situated within a General Employment Area. However, it is clear that emerging national policies seek to boost housing supply per se, to promote the use of employment / commercial land for housing wherever possible and to redevelop brownfield land. The prior approval process already sanctions the loss of existing office floor space (albeit through conversion) under 4/01044/14/OPA. The Government is also committed to extending these rights to allow for the demolition of office buildings and new building for residential use. Given the above, we do not wish to object to the omission of the office floor space in the revised proposal.

Herts Design Panel

The new proposed development fills the site in the form similar to a guitar spectrum with a void in the centre for circulation. The Site Plan ref BEA_DWG003_V3.5 is misleading in that it fails to show the extent of the apartments above the ground floor adequately. The proposed building has virtually no open space on the ground floor. The elevations are predicated on ribbons of triple glazed fenestration wrapping round the building shaded by visor like pv panel clad projecting eaves. The sustainable credentials of the scheme are unclear as there is inadequate information about the performance of thermal mass and proposed renewable systems. The fact that the design of the elevations does not respond to the changing orientation around the site undermines its sustainable credentials. The Case officer advised that the proposed wind turbines have been omitted from the application and that an Automatic Car Parking system with laybys for 8 cars has been put forward. It is not possible from the drawings submitted to see how laybys for 8 cars can be accommodated on the site. It is a concern that there are no window openings shown onto the inner core and that some of the apartments have limited views from the main living areas, particularly the 3 bed apartments on the north side overlooking the main views across Boxwood Meadow.

The current proposals 4/03441/15/MFA for 278 apartments is significantly different to the mixed use consented outline application (4/02320)14/OUT comprising 208 flats, offices, retail, leisure spaces and 228 car parking spaces.

The number of flats in the revised design has increased by about a third to 272 units and the fact that this is now a single use building means that the ground floor is not animated or connected to the surrounding street scape. There are significant concerns about access into the site and its detail design. The scheme would benefit greatly if the developers and designers were given an opportunity to present their proposals to a full panel and local authority officers.

As this is such a significant site the local authority may wish to consider developing a master plan for the immediate surrounding area so as to provide a holistic strategy for regeneration of

this gateway into Hemel Hempstead.

Environmental Sustainability Officer

NO OBJECTION - sustainability credentials proposed are achievable on this site.

Woodlands Officer

NO OBJECTION - with regard to balcony boxes these would be suited for annual planting, spring bulbs, or even some vegetables but not permanent planting of woody plants

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

133 individual representations have been received, (128 against, 5 in support) and a petition of 55 signatures against the proposal. These representations relate to the original submission and the additional / amended information and plans.

The comments of support are summarised below;

- these are exactly what first time buyers need, there are hardly any properties for sale in Hemel in the lower price range
- this development asserts ground-breaking features that will attract high quality residents and add a modern, innovative and attractive tower to the town, the height of the tower is too low and would act as a counter-point to the KD tower
- the design is attractive and striking, would be iconic and a visual improvement to the town
- the town needs more properties and this is a good opportunity to provide this without the eyesore and intrusion that would be caused by building a similar number of properties at ground level
- whilst Hemel needs affordable housing it needs to not become a ghetto for the low income. A balance needs to be struck,
- there are few opportunities in the town to create nearly 300 homes, this needs to go ahead to keep up Hemel's tradition of modernisation, innovation and development.
- Hemel needs a landmark, futuristic building with a unique feature to 'put it on the map'

The concerns and objections raised are summarised below;

Principle

- Hemel Hempstead is already earmarked for a large number of new homes. The infrastructure will not support any more large schemes
- the town needs family homes not 1-bedroom flats

Scale

- Overdevelopment - a very large number of flats on a small plot of land
- history has shown that high-rise is not successful
- this high density development is inappropriate in this location, and this is supported by the councils redevelopment documents (circa 2011) which recommend a number of low rise town house style properties in this location which could be supported by the local infrastructure
- the development is completely out of scale with everything in the area

Design and Appearance

- Visual Intrusion - such a high building will detract from the valued, historic open space of Boxmoor
- this tower block would be an eyesore, and completely out of keeping with the rural area
- Many residents have grown up with the Kodak Tower but that doesn't give license to build

a similar tower at the entrance to the town

- the proposal is poorly designed and the materials and appearance will look terrible over time. The planters running around all sides will not work on the north facade and will not be maintained so will look terrible.
- They have proposed continuous bank of solar panels which when the sun is out will cause a blinding hazard due to their reflectiveness. The panels on the north and east elevations will have no benefit at all to the environmental strategy and will be unaffordable for any developer to install. Who will clean and maintain these?
- Architects stopped putting fake wind turbines on buildings as the benefit of these in terms of an energy strategy are non-existent.
- The proposal is weak in terms of design and concept.
- The proposal would represent a dominant feature over surrounding properties
- A building of this size would impact on the skyline
- If allowed, it would set a precedent for further high rise developments
- would give a bad first impression of the town - the area already looks like an industrial estate with the self-storage building

Highways/ Parking and transport

- Traffic and parking in this location is already a huge problem with congestion, especially at peak times and this has been exacerbated since the recent opening of Aldi and the construction of the Bovis estate
- Whiteleaf road is already congested with cars and buses and people already have to queue to turn into the road due to Aldi. The traffic associated a development of this scale would be dangerous at this point on the highway network
It is already impossible to drive between Boxmoor and Apsley at the weekend, the development would worsen this
- There is insufficient parking for residents meaning further pressure on parking in the local area
- The already crowded commuter trains will become worse
- There is no provision for visitor parking,
- The traffic assessments is severely flawed as it doesn't include Fridays, Saturdays or Sundays when the traffic in the area is grid-locked
- The car share scheme is a nice idea but will not stop people using their own cars
- The parking system is flawed as it doesn't allow enough time for residents to enter / leave the site
- Pedestrians already feel vulnerable walking along the narrow footpath from the site to the train station
- Parking restrictions have recently been implemented for Boxmoor residents. Most families have more than one car - where will these park
- The traffic assessment has huge omissions and inaccuracies (see detailed comments in appendix)
- The congestion and traffic from this development will delay the buses using their depot further up the hill affecting all services
- 313 cars will cause pollution to the residents and local wildlife
- In previous applications the site was acknowledged as not considered to be particularly sustainable or accessible to alternative modes of transport and this demonstrated by the fact it lies outside Zone 3
- The traffic assessments were undertaken before Aldi was opened
- There is no evidence to suggest the car share scheme will reduce car ownership
- The data used in the Traffic Assessment is inconsistent and inaccurate
- The skyline parking design guide states that the system should NOT be used "where there is a very high peak in car demand over a very short period of time". APS are a good idea in the right circumstances but not for large residential developments, such as this, because

they are not quick enough to keep up with peak demands.

- A car parking management plan should be submitted for assessment before consent is granted not after.
- The APS claims it processes cars on 60 seconds. This is only possible in a well-designed system. There has been no account for the layout design proposed which has only 2 entry/exit points meaning one transporter unit would interrupt the other while moving cars. there has also been no account for double parked cars
- There is no time restriction for loading and unloading and this will cause delays and queues.
- There is enough stacking space for 10 cars but using their own data in the TA there could be another 20 cars tailing back onto Whiteleaf Road
- Will be parking provision be able to accommodate vans and larger vehicles as this is a problem at the KD tower site
- The APS is designed by a Swiss company with no other installation in this country - who will maintain it?
- Only 5 of the 313 parking spaces are allocated for electric vehicle charging all of these spaces are allocated to a shared use scheme. This seems short sighted as government aims by 2040 that all new cars sold in the UK would be ULEVS. It would be almost impossible to retrofit charging facilities to the APS as the car cannot be accessed once parked. In contrast normal multi-storey car parks can be adapted. It is not very green to force residents to buy petrol cars because there is no way to charge them.

Affordable Housing

- The development does not fulfil the council's targets for affordable homes the developer has provided amenities within the development to increase the service charges making it impractical for local housing associations to take up the units.
- Only 18% affordable homes
- There is no excuse for development which circumvents the rules on affordable housing

Residential Amenity

- Its height will undoubtedly impact on the privacy of local residential properties
- There are a number of residential properties that would lose privacy to their gardens and bedrooms
- It is too high and will overshadow adjacent properties
- Families need houses with gardens, where children can play
- Noise and disturbance while building this development would be tremendous

Other Matters

- How will rubbish and recycling be collected?
- This and other applications on the site have been poorly advertised and consultation not widespread enough
- Is there data for what happens when you drill to 16-storeys on a chalk bed - there are already sink holes.
- The site is opposite Boxmoor Trust Land, which is a designated SSSI due to its rare flora - has an environmental study been undertaken?
- What due diligence is completed by the council with regard to the company proposing this development? Symbio have never actually completed a project of this scale - what plans are in place to protect the area should this development fail or not comply with regulations?
- Schools and medical services are already at breaking point
- Underground parking will cause further flooding in an area that already floods after heavy rainfall
- The design and access statement contradicts itself and cannot be relied upon to make a

decision

- The site may provide a gym, but Hemel already has one of the best sports centres for miles around
- The plans submitted bear the logo 'lumiere designs' who were involved in a similar mixed-use skyscraper in Leeds, which was cancelled. Potential buyers had to wait years to get their deposits back.
- The river Bulbourne is a rare chalk stream and listed internationally as a priority habitat for restoration. Boxmoor trust and the env agency are working on projects to restore this, yet this development wants to build an underground car park. What impact will this have?
- The flats in the KD tower took years to sell as there was no demand for them, so despite the developer trying to sell a lifestyle, the flats will sit empty and unaffordable

Considerations

Policy and Principle

The principle of the development has already been established through the granting of outline planning permission for a 16 storey mixed use building in June 2015.

The main policy issues relevant to this current application include the importance of the site within this particular employment area, the loss of the office space, the appropriateness of the mix of uses, and the relationship with existing uses in the area.

The application site is located in the Two Waters General Employment Area within the town of Hemel Hempstead. In such locations, Policy CS15 of the Core Strategy seeks to protect B-class uses including the site's existing office use (Class B1). Saved Policy 31 of the Local Plan sets out the proposed employment uses of this General Employment Area which include business, industry, storage and distribution.

The principle of a mixed-use (predominantly residential) building in this location has been accepted through the granting of outline planning permission. In granting consent for that scheme emphasis was placed on the fact that 830sqm office use was to be retained. There is no office use as part of the current proposal. This results in a net decrease of 1640 m² office space compared to the existing building on the site, and 840sqm compared to the approved scheme.

Although the loss of office space within the General Employment Area would be contrary to Policy CS15, consideration must be given to recent consents allowing the conversion of the entire building to residential through the recently introduced prior approval process (application 4/01044/14/OPA). In addition, as outlined in the comments of Strategic Planning, current and emerging national planning policy seeks to boost housing supply per se, and promote the use of employment land for housing wherever possible. The prior approval process already sanctions the loss of existing office floor space (albeit through conversion) to residential uses. The Government is also committed to extending these rights to allow for the demolition of office buildings and their replacement with residential buildings (avoiding the need for separate applications for planning permission for the works necessary to redevelop office sites). These factors would weigh heavily in favour of the proposal.

On this basis, despite the loss of the office floor space, the proposal retains the support of the Strategic Planning team and no objection is raised to the total loss of the office floor space. The proposal would not conflict with the overriding objectives of Policy CS15 of the Core Strategy or saved Policy 31 of the Local Plan.

This part of the Two Waters General Employment Area is made up of a mix of land uses. Light industrial and storage and distribution uses occupy land on the western side of Whiteleaf Road (forming the Chancerygate Business Centre), whilst the eastern side of Whiteleaf Road,

(where the application site is located), comprises office development, a former car showroom recently developed as an Aldi supermarket, and the Arriva bus depot. Based on the variety of uses in this part of the Two Waters General Employment Area, a mixed use building of the nature proposed would not conflict with surrounding uses, and would not undermine the function of the Employment Area.

Additionally, the Two Waters General Employment Area has been considerably reduced in size as part of the Site Allocations process, of relevance is the removal of the adjacent Aldi supermarket site and the National Grid site to its western edge. Reference is made to Policy SA5 of the Site Allocations 2006-2031 Written Statement (Pre-submission September 2014). The redesignation of these two sites gives the application site a location at the edge of the centre, which weighs in favour of the proposal for a mixed use, predominantly residential development.

The main use within the development would be residential, with residential units occupying 14 and a half storeys of the proposed building. The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development.

The proposed residential development would be relatively isolated from existing and designated residential areas, with the nearest residential area located on the National Grid site to the west (not yet developed) and existing dwellings on London Road to the north-west of the application site. This is not considered to be problematic given the number of dwellings and the services that would be available to residents within the proposed building, including a gym, cafe, function room and roof terrace.

The proposal would strengthen the existing five-year supply of deliverable housing sites within the Borough, and would reduce pressure to develop on Green Belt sites by ensuring non Green-Belt sites such as this are developed efficiently.

The proposal is considered acceptable in principle and would comply with the relevant policies of the Dacorum Core Strategy.

Density

Saved Policy 21 of the Local Plan provides specific guidance for expected residential densities to be within the range of 30 to 50 dwellings per hectare. The policy goes on to state that higher densities will generally be encouraged in urban areas at locations where services and / or workplaces can be reached without the need for motorised travel or which are well served by passenger transport.

The proposal would result in a density of 1251.7 dwellings per hectare (based on 272 dwellings on a plot size of 0.2173 hectares). Whilst significantly higher than expected levels, the site's location close to the town, within walking distance of the train station and open space and within a General Employment Area gives it an ideal position proximate to workplaces. In addition a mix of uses are proposed within the building itself which would contribute to employment within the immediate area. The proposal would also contribute to housing delivery which the Borough needs to provide a minimum of 430 dwellings per year and would reduce pressure for residential development on Green Belt sites across the Borough.

The outline consent granted permission for 208 flats, which amounts to a density of 1,156 dwellings. This clearly exceeds the expected density and must be afforded significant weight in the determination of this application. The principle of a higher density development in this location has already been established. The size of the proposed building is no wider or deeper, the floor plans and layout has been re-designed internally to provide more units.

Given the above factors and the strategic support for the proposal, the residential density, in

isolation, would not raise significant concerns in this particular location. The main considerations in terms of density should therefore be the impact of the additional 64 flats on the amenities and infrastructure of the surrounding area (covered later in report).

Building height and design

The application is supported by a Design and Access Statement and Landscape Visual Impact Assessment (LVIA).

The LVIA satisfactorily demonstrates how the proposed development can be assimilated into the landscape and is appropriate in its overall form, scale and height for its gateway context. Whilst the proposal would represent a considerably taller feature in comparison to surrounding development this would not be harmful to the character of the area. As noted above, the application site forms part of a key gateway location. Policy CS10 (e) states development should deliver landmark buildings at movement and pedestrian gateways. A footnote to the policy notes that landmark buildings are not necessarily defined by their height, but by their distinctiveness due to design and location. This does not however preclude tall buildings. By definition, a landmark building is distinct from surrounding development and in the site's location there is policy support for a building of different appearance and form to surrounding development. Further, Policy SA5 of the Pre-submission Site Allocations Written Statement is relevant and states that within the Two Waters General Employment Area, high quality well landscaped landmark buildings are required fronting London Road and Two Waters Way, given the prominent location on the main approach into the town centre from the A41 bypass and adjacent to Boxmoor. The proposal would break the skyline with the most impact along London Road and the approach from Two Waters Road to the north, noting the prominence of the existing building from the intersection of the two roads. The impact of the proposed building on the skyline would only be appreciated in short views when travelling along a short stretch of London Road, the adjacent Boxmoor Trust land and on Two Waters Road when approaching from the north. The building would be read in the context of Kodak Tower and Hemel Hempstead when viewed from wider areas.

The policy references above would give justification to a building of taller and different form to surrounding development in the site's location, to provide a landmark at a key gateway into Hemel Hempstead town and opposite the open land at Boxmoor. Saved Policy 111 of the Local Plan also permits higher buildings within Hemel Hempstead Town Centre and in other locations provided there is no harm to the character of the area, the character of open land, views of open land, countryside and skylines or the appearance and setting of listed buildings and conservation areas.

Moreover, the principle of a 16-storey building on this site has already been established through the granting of outline consent. This is a material consideration that must be afforded significant weight in the current determination.

The height of the proposed building does exceed that of the outline consent by 6.82m. The outline consent approved a 16-storey high building 59.33m above ground level. In order to maximise solar gain whilst maintaining an acceptable level of amenity and aspect for future residents, each floor of the current proposal has been marginally increased in height. The current proposal remains 16-storeys in height but the overall height now appears at 66.15m above ground level. The building approved at outline stage would have a similar overall visual impact to that currently proposed. The impact of the proposed 6.82m increase in a building of this height in this setting would be minimal.

The Design and Access Statement submitted addresses issues of detailed design. The existing relatively low-level, poor quality, indiscernible building would be demolished and replaced with a building which has been designed to be striking, and modern in its appearance with a commitment to very high levels of sustainability. The sustainability aspirations have led the design process and resulted in 'ribbons of triple glazed fenestration wrapping round the

building shaded by visor like PV panel clad projecting eaves' . Whilst repetitive, with continuous bands of solar panels set against the glazing behind, the building would as a result appear simple and regular in its form. The angle of the solar panels would provide some visual interest and depth to the building.

The building has been designed to be triangular in its floor plan shape with its narrowest point facing north in order to maximise the solar gain and optimise aspect and views for future residents. The centre of the building comprises a full height 'void' that would provide an internal arboretum. The topography of the site, which slopes slightly up to the south, with a large retaining wall set between the application site and the adjacent Arriva depot, has influenced the design, with the ground floor exhibiting the plants areas and car park entrances which would not require any aspect / windows and therefore abut the retaining wall.

The site offers an accessible location with pedestrian and vehicular access off of Whiteleaf Road, and benefits from a location within an employment area, including proximity to an existing supermarket, and other modes of public transport such as buses on London Road and Hemel Hempstead Train Station. The site is also in close proximity to the local centre on London Road to the east of the application site and Hemel Hempstead Town Centre. The development is therefore considered reasonably accessible with the train 1000m to the west.

The proposal has undergone a design desk-top review. Some concerns and design suggestions were raised. .

Concern was expressed that there are no windows onto the inner core of the building and that some of the apartments have limited views from their main living areas. It was suggested that an additional high level window serving the proposed kitchens facing the inner core be introduced where possible but the applicants are not willing to incorporate these. The original plans submitted, with single aspect flats, do provide future residents with an acceptable level of outlook, light and aspect and a refusal could not be sustained.

Concern was also expressed that the ground floor is not animated or connected to the surrounding street scape. This is acknowledged, however, the building itself is set back some distance from the London Road street scene behind the Aldi car park. It also has a reception, cafe, gym and function room which although for residents only will activate the ground and first floor of the building.

As stated, the application site is located within the Two Waters Area. Dacorum Borough Council commissioned the production of a strategic Framework to provide immediate planning and design guidance for the area. The Two Waters Strategic Framework will be used to inform a more detailed master plan for the area. The Framework has agreed by Members and the document must therefore be afforded weight, albeit limited at this stage, in the consideration of planning applications.

The Framework identifies the Two Waters Area as a 'site of strategic significance for the town, acting as a southern gateway'. The application site is located within an area which has been identified as an area of 'key redevelopment opportunity' and an 'area of significant change'. Its position at the A414 and London Road junction suggests 'taller building clusters' are suitable and encourages a higher density. The framework goes on to suggest the need for improving non-car modes of transport and improving walking and cycling routes. Canal towpaths in he area are identified as in need of upgrade.

The current proposal adheres to the principles outlined in the Framework, the site is within an area of 'significant change', wherein taller buildings of a high density would be suitable. The applicants have agreed to a financial contribution of £75,000 (secured via legal agreement) towards the upgrade of canal towpaths and improvements to pedestrian links to the site.

On balance it is concluded that the design proposal delivers an acceptable level of quality whilst allowing the applicants sustainability aspirations to be achieved.

Residential Amenity of Future Occupants

The layout, internal amenity and relationships between the proposed dwellings within the building are all considered acceptable and would comply with Policy CS12 of the Core Strategy. The proposed layout would provide future residents with an acceptable quality of accommodation.

It has been noted that the individual private amenity space provision for the proposed dwellings would be well below the standards expected under saved Appendix 3 of the Local Plan, and whilst a communal roof garden and internal arboretum are provided, these would be small for the number of units sharing them. However, each property (even the studios) would have a balcony which can be used for sitting out on. The site is located immediately opposite, Boxmoor Trust Land, which whilst not private would provide some amenity to residents. In addition, again, the outline consent has already accepted a below standard provision and this must be taken into consideration.

Residents would benefit from other exclusive facilities such as an on-site gym, cafe/coffee shop and a community / function room with projector that can be hired out. The use of these facilities would be subject to a management plan which is to be secured by condition. This would ensure they remain for the benefit of residents in perpetuity.

In the outline scheme, the indicative layouts advanced showed some of the bedrooms and habitable rooms fronting onto the communal hallways / inner core with no defensible space and this were not considered desirable as it would give rise to privacy issues. To address this, the current scheme has non-habitable bathrooms adjacent to the communal areas, or kitchen/dining areas which do not incorporate windows facing the inner core. Whilst this has overcome the privacy concerns of the case officer dealing with the outline consent, it has given rise to concerns over residential amenity and aspect (see design desk-top review comments). Given the comments received, it was suggested that the scheme be amended, where possible, to incorporate high level windows facing the inner core. The inner core of the building incorporates an internal arboretum. The provision of high level windows, would thus provide future residents with some additional aspect / view without compromising privacy. The applicants were not willing to amend the scheme.

With regard to aspect and longer views, given the height of the building, and the topography of the site and surrounding land, the majority of the flats would enjoy a pleasant outlook / aspect. Flats to the northern side would boast views towards Boxmoor Trust land, whilst those to the south over the adjacent railway and road towards the wider countryside beyond. The lower level flats to the South-west would directly overlook the Arriva site to the rear, which is not ideal, however, given the separation distance between the flats and the nearest building of the Arriva site, at just over 10m, some limited aspect would be provided. The higher level flats would enjoy views over the Arriva site to the countryside beyond.

Environmental Health has not raised any issues with respect to disturbance in terms of noise to the residential units as a result of the uses at ground and first floor levels of the proposed building.

Immediately surrounding land uses including the Aldi supermarket, bus depot and warehouses are generally low-level with limited external effects in terms of noise and air pollution. Additionally these uses are controlled by their opening hours which are unlikely to extend into the sensitive late night time periods.

The proposal is therefore in accordance with the objectives of Policy CS12 of the Core Strategy.

Landscaping and Amenity

The proposal is supported by a landscape concept plan which sets out the overall vision of the development. The concept plan comprises indicative details of a roof garden, internal atrium, and planters attached to the external balconies. The types of plants to be used are provided in the plan and commented further on in the Landscape Visual Impact Assessment (LVIA). The balcony planters would grow a range of dwarf culinary herbs, the roof garden would exhibit aquatic and non-aquatic plants, whilst the atrium would comprise hanging plants.

The Woodlands Officer has assessed the proposals and subject to the submission of full landscaping details and a management plan secured via legal agreement is satisfied that the landscaping vision proposed can be achieved. Full details and planting schedules would be required by way of condition and should address the different orientations of the building.

The balcony planters attached to each of the 16 floors, would provide some visual variety to the otherwise regular, linear external appearance of the building. It is important however to balance the desired visual amenity of the planters with the functionality of the Solar Panels. If the landscaping is allowed to grow too much, it would obscure the solar panels and limit their efficiency and performance. The applicant has confirmed that the planters will be managed entirely by the management services company, and no access will be required to the residential flats to undertake maintenance. The external facade will be cleaned and maintained by a 'cradle system' suspended from the roof and this would also be used to maintain the planter. Details of a proposed irrigation system have been submitted in the Sustainable Urban Drainage Strategy.

Full details of the landscaping proposed would be secured by condition and a landscape management plan in perpetuity would be secured by legal agreement.

Impact on Neighbours

Although the building would be 6.82m higher than previously approved a Daylight and Sunlight Assessment has been submitted with the application and demonstrates that the proposal would not have a significant adverse impact with respect to loss of light or overshadowing to the nearest residential properties on London Road located north-west of the application site. Although there are no dwellings currently on the National Grid site, also to the north-west, the application site would be sufficiently sited away from this land so that it would not lead to unreasonable levels of light loss or overshadowing to future residential development in this location.

The BRE also considers offices to be a sensitive land use. The offices to the west of the application site do not have any windows fronting Whiteleaf Road and therefore no windows facing in the direction of the application site. One of the offices located to the west of the application site has a first floor window that appears to serve an office, however this window is angled away from the application site and its location opposite the street and to the west would ensure there would not be any adverse impact with respect to light loss, noting that any additional light loss by the proposal would be limited to early day time hours.

First floor offices to warehouses further west have windows directed to the application site, to the north-west and west. These windows are further still from the proposed development, and any light loss would likely be limited to early day time hours.

All sensitive properties including dwellings and offices would maintain a sufficient degree of outlook from main windows following the proposed development.

It follows the proposal accords with Policy CS12 (c) of the Core Strategy.

Sustainability

A sustainability statement (contained in the D&A Statement) and an Energy Statement via the Council's C-Plan sustainability tool have been submitted as part of the proposal. The applicants have demonstrated a clear commitment to achieve a very high level of sustainability. The development aspires to be emission free and the UK's only Energy Performance Certificate A+ (EPCA+) multi-dwelling building, utilising zero carbon and low carbon technologies. In line with national and local planning policy this approach has to be welcomed.

Within the proposed development, the drive for the building to be as sustainable as possible has dictated many aspects of the design and form. The desire to be totally energy efficient would be achieved through the following measures;

- Internal glass atriums - creating a greenhouse effect within the building keeping radiant heat in.
- Green Roof - covering more than 70% of the total site area
- External triple glazing with U-values less than 0.75 - to reduce thermal emissivity
- Ground Source Heat Pump (4 x 1km boreholes for geothermal) - generates heat and hot water for use in the building
- Solar PV Panels on each level and the roof - generates electricity for use in building
- 2MW geothermal bore hole steam generator - generates electricity for use in the building
- Rainwater is collected on the roof garden and recycled throughout the building as grey water. Water stored in the roof garden tank can be released down the building through a hydro generator in the basement to generate power to supplement the PV panels is required.

These measures clearly comply with Policy CS29 of the Core Strategy and the proposal is acceptable in this respect. The proposed development would deliver sustainable homes which would exceed Building Regulation standards and this has to be welcomed.

Concern has been expressed about the sustainability credentials, the costs associated with them and the weight these are given in financial considerations. The Council's Environmental Sustainability Officer has reviewed the proposals and confirmed that all of measures are achievable on this particular site. Some of the measures proposed would be costly but the applicants have set out a clear commitment to achieving these and have allowed for them in the submitted viability reports. The measures proposed would exceed Building Regulation standards and as such a mechanism for ensuring their delivery would need to be in place.

A condition requiring full details of all sustainability measures proposed and the technologies to be used will be imposed. In addition prior to the first occupation a certificate demonstrating compliance will be required. This would allow the LPA to ensure all measures (even those outside Building Regulations) are fully implemented. In addition if for any reason the sustainability measures are not provided it is considered important that a clause be included in the legal agreement securing a 'deferred' affordable housing payment.

Affordable Housing Provision, and Community Infrastructure Levy (CIL)

Policy CS35 requires all developments to make appropriate contributions towards the 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; Hemel Hempstead within which a charge of £100 per square metre is applicable to the residential elements of the development. CIL is calculated on the basis of the net increase in internal floor area and amounts to some £2,925,787.

Policy CS19 of the Core Strategy requires that Affordable homes will be provided on sites in Hemel Hempstead for developments of 10 or more dwellings, policy sets out that 35% of the new dwellings proposed should be affordable homes. Further, detailed guidance is provided in the Affordable Housing Supplementary Planning Document.

The proposal seeks consent for 272 new dwellings and provides an affordable housing commuted sum of £2,074,213. This equates to approximately 5% affordable housing. This is well below the 35% required under Policy 19 of the Adopted Core Strategy. However a number of points/ factors must be taken into consideration including payment of CIL, provision of a zero carbon scheme and Government policy support to deliver market housing as well as affordable housing where possible.

The NPPF states that planning obligations should be set at a level which is flexible and which does not result in developments being stalled. It also makes it clear that it is a legitimate part of planning that developers and landowners should be able to achieve competitive returns in order to ensure viability, and ultimately deliverability. The councils Affordable Housing Supplementary Planning Document supports this stance and states that affordable housing must be provided 'unless it can be demonstrated that it is unviable to provide the specified level (35%) or there is no evidence of need in the area'. It goes on to state that 'in cases where the applicant considers that the site cannot viably support the Council's affordable housing policy requirements, the Council will require the applicant to submit a financial appraisal and supporting evidence at pre-application stage. This will enable the Council to assess at the earliest opportunity, the optimum affordable housing mix which is economically viable on the site'.

A viability assessment has been submitted in support of the current application. This information is confidential but sets out all the costs and considerations including Gross Development Value, construction costs, professional fees, profit, site purchase prices, alternative land values etc. This assessment has been tested by the Council's Strategic Housing team, who are satisfied that the financial contribution of £2,074,213 towards affordable housing set out in the appraisal combined with the CIL payment of £2,925,787 and the assumptions therein are sound.

The applicants were unable to secure the involvement of a Registered Social Landlord for the management and maintenance of affordable housing units on site following the outline planning application (ref 4/02320/14/MOA). This remains the case with the current proposal. Given the reluctance of RSL's to take on units within the scheme itself, a commuted payment is considered reasonable.

A commuted payment has already been assessed as part of an application to Vary the legal agreement pursuant to Outline consent. This has not yet been finalised but the principle of a commuted sum as opposed to units provided on site is aggregable. The value of this contribution based on the approved outline permission for 208 flats was £3.285 million. This equates to 35% and has been assessed on the basis of an independent viability assessment.

A revised viability assessment associated with the current application indicates that a contribution of £2,074, 213 million is available for affordable housing. This reflects the construction costs and the need to pay a fixed contribution of £2,925,787 under CIL towards infrastructure provision; the total community contribution secured via S106 for affordable housing and through CIL would be £5,000,000.

Based on the above, and from the information received in support of the application, including a detailed viability assessment, it is considered reasonable in this instance to allow a lower than required affordable housing contribution.

Impact on Highway Safety.

In accordance with Policy CS9 (Management of Roads) the traffic generated from new development must be compatible with the location, design, and capacity of the current and future operation of the road hierarchy, taking into account any planned improvements and cumulative effects of incremental developments.

It is clear that the development will create an increase in traffic on the local highway network. The site is situated at an already busy road junction (Two waters / London Road). Detailed Traffic Assessments have been submitted in support of the proposals.

The Highway Authority initially recommended refusal on the basis that insufficient evidence was provided to demonstrate that the development would not have an adverse impact on highway safety. There were two areas of concern. Firstly the operational impact the proposed development would create on the joint operation of the Whiteleaf Road / London Road priority road junction and the Two Waters Road / London Road signal controlled junction. Secondly the efficiency of the APS to process cars during peak period demand was questioned. An inability to process the cars would lead to the potential for vehicles queuing to access / exit the development, spilling out onto Whiteleaf Road and blocking the free-flow of the surrounding public highway.

Two Transport Assessment Addendum Reports (December 2015 and Jan 2016) were submitted providing more evidence in support of the Transport Assessment prepared by Nichols Consulting (dated Oct 2015). The purpose of the addenda was to accurately model the capacity of the junction and should detrimental impacts associated with the development be found, to propose mitigation measures; and to address the issues regarding the efficiency of the APS.

The Highway Authority, Herts County Council has been consulted and have assessed the proposal in detail. Having assessed the addendums, the Highway Authority finds the proposals acceptable, subject to the imposition of conditions, contributions towards the upgrade of the canal towpath and pedestrian links and the introduction of several highway improvements.

In summary, the addendums found that the net impact trip generation numbers are 7 less in the AM peak house and 11 less in the PM peak hour than those agreed in the outline consent. These figures have been agreed and are largely due to the omission of the office floor space in the current proposal. Junction modelling has been undertaken and HCC, in conjunction with Ringway, have reviewed the modelling data and are satisfied that the development will not result in severe cumulative impacts to the highway network. Furthermore the APS will only allow one or two vehicles to exit at any given time and would therefore result in a maximum of 2 vehicles existing the development site at approximately 60-90 second intervals.

The applicants have agreed to undertake highway improvements as part of the development and these will be secured by legal agreement. The improvements include; KEEP CLEAR road

markings on front of Whiteleaf Road, refresh GIVE WAY markings on Whiteleaf Road, to optimise the use of the existing SCOOT (Split Cycle Offset Optimisation Technique) traffic light computer controlled system and to introduce MOVA (Microprocessor Optimised Vehicle Actuation) software.

With regard to the APS, an approach was agreed with HCC to establish a suitable APS processing time (87 second cycle time). Average demand profiles and normal distribution profiles were used to calculate likely queues. The methodology used highlighted there would be queuing back onto Whiteleaf Road for a 10-15 minute period. The revised ground floor layout, that includes laybys and an extra queuing lane, would provide appropriate on-site storage to accommodate this queuing such that there would be no over spill onto the public highway.

The additional evidence and plans submitted have been assessed and Herts County Council Highways no longer object to the proposal. It is recommended that permission be granted subject to the imposition of several conditions and the completion of a legal agreement.

Parking

The proposal seeks consent for 318 car parking spaces, 313 in an automated system and 5 electric car stations on the ground level. This equates to a ratio of 1.2 car parking spaces per dwelling. This is proposed in lieu of the previously agreed underground parking scheme of 228 spaces to serve 208 flats and 830sqm of office (ratio of 1.1 space per dwelling).

The local parking standards are set out under saved Appendix 5 of the Local Plan. The maximum parking requirements for the various components of the proposed building are as follows:

- 1.25 spaces per one-bedroom dwelling;
- 1.5 spaces per two-bedroom dwelling;
- 2.25 spaces per three-bedroom dwelling;
- Retail (Class A2) - 1 space per 30m² gross floor area;
- Leisure (Class D2) - where individual land use components are not known, 1 space per 15m² gross floor area (shared parking).

The application site is located within Accessibility Zone 4 under the Accessibility Zones for the Application of Car Parking Standards Supplementary Planning Document, wherein 75% to 100% of the maximum parking standard would be expected for non-residential uses.

In accordance with Appendix 5 a maximum of 403 spaces would be expected. The proposed parking at 318 spaces is therefore in accordance with Appendix 5 as it does not exceed 403. Furthermore the ratio now proposed is preferable to that agreed at outline stage and a refusal based on car parking provision could not be sustained.

Parking has been raised as a concern by local residents. The Car Parking Standards Supplementary Planning Document states that new residential development will generally be expected to accommodate all parking demand on site. However, significantly lower levels of parking provision may be acceptable where demand is likely to be less and a tendency for over spill on-street is, or can be, controlled for example high density housing in town centres, near railway stations or housing over shops.

In addition, paragraph 39 of the NPPF is relevant and states that if setting local parking standards for residential and non-residential development, local planning authorities should take into account:

- the accessibility of the development;

- the type, mix and use of development;
- the availability of and opportunities for public transport;
- local car ownership levels; and
- an overall need to reduce the use of high-emission vehicles.

The Design and Access Statement notes that parking for the residential units has been provided on a ratio of 1:2 (one space per dwelling). It is noted above that the application site is within 950m of the town centre and 1000m to the station. It does however also benefit from a location within an employment area, including proximity to an existing supermarket, and other modes of public transport such as buses on London Road. The site is also in close proximity to the local centre on London Road to the east of the application site and Hemel Hempstead town centre. The development is therefore considered accessible.

With regard to car ownership levels and reducing the use of vehicles, the parking proposed equates to 1.2 spaces per dwelling. Whilst the applicant is keen to promote low car usage and it was their original intent to market the parking and residential units separately so residents have the choice to be 'car free', they have agreed to provide one space to be allocated to each unit. This would then comply with our parking policies and this would be secured by a Section 106 head of term. The surplus parking would be managed by the building management company who would rent/sell additional spaces to occupiers or make them available for visitor parking. Residents would also have the opportunity to access the electric car share scheme. The applicant has suggested that the parking management fees would be approximately £400 per year. The details of the parking would be secured by a management plan subject to a S106 legal agreement.

The APS consists of three components 1. Two Entry / Exit bays where cars are left and collected by drivers. 2. Parking places (313) where cars are stored. 3. Main transport Unit (MTU) which collects car from entry bay and places it in a parking space by a conveyor and robotic system. Entrance to the car park would be via an automatic licence recognition barrier system (visitors would have intercom via reception). The car is retrieved by use of a RFID key or a code (in the case of a visitor). There is also an on-site electric car share and electric bike share scheme.

The environmental benefits of the APS compared to the approved underground parking scheme are welcomed. The APS reduces CO2 emissions as they eliminate the need for cars to circle, idle and search for parking spaces, vehicles are parked via a conveyor and robotic system. The APS requires less building material, much less excavation, and shorter construction times than basement car parking systems. The APS provides for a far more sustainable, efficient use of the land.

The parking provision and arrangements proposed are considered acceptable and comply with Dacorum Borough Council's Parking Standards.

Access and Servicing Arrangements

The development is proposed to be accessed (pedestrian and vehicular) from Whiteleaf Road. This remains the same as approved under the Outline consent.

In the current proposal the vehicle access to the development also serves as the access to the Automated Parking System (APS). A vehicle crossover is provided for vehicles and a zebra crossing for pedestrians. Adequate visibility splays can be achieved in both directions and will be conditioned. HCC have confirmed, subject to conditions that the site can be safely accessed by all users.

Concern about the sites internal access / layout at ground floor level was initially expressed by HCC, (although this did not form the basis of their recommendation for refusal as it would not

impact the public highway). Swept path assessments for access to the Electric Car Parking Spaces and amendments to the ground floor layouts have subsequently been provided demonstrating that manoeuvring around the site is possible. HCC has reviewed these and are they are deemed suitable. All users can safely navigate around the development.

The footprint of the site is not sufficient to accommodate appropriate turning for servicing and delivery vehicles. The TA sets out that servicing vehicles would back into the site, as per the current situation. This manoeuvre would however be required far more frequently with the proposed residential development than the current office use on site. The outline scheme had a condition attached to secure details of refuse collection and facilities for servicing vehicles. The applicant has confirmed that the refuse will be collected by a private refuse company who will be able complete multiple pickups a week.

With regard specifically to refuse collection, the Councils Waste Services department have expressed significant concerns with the development. The developer has however confirmed that the development would use a private commercial waste company to collect the waste associated with the proposed development. The initial reason for this is that the building would be offering more than once weekly collections. There is on-site compaction and collections and this is better suited but not exclusive to private contractors. The details are yet to be finalised and the appointed management company would need to be actively involved in the formation of a waste management strategy. However, it is envisaged that residents would take their waste and recyclables to an allocated chute located towards the inner core. The chutes deliver the waste to a compactor before being deposited into a series of bins in an allocated Refuse Collection Area located at ground floor level. A waste collection vehicle would then collect the waste. Two communal chutes for waste will be provided per floor; 1 for recycled bagged waste and 1 for general bagged waste. To encourage recycling residents will be encouraged by being given discounts to the service charges in the amount by weight of recycling they do. To further reduce fees for waste collections and indeed space required for waste collections a general waste compactor will be installed at the base of the chute in the refuse collection area. This will reduce the number of bins required and the frequency of collection.

As it is proposed to utilise a private commercial waste company, this would fall outside the jurisdiction of the Local Authority. There are alternative solutions allowing Local Authority access to the site if they were required to pick from the site in the future. The applicants are exploring an alternative option which requires the acquisition of an existing lay-by between the development site and Arriva to the south. The lay by would be used by servicing and delivery vehicles. This land falls outside the current application site and as such does not form part of the current proposals.

Whilst this would fall outside the jurisdiction of DBC, and notwithstanding the details submitted, a waste management plan would need to be approved. If, in the future the commercial company cease to collect the waste, the Council may have a statutory duty to undertake collections. As such, it is considered important to secure a waste management plan by way of a section 106 legal agreement which ensures private waste collection in perpetuity unless agreed by DBC. This would allow appropriate access to be agreed in the future (perhaps the lay-by options subject to agreement with Highways) and a deed of variation completed.

Subject to the imposition of a condition / legal agreement there would be no sound planning reason to refuse the development based on access and servicing.

Accessibility and Public Transport

The proposed site is not considered to be particularly sustainable or accessible to alternative modes of transport. This is demonstrated by the fact that it lies outside accessibility zone 3 in

the DBC document Accessibility Zones for the Application of Car Parking Standards. The site does not benefit from a location close to the town centre, or the nearest railway station, located approximately 950m and 1000m away respectively. However, it does benefit from a location within an employment area, including proximity to an existing supermarket, and other modes of public transport such as buses on London Road. The site is also in close proximity to the local centre on London Road to the east of the application site and its various services and facilities. The development is therefore considered reasonably accessible.

The nearest bus stop to the development site is located on the A414, Two Waters Road and is approximately 250metres from the site. There are five routes serving this stop. However they only have limited frequency. The nearest railway station is Hemel Hempstead which is some 1000metres or 15 minute walking distance from the application site. The station is on the west coast main line between London Euston and Birmingham New Street. Both the A414 Two Waters Road and the A4251 London Road have continuous foot ways on both sides and the signalised junction of these two roads provides for all pedestrian movements. There are no specific provisions for cyclists in the form of cycle lanes or advanced cycle stop lines on either the A414 Two Waters Road or the A4251 London Road. There are no National Cycle Network routes or other off road routes in the vicinity of the application site.

A Framework Travel Plan is contained within the Transport Assessment. Notwithstanding this, a full Travel Plan would be required and would need to be secured via legal agreement. In addition the Highway Authority has recommended that developer contributions should be sought to provide upgrades to the canal towpath and pedestrian links in the vicinity of the site. The applicant has agreed to pay £75,000 towards these upgrades and provide a Full Travel Plan via Section 106 Legal Agreement.

It is considered that the upgrading of the towpath and pedestrian links will improve the development access to the local public transport network and local services in line with the NPPF, as well as Core Strategies NP1 and CS8.

Construction

The submitted Traffic Assessment (including the two addendum's) does not contain specific information regarding the potential impacts on the highway network during construction, it does however acknowledge the need for a Construction Logistics Plan. The development covers the entire site and incorporate underground car parking. As such issues such as parking for contractors, material storage and delivery, waste storage etc would all need to be addressed.

Given the size of the site, the scale of the development, and the need for substantial ground works (excavation for underground parking) the applicants have agreed to a Construction Logistic Plan which will be secured via Legal Agreement.

Government Policy seeks to ensure that all planning authorities take responsibility for waste management. Policies of the Herts County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 seek to promote the sustainable management of waste in the County and to have regard to the potential for minimising waste generated by development.

A detailed Site Waste Management Plan (SWMP) has been submitted to record the sustainable management of all waste associated with the proposed development. It demonstrates how the development aims to reduce the amount of waste produced on site, identifies the types of waste to be removed and where that waste will be taken.

The County Council has reviewed the Management Plan and is satisfied that subject to several amendments the document is acceptable. Amongst other things, it is noted that

predicted waste-arising have not yet been determined. Whilst the plan must be written at the construction design phase, it needs to be maintained during the whole project. A SWMP is a live document that evolves as the development progresses. Predicted waste-arising would need to be included in the SWMP prior to the commencement of development.

It is important that the plan is completed and implemented in full. The submission of a full, updated SWMP will be secured via legal agreement.

Flood Risk and Sustainable Drainage

Policy 31 of the Dacorum Core Strategy states that water will be retained in the natural environment as far as possible. Measure to restore natural flows in the river systems and the water environment will be supported. Development would, amongst other things, be required to minimise water run-off, secure opportunities to reduce the cause and impact of flooding, and avoid damage to Groundwater Source Protection Zones. IN addition Policy CS29 states that development must provide an adequate means of water supply. surface water and foul drainage.

Specialist advise has been sought from the County Council as the Lead Local Flood Authority.

The surface water drainage assessment carried out by EnviroCentre referenced 467264 dated October 2015 submitted with the application did not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. A revised Surface Water Drainage Strategy prepared by Thomasons (March 2016) has been submitted to support the original strategy. The County Council is now satisfied that the proposed development site can be adequately drained and any potential existing surface water flood risk can be mitigated in accordance with the submitted drainage strategy. Subject to the imposition of conditions the County Council has no objection.

The proposal complies with Policy CS31 of the Core Strategy.

Contaminated land

A Desk Study Assessment Report and Ground Investigation Report have been submitted in support of the proposal. The reports confirm that the risks posed to future occupants or construction workers as a result of the existing ground conditions are low and can be appropriately mitigated where necessary.

The Councils Environmental Health team have reviewed the information submitted. Subject to the imposition of the standard conditions they have no objection to the development.

Air Quality

Policy CS32 of the Core Strategy sets out that development will be required to help support improvements in identified Air Quality Management Areas and maintain air quality standards throughout the area. The application site lies within close proximity to two of the Council's Air Quality Management Areas (Lawn Lane and London Road).

An Air Quality Assessment has been submitted in support of the proposal. Environmental Health have confirmed that subject to the implementation of the mitigation measures set out in the report there would be no harm to air quality standards. The development is acceptable.

Ecology

An ecological Report has been submitted in support of the application. Hertfordshire Ecology

have been consulted on the proposals and confirm that the report identified little or no ecological interest other than the potential for nesting birds within the scrub. It is suggested that an informative be included.

Archaeology

The County Councils Historic Environment Advisor has reviewed the information submitted and assessed the proposals. The following comments have been received;

The current application site is located in Two Waters, Hemel Hempstead, adjacent to the River Bulbourne. Evidence from historic mapping (in particular the 1843 tithe map) shows a site of a Malt house within the site bounds (HER No. 7114). This forms part of a large industrial post-medieval landscape, with a malting located some 130m to the east of the current site (HER No. 7113) and Two Waters Paper Mill (HER No. 7112) 200m to the sites north east. The sites location along the valley edge of the River Bulbourne lends itself to prehistoric settlement activity and the potential for paleoenvironmental deposits associated with the river.

Given its favourable topographical position, the known heritage asset within the site bounds and its proximity to other heritage assets, the proposed development site possesses potential for the presence of heritage assets with archaeological interest.

Subject to two conditions being imposed the County Council are satisfied that the proposed development would not have any adverse archaeological implications.

Environmental Agency

The Environment Agency are satisfied that subject to the imposition of several conditions, the development does not pose a risk to the environment, in particular in relation to groundwater or contamination of the Mid-Chilterns Chalk, a drinking water protected area.

Other Material Planning Considerations

Crime Prevention and Security

The Herts Police Crime Prevention Designer has confirmed that he finds the scheme acceptable, subject to a number of conditions. These have been included in the recommendation. The suggested conditions will ensure these standards are achieved to the satisfaction of Herts Police and the LPA and will ensure that the proposed development provides a secure and safe working and living environment.

Section 106

The following Heads of Terms have been agreed.

Community Benefits;

- Full Green Travel Plan
- Travel Plan Annual Review
- Travel Plan Contribution - £6,000
- Construction Management Plan
- Fire Hydrants
- Sustainable Urban Drainage Management Plan
- Landscape /Sustainability Management Plan
- Waste / Servicing Management Plan
- Construction Logistics Plan

Properties marketed with minimum of one car parking space per unit
Cafe, gym, and function room retained in perpetuity for residents only

Financial Contributions;

Canal Towpath and Pedestrian Links Contribution - £75, 000
Affordable Housing £2,074,213

Highway Improvements;

Keep Clear Road Markings
MOVA (Microprocessor Optimised Vehicle Actuation)
SCOOT (Split Cycle Offset Optimisation Technique)

Community Infrastructure Levy (CIL)

The proposed development would be CIL liable. The site is located in Zone 3 wherein the liable area is charged at £100 per square metre. CIL is calculated on the basis of the net increase in internal floor area. Based on the submitted plans a CIL payment of £2,925,787 would be payable.

RECOMMENDATION - That determination of 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-suggested conditions:-

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

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

- 2 **No development shall commence on the building (above ground works) until full details and samples of the materials proposed to be used on the external walls/roofs of the development shall have been submitted to and approved in writing by the local planning authority. The schedule of materials shall be supported by a statement explaining what factors have been taken into account during the selection of materials, and how they would age and appear over time. A sample panel of all external materials for approval shall be set up on site (at a time agreed with the LPA). The approved materials shall be used in the implementation of the development.**

Reason: To ensure a satisfactory appearance to the development.

- 3 **No development shall commence on the building (above ground works) until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- hard surfacing materials;
- means of enclosure;
- soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with

plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;

The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted and thereafter maintained as such.

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

- 4 Prior to the first occupation of the development hereby permitted the proposed access, on-site car and cycle parking, shall be demarcated, levelled, surfaced and drained in accordance with the approved plans and thereafter retained for that specific use.**

Reason: To ensure the permanent availability of the parking and manoeuvring area, in the interests of highway safety in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy and saved Policies 51 and 58 of the Dacorum Borough Local Plan 1991-2011.

- 5 Notwithstanding any details submitted as part of the planning application, prior to the commencement of the development hereby permitted, plans and details showing how the development would best meet Code Level 4 (or equivalent) and meet the objectives of Policies CS28, CS29 and CS31 of the Dacorum Core Strategy (September 2013) shall be submitted to and approved in writing by the local planning authority.**

Within three (3) months of occupation of any of the residential units, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Code for Sustainable Homes qualified assessor) to demonstrate full compliance with the approved Energy Statement.

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

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

(a) Site Characterisation

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

- 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'.

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 Dacorum Core Strategy.

7 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.

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 CS 32 of the Dacorum Core Strategy.

8 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.

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

9 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 8.

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 CS 32 of the Dacorum Core Strategy.

- 10 The development shall be carried out fully in accordance with the submitted Air Quality Assessment: REport Ref: AQ0573;GEM Air Quality Ltd;February 2015. All mitigation measures relating to construction activities shall be implemented. The recommended measures within Table 21 and Table 22 must be adhered to in order to ensure the impact of construction activities is negligible and minimal complaints are received relating to dust.**

Reason: The site lies within close proximity of two Air Quality Management Areas (Lawn Lane and London Road). In order to ensure an acceptable level of air quality and to comply with Policy CS32 of the Core Strategy.

- 11 No development shall commence 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:

- 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: The Thames River Basin Management Plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery. Without this condition, the impact of contamination could prevent recovery of the Mid-Chilterns Chalk, a drinking water protected area.

Paragraph 109 of the National Planning Policy Framework, states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

Paragraph 120 states that local policies and decisions should ensure that new development is appropriate for its location, having regard to the effects of pollution on health or the natural environment, taking account of the potential sensitivity of the area or proposed development to adverse effects from pollution. Paragraph 121 also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented.

- 12 **Prior to the occupation of any part of development hereby permitted 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 groundwater in line with your policy CS32, The Thames River Basin Management Plan, Planning Practice Guidance and the National Planning Policy Framework (see reason 1).

- 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 groundwater in line with your policy CS32, The Thames River Basin Management Plan, Planning Practice Guidance and the National Planning Policy Framework (see reason 1).

- 14 **No impact piling or any other foundation designs using penetrative methods 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) and a Piling Risk Assessment to demonstrate that the chosen piling method does not increase the risk of near surface pollutant migrating into deeper geological formations and aquifers has been submitted to and approved in writing by the Local Planning Authority. Any piling must be undertaken in accordance with the terms of the approved Piling Method Statement.**

Reason

To protect groundwater in line with your policy CS32, The Thames River Basin Management Plan, Planning Practice Guidance and the National Planning Policy Framework (see reason 1)

- 15 **Investigation boreholes and ground source heating and cooling 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 groundwater in line with your policy CS32, The Thames River Basin Management Plan, Planning Practice Guidance and the National Planning Policy Framework (see reason 1).

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

Reason

To protect groundwater in line with your policy CS32, The Thames River Basin Management Plan, Planning Practice Guidance and the National Planning Policy Framework (see reason 1).

- 17 **No development shall take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action**

arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To protect groundwater in line with your policy CS32, The Thames River Basin Management Plan, Planning Practice Guidance and the National Planning Policy Framework (see reason 1).

- 18 **The development hereby approved shall be carried out fully in accordance with the submitted Crime Prevention Report.**

Reason: To prevent crime, achieve the Secured By Design objectives and to ensure a secure residential environment in accordance with Policy CS12 of the Dacorum Core Strategy..

- 19 **Visibility splays of not less than 2.4 m x 43 m shall be provided to each side of the access where it meets the highway before any part of the development hereby permitted is first brought into use, and they shall thereafter be maintained at all times free from obstruction between a height of 0.6 m and 2.0 m above the level of their adjacent highway carriageway.**

Reason: In the interests of highway safety in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy and saved Policies 51 and 58 of the Dacorum Borough Local Plan 1991-2011.

- 20 **The proposed development will be carried out fully in accordance with the details set out within the approved surface water drainage assessment carried out by EnviroCentre referenced 467264 dated October 2015 and drainage design carried out by Thomasons reference G21001 dated March 2016. All measures outlined including the following must be implemented;**

(iii) Limiting the surface water run-off to 5l/s with discharge into the Thames Water Sewer.

- 1. Providing 105m³ attenuation volume 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.**
- 2. Undertake drainage strategy to include the use attenuation tanks, green roofs and rainwater harvesting.**

The above measures should be fully implemented prior to the first occupation of the approved dwellings.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of

surface water from the site. To reduce the risk of flooding to the proposed development and future occupants. In accordance with Policy CS31 of the Dacorum Core Strategy.

:

- 21 **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. Detailed engineered drawings of proposed SuDS features.**
- 2. Details of how the scheme shall be maintained and managed after completion**

Reason: To prevent the increased risk of flooding, both on and off site and in accordance with Policy CS31 of the Dacorum Core Strategy.

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

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

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

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

Reason; in ensure no adverse archaeological implications in accordance with Policy CS27 of the Dacorum Core Strategy.

- 24 **All demolition/development shall take place in accordance with the Written Scheme of Investigation approved under condition 23. 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.**

Reason; in ensure no adverse archaeological implications in accordance with Policy CS27 of the Dacorum Core Strategy.

- 25 **No development shall commence until a Foul Water Drainage impact study has been submitted to and approved in writing by the Local Planning Authority. The impact study shall confirm the extent of the network and any reinforcements required. Any reinforcements required shall be carried out fully in accordance with the approved details.**

Reason: to ensure foul water can be adequately provided for in accordance with Policy CS29 of the Core Strategy.

- 26 **Prior to the first occupation of the building hereby permitted sufficient space shall be provided within the site to enable a standard size servicing and or delivery vehicle to park, turn and re-enter the highway in a forward gear. This area shall be levelled, surfaced and drained in accordance with a detailed scheme submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, and retained thereafter available for that specific use.**

Reason: In the interests of satisfactory development and highway safety in accordance with Policies CS8 & CS12 of the Dacorum Core Strategy and saved

Policies 57 & 58 of the Dacorum Borough Local Plan 1991-2011.

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

BEA_DWG- 001_V3.5 Rev A - REV A - SITE LOCATION PLAN
BEA_DWG- 002_V3.5 Rev A - REV A - BLOCK PLAN
BEA_DWG- 003_V3.5 Rev A - REV A - SITE PLAN
BEA_DWG- 004_V3.5 Rev A - TYPICAL BASEMENT PLAN
BEA_DWG- 005_V3.5 Rev C - GROUND FLOOR (WITH LAY-BYS)
BEA_DWG- 006_V3.5 Rev A - FIRST FLOOR
BEA_DWG- 007_V3.5 Rev A - 2ND - 12TH FLOOR
BEA_DWG- 008_V3.5 Rev B - 13TH FLOOR
BEA_DWG- 009_V3.5 Rev A - 14/15TH FLOOR
BEA_DWG- 010_V3.5 Rev A - 16TH FLOOR
BEA_DWG- 011_V3.5 Rev A - ROOF PLAN
BEA_DWG- 012_V3.5 Rev B - WEST ELEVATION
BEA_DWG- 013_V3.5 Rev B - SOUTH ELEVATION
BEA_DWG- 014_V3.5 Rev B - EAST ELEVATION
BEA_DWG- 014_V3.5 Rev B - NORTH ELEVATION
BEA_DWG- 016_V3.5 Rev A - ROOF PLAN
BEA_DWG- 017_V3.5 Rev A016 - ROOF PLAN HIGH LEVEL
BEA_DWG- 018_V3.5 Rev A017 - SECTIONS
BEA_DWG- 019_V3.5 - SECTION (PLANTERS / PV PANELS)
BEA_DWG- 020_V3.5 - SITE ACCESS
BEA_DWG- 021_V3.5 Rev A - PROPOSED SITE ELEVATION / STREET SCENE

BEA_DWG- 023_V3.5 - EXISTING GROUND FLOOR PLAN ON SITE LAYOUT
BEA_DWG- 024_V3.5 - EXISTING GROUND FLOOR PLAN
BEA_DWG- 025_V3.5 - EXISTING FIRST FLOOR PLAN
BEA_DWG- 026_V3.5 - EXISTING SECOND FLOOR PLAN
BEA_DWG- 027_V3.5 - EXISTING THIRD FLOOR PLAN

DRAFT CONSTRUCTION METHOD STATEMENT
AFFORDABLE HOUSING COMMUTED SUM STATEMENT
REFUSE STATEMENT
SOCIAL HOUSING
SKYLINE BROCHURE AND TECHNICAL ASPECTS
DAYLIGHT , SUNLIGHT AND OVERSHADOWING (OCT 15)
RADAR ASSESSMENT (NOV 14)
WASTE MANAGEMENT PLAN (OCT 15)
AIR QUALITY ASSESSMENT (FEB 15)
ASBESTOS SURVEY (MAY 04)
DETAILS LAND AND ACCOMMODATION SURVEY
EXTERIOR PREVIEW 001 - 004
INTERIOR PREVIEW 001 - 006
CRIME PREVENTION REPORT (OCT 15)
LAND VISUAL IMPACT ASSESSMENT (SEPT 14 / OCT 15)
2ND LANDSCAPE VISUAL IMPACT ASSESSMENT (DEC 15)
LIGHTING IMPACT ASSESSMENT (OCT 15)
STATEMENT OF COMMUNITY INVOLVEMENT
DESK STUDY ASSESSMENT REPORT (BROWNFIELD SOLUTIONS NOV 14)
GROUND INVESTIGATIONS (LISTERS GEOTECHNICAL CONSULTING AUG 15)
GROUNDSURE DATA REPORT (NOV 11)
DESIGN AND ACCESS STATEMENT
DRAINAGE STRATEGY (ENVIRO CENTRE - OCT 15)

AMENDED DRAINAGE STRATEGY (ENVIRO CENTRE - MARCH 16)
SURFACE WATER DRAINAGE STRATEGY (THOMASONS - MARCH 16)
SUDS SUPPLEMENTARY (FEB 16)
ECOLOGY REPORT (ARBTECH)
ENERGY STATEMENT (C-PLAN)
FLOOD RISK ASSESSMENT
NOISE SURVEY (SEPT 15)
SUSTAINABILITY STATEMENT
TRANSPORT ASSESSMENT (NICHOLS CONSULTING - OCT 15)
TRANSPORT ASSESSMENT ADDENDUM (VECTIO CONSULTING DEC 15)
TRANSPORT ASSESSMENT TECHNICAL NOTE (VECTIO CONSULTING JAN 16)

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

Article 31 Statement

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

INFORMATIVES:

Hertfordshire Highways

The applicant is advised to prepare a scheme detailing provision for on-site parking for construction workers for the duration of the construction period to ensure adequate off-street parking during construction, in the interests of highway safety.

The applicant is also advised to prepare a Construction Management Plan detailing how safe pedestrian and vehicle access will be managed for the duration of the construction period in the interests of pedestrian and vehicle safety.

Protected Species

The removal of trees and shrubs should be avoided during the breeding season (March / Sept 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 nesting period has finished.

• 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.

I do not consider that bats will be an issue given the negative survey results and nature of the existing buildings on site.

On the basis of the above, **I do not consider there to be any ecological constraints associated with the proposals.** The opportunities for ecological enhancements (other than those proposed directly associated with the buildings) are limited given the size of the site, but where new shrubs or grassland edges are proposed, consideration could be given to planting of locally 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.

Surface Water Drainage Strategy

the proposed drainage scheme relies on the use of pumps. The use of pumps to drain the site will significantly increase the future maintenance burden and therefore increase the risk of failure due to poor maintenance. Details of the maintenance of the pump should be provided along with an emergency plan showing how the site would respond if the pump failed. The LPA will need to be satisfied that the proposed drainage strategy will be maintained and managed for the lifetime of the development.

Please note if the LPA decide to grant planning we wished to be notified for our records.

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/>

Affinity Water

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".

Environment Agency

Developers should ensure that any proposed piling methods do not pose a pollution risk to controlled waters. Piling to facilitate building foundations or the installation of ground source heat pumps has the potential to create a pathway between contaminated shallow soils and deeper geological formations and aquifers. Deep piling can also result in physical disturbance of aquifers.

A Hydrogeological Risk Assessment of physical disturbance to the aquifer should also be undertaken and if unacceptable risks are identified, appropriate mitigation measures must be provided.

It is recommended that developers follow the risk management framework provided in our guidance for 'Piling into Contaminated Sites' and also refer to the document 'Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention'.

The Conceptual Site Model (CSM) supplied (document reference 15.06.004) is insufficient and additional information is required to update the CSM and reduce the uncertainties prior to carrying out the risk assessment to controlled waters. In particular, no groundwater data has been supplied.

A minimum of 3 groundwater monitoring boreholes that intercept the seasonal minimum level groundwater table are required to establish the groundwater levels, flow patterns and groundwater quality. This information should then used to determine likely sources of offsite contamination.

Groundwater sampling should be undertaken, using a risk based approach to determine likely analytical suits. These should be based on previous land uses, both on the site and the surrounding area, taking into account likely contaminants associated with historic and current uses, as identified in the Site Investigation (for example chlorinated solvents, BTEX etc).

More information is required on the bus refuelling facilities located to the south of the site. This should include the depth of USTs where present.

When dealing with contamination on site we recommend that developers:

- Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination.
- Refer to our Guiding Principles for Land Contamination for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
- Refer to our website for more information and, in particular, the Planning and Land Contamination resource pages at <https://www.gov.uk/contaminated-land>
- Refer to Groundwater Protection Principles and Practice (GP3). This can be viewed via our webpage at <https://www.gov.uk/government/publications/groundwater-protection-principles-and-practice-gp3>

The verification report should be undertaken in accordance with in our guidance '*Verification of Remediation of Land Contamination*'. This can be found at <http://publications.environment-agency.gov.uk/pdf/SCHO0210BRXF-e-e.pdf>. Please contact me if you have any queries.

Contaminated Land

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>

National Grid

National Grid has identified that it has apparatus within the vicinity of your enquiry which may be affected by the activities specified.

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

Affected Apparatus

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

3. High or Intermediate pressure (above 2 bar) Gas Pipelines and associated equipment
 - Low or Medium pressure (below 2 bar) gas pipes and associated equipment. (As a result it is highly likely that there are gas services and associated apparatus within the vicinity)

As your proposal is in proximity to National Grid's apparatus, we have referred your enquiry / consultation to the following department(s) for further assessment:

- Gas Distribution Pipelines Team

Requirements

Before carrying out any work you must:

- Ensure that no works are undertaken in the vicinity of our gas pipelines and that no heavy plant, machinery or vehicles cross the route of the pipeline until detailed consideration has taken place.
- Carefully read these requirements including the attached guidance documents and maps showing the location of National Grid apparatus.
- Contact the landowner and ensure any proposed works in private land do not infringe National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
- Ensure that all persons, including direct labour and contractors, working for you on or near National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 - 'Avoidance of danger from overhead power lines'.
- In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

Guidance

High Pressure Gas Pipelines Guidance

If working in the vicinity of a high pressure gas pipeline the following document must be followed: 'Specification for Safe Working in the Vicinity of National Grid High Pressure Gas Pipelines and Associated Installations - Requirements for Third Parties' (SSW22).

Excavating Safely - Avoiding injury when working near gas pipes

Standard Guidance

Essential Guidance Document

General Guidance Document

Excavating Safely in the vicinity of gas pipes guidance

Excavating Safely in the vicinity of electricity cables guidance

Thames Water

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 0845 850 2777. 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 0845 850 2777 to discuss the options available at this site.

Thames Water requests that the applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes - toilets, showers, washbasins, baths and canteens). Typical Trade Effluent processes include: - Laundrette/Laundry, PCB manufacture, photographic/printing, food preparation, abattoir, farm wastes, vehicle washing, metal plating/finishing, cattle market wash down, chemical manufacture, treated cooling water and any other process which produces contaminated water. Pre-treatment, separate metering, sampling access etc, may be required before the Company can give its consent. Applications should be made at <http://www.thameswater.co.uk/business/9993.htm> or alternatively to Waste Water Quality, Crossness STW, Belvedere Road, Abbeywood, London. SE2 9AQ. Telephone: 020 3577 9200.

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

Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these

recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses.

Swimming Pools - Where the proposal includes a swimming pool Thames Water requests that the following conditions are adhered to with regard to the emptying of swimming pools into a public sewer to prevent the risk of flooding or surcharging: -
1.The pool to be emptied overnight and in dry periods. 2.The discharge rate is controlled such that it does not exceed a flow rate of 5 litres/ second into the public sewer network.

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.

Waste and Minerals

The Site Waste Management Plan must be available to any contractor carrying out work described in the plan and should be forwarded to the Waste Planning Authority when complete. There is no need to provide monthly progress; instead the final figures at the completion of the project would be sufficient. These should be sent to the Spatial Planning and Economy Unit, Minerals and Waste Team, Hertfordshire County Council, CHN216, County Hall, Hertford, Hertfordshire, SG13 8DN.

This application site abuts an Employment Land Area of Search for waste activities (B2 and B8 uses) and is adopted as part of the Waste Plan for Hertfordshire. ELAS175 Two Waters (west of a414) is indicated in Inset Map 006 of the Waste Site Allocations Development Plan Document (adopted July 2014). This site falls completely within Area of Search A of the Waste Core Strategy (adopted November 2012) for Local Authority Collected organic waste.

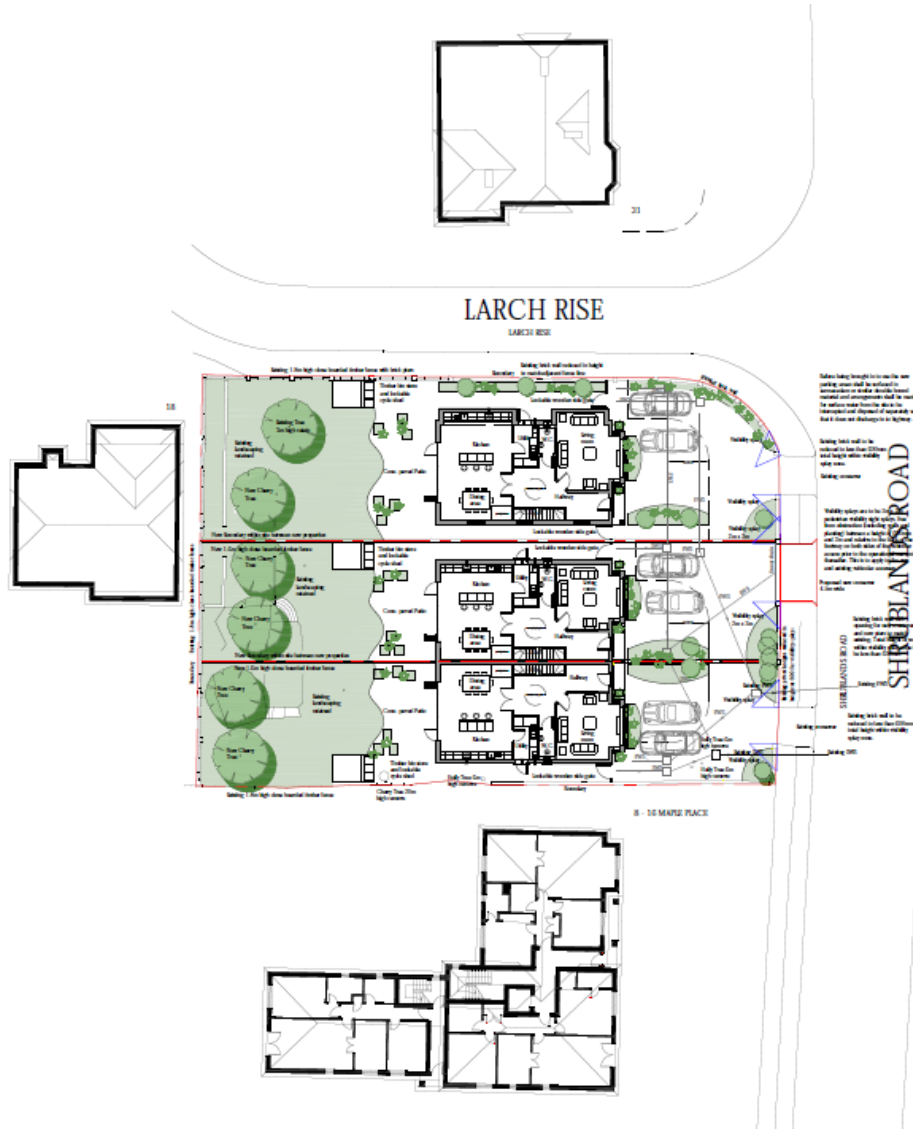
Both ELAS sites at Two Waters are located on groundwater source protection zones and are in close proximity to Flood Zones Two and Three but are completely located within Flood Zone One.

Item 5.03

4/00089/16/FUL - DEMOLITION OF EXISTING PROPERTY AND CONSTRUCTION OF THREE NEW DWELLING HOUSES AND ONE NEW CROSSOVER.

29 SHRUBLANDS ROAD, BERKHAMSTED, HP4 3HX

LOCATION PLAN



FRONT ELEVATION / STREETSCENE



Item 5.03

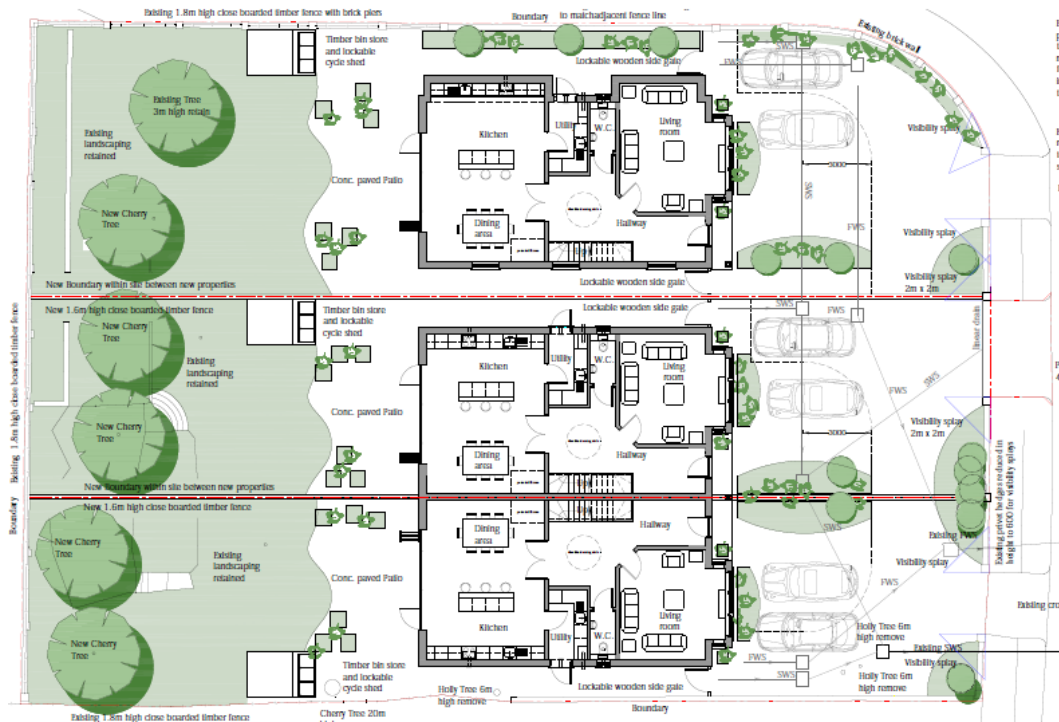
4/00089/16/FUL - DEMOLITION OF EXISTING PROPERTY AND CONSTRUCTION OF THREE NEW DWELLING HOUSES AND ONE NEW CROSSOVER.

29 SHRUBLANDS ROAD, BERKHAMSTED, HP4 3HX

REAR ELEVATION



FLOOR PLAN / PARKING ARRANGEMENT



CGI VISUAL



**4/00089/16/FUL - DEMOLITION OF EXISTING PROPERTY AND CONSTRUCTION OF THREE NEW DWELLING HOUSES AND ONE NEW CROSSOVER.
29 SHRUBLANDS ROAD, BERKHAMSTED, HP4 3HX.
APPLICANT: Westfields Homes.**

[Case Officer - Martin Stickley]

Summary

The application is recommended for approval.

The principle of residential development is considered acceptable in the sites location within a residential area. The proposed buildings would not have any adverse impact on the appearance of the streetscene or on the amenity of neighbouring properties. The access and car parking is deemed satisfactory. Therefore, the proposal is acceptable in accordance with the aims of the National Planning Policy Framework; Policies CS4, CS11 and CS12 of the Core Strategy and saved Policies 58, and saved Appendices 5 and 7 of the DBLP.

Site and Surroundings

The current site comprises a two-storey four-bedroom property located on the southern side of Shrublands Road, within the Berkhamsted Character Area 5 (Queens Road). The existing property is rendered white, with a porch extension and a single storey, detached, brick garage on the western boundary. It sits on a corner plot between Shrublands Road and Larch Rise. Shrublands Road contains a variety, but particularly features large houses with early 20th century features such as large projecting two storey box bays and steeply sloping tiled roofs. Red brick semi-detached houses from the 1950s on the northern side of Shrublands Road are of simple designs. New development in Shrublands Road through plot amalgamation was constructed in the 1980's, forming Larch Rise, a small cul-de-sac.

Proposal

The applicant is seeking planning permission to demolish the existing dwelling house and construct three new dwellings on the site. One new dwelling is to be detached with three double bedrooms and two single bedrooms. The other two dwellings are to be semi-detached, each with three double bedrooms and two single bedrooms. Each house consists of a ground floor, first floor and second floor within the roof space. Each new property has external side access to the rear garden, bin store area and cycle shed. Two parking spaces would be provided with each property.

Referral to Committee

The application is referred to the Development Control Committee following objections from Berkhamsted Town Council for the following reasons:

- Impact on the streetscene;
- Loss of mature trees;
- Increasing density and the consequent impact on the road network;
- Loss of existing characterful dwelling.

Planning History

No relevant history.

Relevant Policy

National Policy Guidance

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

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS29 - Sustainable Design and Construction

Saved Policies of the Dacorum Borough Local Plan

Policies 10, 13
Appendices 3, 5 and 7

Supplementary Planning Guidance/Documents

Area Based Policies (May 2004)
Accessibility Zones (July 2002)

Summary of Representations

Local Residents

4 Larch Rise, Berkhamsted, HP4 3HP

We wish to object to the planned construction for the following reasons:

1. The planned properties will be 3 stories high which will have direct impact upon our property, notably overlooking our house and garden to a significantly greater extent than the existing property. Of particular concern is the 3rd floor room's ability to be able to see directly into our kitchen and garden - something the existing property does not. Please note, we accept the flats next door offer precedent in height terms but they have a significantly longer garden and thus do not directly impact any property to the rear.
2. Associated with point 1 is the height of the proposed dwellings in relation to what is there already, i.e. this is a significant and not beneficial change to the character of the area.
3. We believe the plans are an over development of the existing site i.e. 3 dwellings in place of 1.
4. We believe the existing property being a 100 or so year old property is of significant architectural character within Berkhamsted and the proposed dwellings do not add any visual architectural benefit to the area.

31 Shrublands Roads, Berkhamsted, HP4 3HX

1. Existing house – we consider this an interesting and attractive house and that it should not be demolished. A strong reason for this is that it is different to other houses in the local area. In part this is because it is smaller than many of the other dwellings along that side of the road and in a particular the two blocks of flats to the east of it. It makes a strong positive contribution to the feel and architecture of that area and its demolition would be a sad loss.

2. Proposed houses – the proposed three houses reduce the variety of the area. Instead of the relief currently provided by number 29 from large buildings the proposal will fill the site. This will particularly emphasise the size of the flats at the eastern side of number 29 and the combined effect will be detrimental. The proposed development gives a compressed impression. In contrast to the other house along this side of Shrublands Road it is seeking to put three houses rather than one house into the space. The flat roof is incongruous when set against the other houses on both sides of the road.

3. Specific points on proposed development –

3.1 Windows – we have the following privacy issues

3.1.1 From the plans it appears that obscured glazing is to be placed in the windows on the first and second floors of the western elevation facing number 31. The windows on the second floor are in bedrooms and on the first floor are a dressing room and bathroom. They will face windows in number 31 in a kitchen/living room on the ground floor and windows in bedrooms on the first and second floor. Will the obscured glazing be part of the planning permission or a condition? Will there be restrictions on the ability to put in new windows or changes those proposed?

3.2.2 On the ground floor there is a window on the western side of the house nearest number 31 which is for a room marked as wc. There is no mention of obscured glazing. This window will face the window of the kitchen/living room in number 31 and due to the proposed removal of the detached garage and higher boundary wall will be exposed. We consider this window should be wholly obscured glazing and this should be protected by a condition.

3.1.3 The projected parts at the front of the house nearest number 31 has side windows on the ground and first floors but not the second floor. The front bedroom of number 31 nearest number 29 has a side window which would seem to be in line with the side window in the front projection of the proposed houses. Currently the front projection in the existing building at number 29 has no window in the side facing number 31 and only a window in the opposite side facing east. We consider that there is no need for the side windows facing number 31 and that the position with the second floor should be mirrored on the lower two floors on this side. If there are to be windows on those floors then obscured glass should be used and protected.

3.2 Flat roof – I have been informed that a Council planner has given the view that if there is a flat roof extension then when considering privacy issues it is assumed that people will have been able to go on to the surface of the top of the extension. To protect privacy and against overlooking generally we consider there should be a condition imposed to prevent use of flat roofs as a balcony, roof garden, sitting out area or for any similar purpose without the written consent of the authority.

3.3 Boundary wall – there is a higher boundary wall in the section running along the western side of number 29 facing the house of number 31. This has preserved some privacy between numbers 29 and 31. The proposed development as well as removing the existing detached garage will reduce the section of the boundary wall to the height of the remaining boundary wall (marked at 1.8m). This will affect privacy as there is a ground floor window in a living room in number 31 directly facing the western elevation of the development which is proposed to have a window without obscured glazing. The retention of that higher section of boundary wall would be beneficial.

Further comments

Our original points 1 and 2 stand as in the main the additional statements appears to be a repetition of points made originally.

As regards our original point 3 in so far as these are addressed it is in the first three paragraphs of the third page of the letter dated 16th February 2016 ("February letter"). Taking the points we raised in our original point 3 in the same order:

3.1.1 Windows marked as obscure glazing – there would appear to be no objection to this being protected by an appropriately worded condition which will require glazed glass. The original floor plans and the renewed floor plans mark the windows on the first floor level and the second floor level as "obscured glazing fixed below 1.7m from 1st FFL". As regards the second floor I take that to be 1.7m from 2nd FFL. The February letter incorrectly states in the third paragraph of the third page that the side windows will be "obscured glazed below a height of 1.7m." This is incorrect what is proposed is the normal obscured glazing for the window which is fixed below 1.7m. This is appropriate.

3.1.2 (mistakenly numbered 3.2.2 in the original) ground floor windows for room marked as wc and side door – in the third paragraph on the third page of the February letter there is just a general statement that the ground floor windows and door are screened. This is incorrect. The wc window and top part of the door can be seen on the side elevation drawing both original and now new (936/20/009). In the case of number 31 this exposure will be greater for two reasons. First the ground rises from number 29 to number 31 and second number 31 is built into the slope so that the ground floor level starts at the front considerably higher than the exterior ground level and the difference reduces as it runs back. The room in number 31 immediately facing the ground floor western elevation of number 29 is a breakfast/kitchen with a set of windows (3 large and above each a smaller window) measuring roughly 5 feet long and four and a half feet high. The floor level of this room is higher than the external ground level. The wc window and the upper part of the door will not be screened by the proposed wall from this room.

Currently at number 29 the detached garage and the continuation of the boundary wall at a higher level along this section between number 29 and number 31 provide a complete screen. This would appear to have been a deliberate feature of the changes carried out when the back and side land of number 29 were sold off as part of the Larch Rise development. Elsewhere the boundary wall on the western side of number 29 is lower. It was not just the boundary wall and garage of number 29 which was created at the time of the Larch Rise but also the boundary wall of number 31. That boundary wall will not provide a screen due to the height of the floor in the kitchen/breakfast room. The provision of the screen by number 29 through the garage and the height of the boundary wall would have been part of the development scheme resulting in Larch Rise. That earlier development involving part of number 29 now appears to be used to justify the demolition of number 29 and the removal of that screen even though the screen was part of the Larch Rise development and as far as we are concerned an important feature.

To state that the wc window or the upper part of the door will be screened and that any overlooking is almost wholly prevented is wrong. The proposed boundary wall at number 29 will not screen from the ground floor windows in the breakfast/kitchen of number 31. Further there will be no screening as regards the bedroom windows on the first and second floors of number 31. There is no explanation given for the general assertion in the February letter.

3.1.3 Side window in front projection – the third paragraph of the third page of the February letter states that the side windows in the first and second floor of the proposed house nearest number 31 will be obscured glazed. However, the elevation and floor plan drawings show that the side window in the front projection of that house at first floor level is not. The side window in number 31's front first floor bedroom on the eastern elevation facing number 29 is very near the corner of the house rather than in the middle of the bedroom. It will, therefore, be nearly in line with that side window. There is no window in the front projection at second floor level in the proposed new house on number 29. This should be mirrored at first floor level but if not then there should be obscured glazing.

The point has been made in point 3.1.2 that it is the whole of the window which is to be obscured glazing and not just 1.7 m.

3.2 Flat roof – not addressed in February letter. From the plans it appears that this will be a large area which is being put forward as an important part of the design. If it is to happen then protection is needed against development or use without the need to obtain the Council's consent.

3.3 Boundary wall – paragraph 3 of the third page of the February letter merely asserts the ground floor wc and door will be screened by the boundary wall. It describes it as a retained wall but in fact the current wall as described with regard to point 3.1.2 above is significantly higher so as to act as a screen. The proposal will significantly reduce the height of that boundary wall which will remove the screen for the reasons explained above regarding point 3.1.2. This will remove a feature deliberately created for good reason as part of the Larch Rise development.

Consultees

Berkhamsted Town Council

Object.

The proposed development would significantly affect the streetscape in this characterful area of the town. Furthermore, it would involve the loss of several mature trees on this distinctive site. Such a development would increase density which, in turn, will impact upon road use in this area. In addition, the new cross-over to the pavement would conflict with an existing bus stop. This opportunistic proposal is contrary to the provisions of CS11 and CS12, would involve the unnecessary loss of a beautiful and characterful house, would have a negative impact on the area and is thus considered unacceptable.

Thames Water

Waste Comments

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

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

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not

have any objection to the above planning application.

Water Comments

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

Trees and Woodlands

The Arboricultural Survey submitted by the applicant is technically sound and I agree with its recommendations. The mature cherry tree T4, is correctly classed as 'B' but its retention on a small bank close to the proposed dwellings is not desirable. The report's recommendation for 2 tree replacement is acceptable and compensates for the loss of T4. As most of the existing landscape is retained, there is little or no overall loss of trees or landscape space. However, I further recommend planting a new tree in the rear garden of each new dwelling. Trees should be container grown and at least 10-12 cm girth at 1.5 m above ground level. Trees can be fruit trees.

Hertfordshire Highways

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

Condition 1: Before being brought in to use the new parking areas hereby approved shall be surfaced in tarmacadam or similar durable bound material and arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge in to highway.

Reason: To avoid the carriage of extraneous material surface water from the site into the highway so as to safeguard the interest of highway safety.

Condition 2: A 2mx2m pedestrian visibility sight splay, free from obstruction between a height of 600mm and 2.0m and relative to the back of the footway shall be provided on both sides of vehicular access prior to the operational use and thereafter.

Reason: To ensure a satisfactory standard of the development in the interest of highway safety.

Informative: I recommend inclusion of the following advisory note to ensure that any works within the highway are to be carried out in accordance with the provisions of the highway Act 1980.

AN1. Road Deposits: Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in condition such as not to emit dust or deposit mud, slurry or other debris in the highway. This is to minimise the impact of construction vehicles and to improve the amenity area.

AN2. The applicant is advised that storage of materials associated with the development should take place within the site and not extend into within the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary further details can be obtained from the County Council highways via either the website <http://www.hertsdirect.org/services/transtreets/highways/> or telephone 0300 1234047 to arrange this.

AN3. Where works are required within the public highway to facilitate access, the highway authority require the construction of such works to be undertaken to their specification and by a contractor who is authorised to work in the public highway. In relation to the crossover the applicant is advised to see the attached website.

Vehicle crossover guidance

<http://www.hertsdirect.org/docs/pdf/d/vxo.pdf>

<http://www.hertsdirect.org/services/transtreets/highways/hhonlineservices/vxo/>

Planning Application:

The development proposal for demolition of the existing dwelling and the garage and construction of one new detached dwelling and a pair of semi-detached dwelling with revised access arrangement from Shrublands Road.

Site and surrounding:

The site is known as 29 Shrublands Road which is a single detached dwelling located at the corner of Shrublands Road with Larch Rise. The local area is residential in character and located within walking distance to the town centre. There are bus stops close to the application site and the town centre also provides good access to public transport.

Shrublands Road is classified as a local access road some 477m in length and maintainable by county Council as the local Highway Authority. Larch Rise is also classified as a local access road 97m in length, a cul-de-sac serving some 8 properties. Most properties along Shrublands Road are with off-street parking, but some on-street parking is noted. Continuation of Shrublands Road is Charlie Street where the properties are with off-street parking facilities.

Parking and access - Each dwelling is to be designed with two car parking spaces and the proposal is to retain the existing two crossovers to each property on either side and creation of a new crossover in between for the third property in the middle. There is sufficient area on each dwelling frontage for vehicles to enter and leave in forward gear. Conclusion The proposed development is unlikely to have a material impact on the local and wider road network.

Highway Authority does not wish to restrict the grant of consent subject to the above conditions and advisory note.

Comments on amended scheme

Highway Authority recommended approval for the original submission. The original drawing number 936/20/005 shows that the width of the crossovers as 3.0m wide 1st and 3rd houses and for the middle as 4.5m. The superseded plans Drg no. 936/20/004 shows that the middle property crossover is now extended to 6.0m wide for a single property. This length of crossover for a single dwelling is not acceptable to promote pedestrian use and safety. What is the justification for a 6.0m crossover. I would recommend that the crossover to be retained at 4.5m as previously approved.

Considerations

Policy and Principle

The site is located within the residential area of Berkhamsted. Therefore, Core Strategy Policies CS1, CS4, CS11 and CS12 are relevant to this application. Policy CS4 supports

appropriate residential development in such locations, whilst CS11 is concerned with quality of neighbourhood design; to respect the typical density for an area and preserve attractive streetscapes. Therefore, the location of this development in an urban area is acceptable providing it also meets the following criteria:

- Avoids harm to neighbouring properties;
- Respects the general character and appearance of the street;
- Provides adequate parking and amenity spaces;
- Provides suitable access arrangements;
- Makes efficient use of the land.

In terms of compatibility with the Character Area Appraisal (BCA5), the development principles for the area are as follows:

- The use of architectural features, styles, materials and proportions used in dwellings within the vicinity of the development site is encouraged.
- A variety in dwelling types is acceptable, although the use of the dwelling type common to those in the vicinity of the development site is encouraged.

Density of Development

It should be noted that although the application site is located within the BCA5 Character Area, which states that density "should be provided within the low range compatible with the existing character (15-25 dwellings/ha)", saved Policy 10 of the Dacorum Borough Local Plan (DBLP) seeks to optimise the use of urban land. Further to this, national guidance (NPPF) states that with regards to density, new development should correspond with neighbouring buildings and the local area. The neighbouring site (to the south-east) received an application for 16 flats back in 2005 (4/00610/05/FUL). This development had a net density of 48 dwellings/ha and was approved by a planning inspector. However, the street comprises many large dwellings on fairly substantial plots. There is clearly tension between the character appraisal and the other policy mentioned above. The site area is 1,242m², giving the existing site a density of 8 dwellings/ha. This is fairly low considering the BCA5 guidance. The proposed site would increase this to 24 dwellings/ha, reaching the higher end of the BCA5 guidance (15-25 dwellings/ha). It is considered that the density of development is sympathetic in comparison to the neighbouring development and finds an acceptable balance between the larger single units and block of flats next door. Following the government's current stance to maximise housing supply, the density is considered acceptable in accordance with BCA5, saved Policy 10 of the DBLP and the NPPF (Paragraph 59).

Impact on Streetscene

No adverse impact.

As mentioned previously, the street comprises a variety of different dwelling types. Although there are many large properties within the street, Policy CS12 of the Core Strategy states that when assessing development there should be a focus on the immediate environs. The proposed dwellings would be more in-keeping with the immediate streetscene when compared to the existing property in terms of width, height and overall proportions. The existing house is spread across the wide corner plot with the roof line much lower than the surrounding properties. The existing building also displays considerable architectural differentiation. The proposed properties have a pitch and dormer windows to match the neighbouring buildings. As seen on drawing '936/20/007(P2)', the height of the proposal is also similar to the adjacent properties but does not exceed them. The eaves are also of a similar height. In terms of massing, the proposed buildings also match the neighbouring properties. Policy CS11 states that development should "preserve attractive streetscapes". It is felt that the proposed

properties respond to the mixed character of the area, both in terms of dwelling type, scale and design. The bulk of the neighbouring properties is reflected in the height, width and depth of the proposed, achieving a balance between the proposed and neighbouring properties. BCA5 suggests that new dwellings should not normally exceed two-storeys; however, to the south-east is Maple Place, two blocks of flats; one of three storeys and one of four. In both cases, the upper-most storey is located within the roofspace, matching the proposal. In conclusion, it is considered that the scheme not only performs well against relevant policy provisions but also contributes positively to the mixed character of the area and ensuring that the potential of the site is optimised. The proposal will be in-keeping with the adjacent properties resulting in a harmonious collection of dwellinghouses in accordance with Policies CS11 and CS12 of the Core Strategy and the guidance set out in BCA5.

Impact on Neighbouring Properties

There have been two objections from neighbouring residents, 4 Larch Rise and 31 Shrublands Road. The points raised by the neighbours have been identified, summarised and addressed below.

Overlooking/Loss of Privacy

No adverse impact.

The neighbour to the rear of the property (4 Larch Rise) objected with regards to overlooking. They stated that the new properties would be one storey higher than the existing, therefore increasing the potential for overlooking into their house and garden. They also state that "we accept that the flats next door offer precedent in height terms but they have a significantly longer garden and thus do not directly impact any property to the rear."

Saved Appendix 3 of the DBLP states that "the minimum distances of 23m between the main rear wall of a dwelling and the main wall (front or rear) of another should be met to ensure privacy" there is no minimum distances laid down regarding back to side distances nevertheless the relationship with adjacent properties particularly in relation to potential overlooking is a material consideration. The distance between the rear of the proposed properties and 4 Larch Rise is approximately 18.5m, falling 4.5m short of this requirement. The ground level rises towards Larch Rise and this neighbour is approximately 1.5m higher than 29 Shrublands Road. There is one first-floor window on 4 Larch Rise, serving a bathroom. There are two windows on the ground floor, serving a utility room and a kitchen. It is not felt that any minimal loss of privacy to these windows would warrant a refusal. With regard to overlooking on this neighbour's garden, it should be noted that there is a line of semi-mature vegetation on the boundary, helping to screen the garden to some degree. The proposal includes the planting of a number of new fruit trees to act as additional screening. It is understood that this is more of a long-term solution and the trees could be removed at any point. However, some mutual overlooking of gardens is common in urban situations and overall it is considered that the loss of privacy to this neighbour would not be significant enough to warrant a refusal.

The neighbour to the north-west (31 Shrublands Road) also objected with regards to overlooking. This neighbour was concerned with the side-facing windows on the nearest proposed dwelling. The architect was approached and plans were re-submitted with annotation regarding obscure glazing. The neighbour was re-consulted but they were still concerned. If permission is approved, a condition would be imposed to ensure that all of the windows are obscure glazed and non-opening to mitigate their concerns.

Loss of Light

No adverse impact.

Although no neighbours objected with regards to loss of light, it should still be considered. The proposed properties are arranged on the same building line as the existing properties, with suitable separation distances between them. A 45 degree line has been maintained between the proposed dwellings and its neighbours to avoid loss of light in accordance with saved Appendix 7 of the DBLP and Policy CS12 of the Core Strategy.

Loss of Existing Building

Both neighbours, along with Berkhamsted Town Council objected to the demolition of the existing dwellinghouse. The Council do have control over proposals involving demolition through a prior approval process. However, the building is not listed or locally listed, and whilst it's loss is regrettable, is not in conflict with local planning policies and therefore the planning department could do little to protect it. Therefore, it is unreasonable to consider this as a reason for refusal.

Impact on Access and Parking

No adverse impact.

There is a sufficient amount of on-site car parking space fronting each dwelling. The plan allows for a three-point car turn within each driveway. The drawings show that two cars can be comfortably accommodated and turned to depart in forward gear, although in reality, it would be feasible to park three vehicles on each driveway. The radius of the three point turn is shown on the plans and complies with three point turn dimensions for domestic driveways. A third crossover is proposed to enable each dwelling to drive into their front driveway from the main road separately. Saved Appendix 5 of the Local Plan advises that as a maximum car parking standard, dwellings comprising five bedrooms should accommodate for three parking spaces. Therefore, all three proposed dwellings combined should provide nine parking spaces. As mentioned above, although two spaces are shown on each driveway (six in total), there would be sufficient room for an additional car on each. Considering this and considering that these are maximum standards, and considering the proximate (walking distance) to local centres within Berkhamsted and nearby public transport links, the proposal is deemed acceptable in accordance with Policy CS12 of the Core Strategy and saved Policy 58 of the Local Plan.

RECOMMENDATION - That planning permission be **GRANTED** subject to the following conditions:-

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

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

- 2 The development hereby permitted shall be constructed in accordance with the materials specified on the approved documents.**

Application Form

936/20/007 (P2)

936/20/008 (P2)

936/20/009 (P2)

936/20/010 (P2)

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

- 3 **The windows at first-floor and second-floor level in the south-eastern and north-western elevations of the proposed dwellinghouses hereby permitted shall be non-opening and shall be permanently fitted with obscured glass.**

Reason: In the interests of the amenity of adjoining residents in accordance with Policy CS12(c) of the Dacorum Borough Core Strategy.

- 4 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:**

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

Reason: Over development of the plot and enlargement of the individual dwellings may result in overlooking and loss of privacy to the surrounding residential properties. To enable the local planning authority to retain control over this, and in the interests of safeguarding the visual amenity of the locality, the condition above has been imposed in accordance with Policy CS12 of the Dacorum Borough Core Strategy.

- 5 **The car parking spaces shall have minimum dimensions of 2.4m by 4.8m. Such spaces shall be maintained as a permanent ancillary to the development and shall be used for no other purpose.**

Reason: To ensure the adequate provision of off-street parking in order to minimise the impact on the safe and efficient operation of the adjacent highway in accordance with Policy CS8 (h) and CS12 (b) of the Core Strategy.

- 6 **Before being brought in to use the new parking areas hereby approved shall be surfaced in tarmacadam or similar durable bound material and arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge in to highway.**

Reason: To avoid the carriage of extraneous material surface water from the site into the highway so as to safeguard the interest of highway safety in compliance with Policy CS12 of the Dacorum Borough Core Strategy.

- 7 **Pedestrian visibility splays of 2m by 2m shall be maintained, on both sides of the existing and proposed hardstanding areas as shown on drawing 936/20/003(P2), within which there shall be no obstruction to visibility between 600mm and 2m above the carriageway.**

Reason: In the interests of highway safety.

- 8 **If within a period of five years from the date of this permission any planting shown on the approved plans is removed, uprooted or destroyed or dies (or becomes, in the opinion of the local planning authority, seriously damaged or defective), a replacement of the same species and size as that originally planted shall be planted at the same place in the next planting season, unless the local planning authority gives its written consent to any variation.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policy CS11(b) of the Dacorum Borough Core Strategy.

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

936/20/001(P2)
936/20/002(P2)
936/20/003(P2)
936/20/004(P2)
936/20/005(P2)
936/20/006(P2)
936/20/007(P2)
936/20/008(P2)
936/20/009(P2)
936/20/010(P2)
936/20/011(P2)

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

Article 35 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015.

INFORMATIVES:

Thames Water

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

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

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

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.

Highways Department

Advisory Notes

AN1. Road Deposits: Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in condition such as not to emit dust or deposit mud, slurry or other debris in the highway. This is to minimise the impact of construction vehicles and to improve the amenity area.

AN2. The applicant is advised that storage of materials associated with the development should take place within the site and not extend into within the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary further details can be obtained from the County Council highways via either the website <http://www.hertsdirect.org/services/transtreets/highways/> or telephone 0300 1234047 to arrange this.

AN3. Where works are required within the public highway to facilitate access, the highway authority require the construction of such works to be undertaken to their specification and by a contractor who is authorised to work in the public highway. In relation to the crossover the applicant is advised to see the attached website.

Vehicle crossover guidance

<http://www.hertsdirect.org/docs/pdf/d/vxo.pdf>

<http://www.hertsdirect.org/services/transtreets/highways/hhonlineservices/vxo/>

Agenda Item 5d

Item 5.04

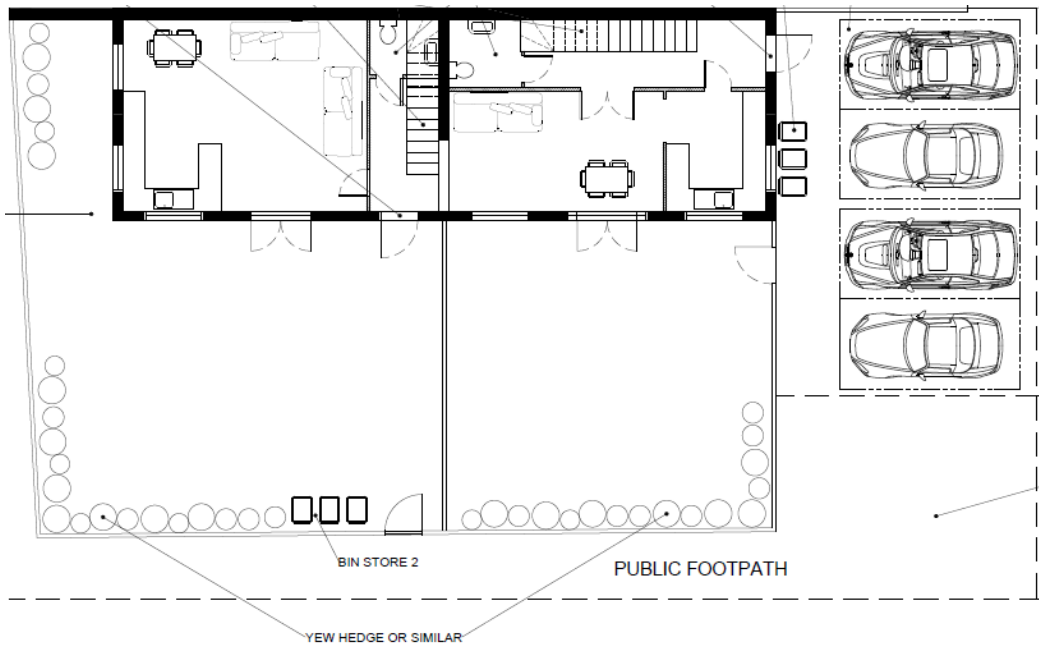
4/00176/16/FUL - ENLARGEMENT OF EXISTING DWELLING AND CONVERSION INTO TWO DWELLINGS

6 SEVERNMEAD, HEMEL HEMPSTEAD, HP2 6DX

SITE LOCATION PLAN



PROPOSED SITE LAYOUT



PROPOSED FLOOR PLAN

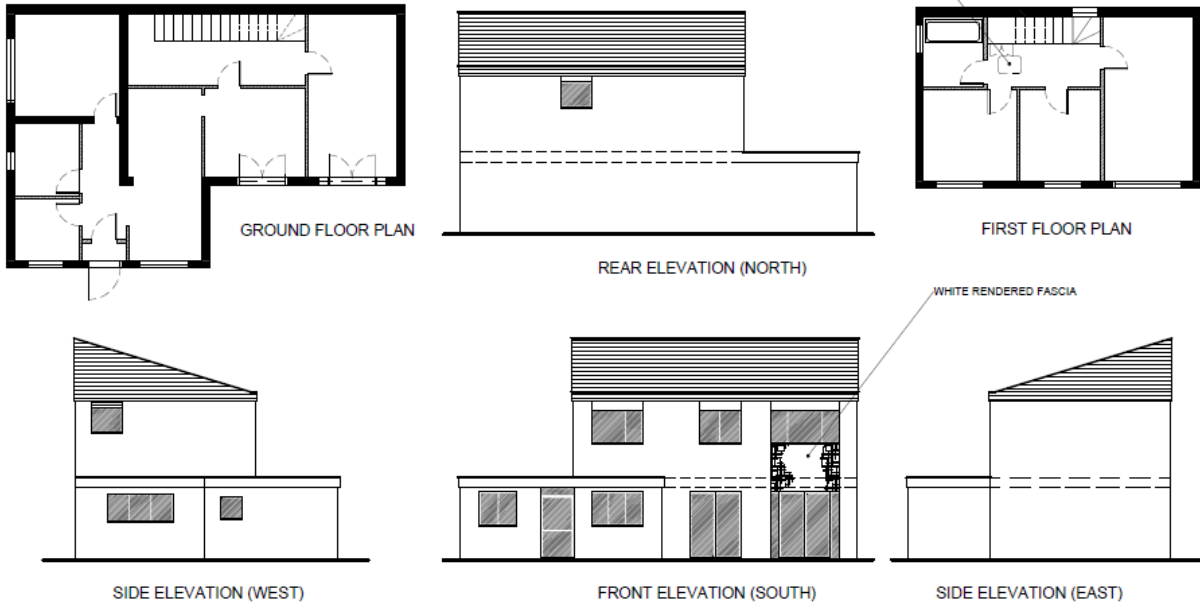


Item 5.04

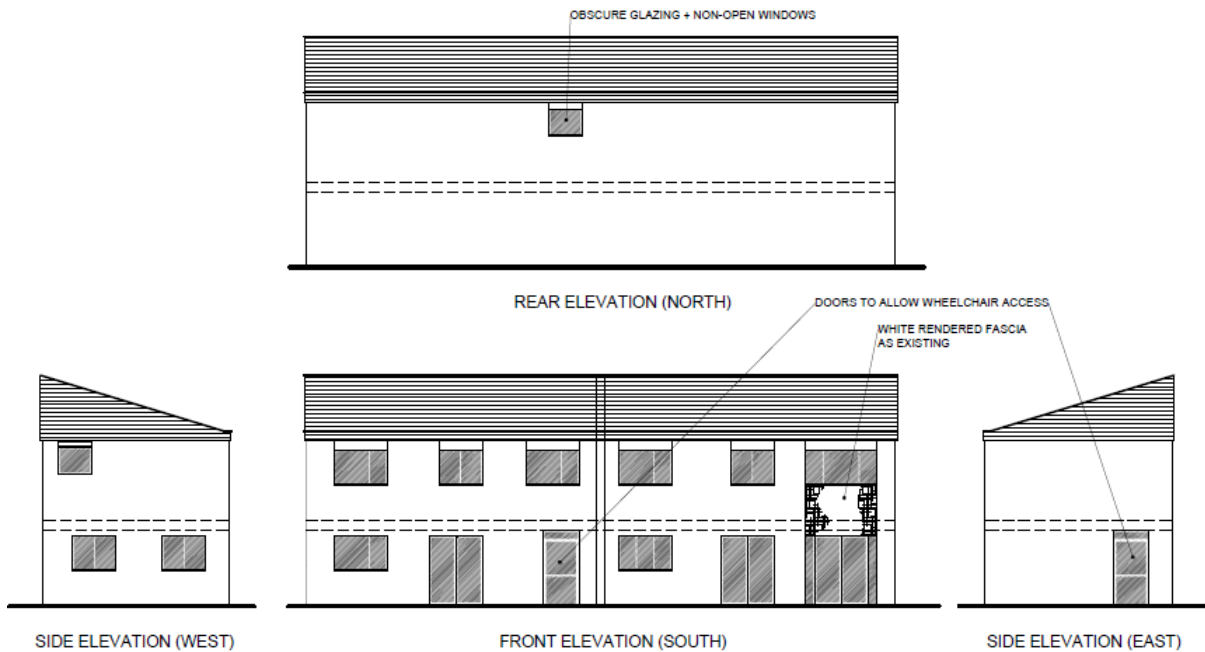
4/00176/16/FUL - ENLARGEMENT OF EXISTING DWELLING AND CONVERSION INTO TWO DWELLINGS

6 SEVERNMEAD, HEMEL HEMPSTEAD, HP2 6DX

EXISTING FLOOR PLANS & ELEVATIONS



PROPOSED ELEVATIONS



**4/00176/16/FUL - ENLARGEMENT OF EXISTING DWELLING AND CONVERSION INTO TWO DWELLINGS.
6 SEVERNMEAD, HEMEL HEMPSTEAD, HP2 6DX.
APPLICANT: MR T NAYLOR.**

[Case Officer - Martin Stickley]

Summary

The application is recommended for approval.

The principle of residential development is considered acceptable in the sites location within a residential area. The proposal would not have any adverse impact on the appearance of the streetscene or on the amenity of neighbouring properties. The access and car parking is deemed satisfactory. Therefore, the proposal is acceptable in accordance with the aims of the National Planning Policy Framework; Policies CS4, CS11 and CS12 of the Core Strategy and saved Policies 58, and saved Appendices 5 and 7 of the DBLP.

Site and Surroundings

The application site is located on the eastern side of Severnmead, a residential cul-de-sac within the Hemel Hempstead Character Area 32 (Grove Hill). The plot currently comprises a two-storey dwelling characterised by a mono-pitch roof. The area is characterised by simple design, reflecting the styles of public sector housing in the 1960s and 1970s. However, there are notable details from this period including tile hanging, weatherboarding and rendering, with simple wooden window designs.

Proposal

The application seeks planning permission for the enlargement of the existing dwelling, which would involve demolishing a single-storey front and side extension, and the construction of two-storey side extensions to both flanks. The enlarged dwellinghouse would then be converted into two two-bedroom properties. The proposal would involve the demolition of the detached garage to provide an parking area. Each property would be designated two spaces.

Referral to Committee

The application is referred to the Development Control Committee following a call-in from Councillor Julie Banks following concerns raised by the neighbouring residents. These will be discussed in the 'Impact on Residential Amenity' section below.

Planning History

No relevant history.

Relevant Policy

National Policy Guidance

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

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages

CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS29 - Sustainable Design and Construction

Saved Policies of the Dacorum Borough Local Plan

Policies 10, 13
Appendices 3, 5 and 7

Supplementary Planning Guidance/Documents

Area Based Policies (May 2004)
Accessibility Zones (July 2002)

Summary of Representations

Consultees

Thames Water

WASTE COMMENTS

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.

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

WATER COMMENTS

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

Further comments

Waste Comments

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

There are public sewers crossing or close to your development. In order to protect public

sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.

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

Water Comments

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

Hertfordshire Highways

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

Decision

Hertfordshire County Council has no objection to the principle of the proposed new dwelling(s) with vehicular access, subject to a S278 Agreement for any modifications and the following condition and informatives.

S278 Agreement Any works within the highway boundary will need to be secured and approved via a S278 Agreement with the HCC.

SHC 18: Prior to the first occupation of the development hereby permitted (or Prior to the commencement of the use hereby permitted) a pedestrian visibility splay measuring 2m x 2 metres shall be provided to each side of the accesses 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.

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 the new vehicle access or modify an existing (no works planned at present but the applicant needs to be made aware), the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to Hertfordshire County Council Highways team to obtain their permission and requirements. Their address is County Hall, Pegs Lane, Hertford, Herts, SG13 8DN. Their telephone number is 0300 1234047.

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) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Description of the Proposal

Conversion of existing dwelling into two dwellings (C3 use) including the demolition of existing garage to create two additional off street parking spaces as shown on the submitted plans at 6 Severnmead, Hemel Hempstead.

Severnmead - This is an unclassified local access road, L2, 2U997/10 that runs from Marlborough Rise to the end, is 95m long and approximately 5.6m wide where the VXO is. The road is lit and has a 30mph speed limit. The road and footways are maintained at public expense by the highway authority. There are neither traffic counts nor any traffic calming measures shown. This information can be obtained from the Gazetteer (<http://www.hertsdirect.org/actweb/gazetteer/>) or Webmaps.

Road Safety

Looking at the rolling 5year RTC data there has been no recorded RTC in this period.

Analysis

The applicant has not submitted any transport information ie - Transport Assessment, Transport Statement or a Travel Plan. As part of a Design and Access statement, the application should take account of the following policy documents; • 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, Appendix 5 Parking Provision

Trip generation and distribution

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. This conclusion is based on the above mentioned traffic volume data, speed of traffic and known RTC information.

Impact on Highway Network

The creation of two 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.

Highway Layout

The submitted plan shows two new additional parking bays taking access off Severnmead. These bays will be formed where the current garage is. The any widening or modifications to this access will need to be built to the highway authority's standards hence the condition

covering pedestrian visibility requirements and the informative covering construction protocol/permission for the dropped kerbs

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 a total of 4 off street parking spaces. It is unclear if these spaces will be DDA compliant though. The applicant will also need to provide 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.

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.

Servicing Arrangements Refuse and recycling receptacle storage will need to be provided. It is likely that this will be via a kerb side service. No information is provided regarding servicing of the property and a servicing arrangement is required.

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

Planning Obligations/ Community Infrastructure Levy (CIL)

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

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 legal agreement, conditions and informatives.

Trees and Woodlands

I have no objection to the proposals. The site contains no vegetation of quality or significance in the local landscape.

Councillor Julie Banks

Call in.

Local Residents

1 Severnmead, Hemel Hempstead, HP2 6DX

We strongly oppose the planning on several points:

1. Loss of privacy to our garden
2. Visual intrusion to our bedrooms
3. Most days this quiet col-de-sac is gridlocked from excessive parking of cars & vans, which raises a concern on whether emergency vehicles would be able to gain access, therefore we feel our road would not cope with more cars that that two new four bedrooms dwellings would create

2 Severnmead, Hemel Hempstead, HP2 6DX

I wish to oppose the planning application. I do not feel my road, which is a small cul-de-sac, could take any further cars from parking on it, as it is very over crowded as it is, due to properties being rented and having more than three vehicles attached to them. I feel that two four-bedroom dwellings would further increase dangerous parking and overcrowding on my already overcrowded cul-de-sac, therefore, putting residents at risk, if emergency vehicles, such as the Fire Brigade could not gain entry because of this issue.

4 Severnmead, Hemel Hempstead, HP2 6DX

To begin with, none of the submitted drawings correctly reflect the existing dwelling OR adjoining properties; the existing site and layout plans do not even match, the site plan showing a completely different shaped property to that illustrated in the GA plans. Windows are omitted on plan or are incorrectly positioned; the elevations of the existing and proposed units do not in any way reflect the fact that the property is in fact semi-detached.

The proposals contain windows at first floor level directly on a boundary this will be a problem in terms of Building Regulations in terms of fire spread. No account has been taken that the existing dwelling contains Party Walls and Party Structures which will have to be retained. The proposals about the boundary hard-up, which will be impossible to construct (in terms of foundations where our building already exists). All of this paints a confusing and concerning picture of lack of considered detail and lack of clarity, which gives no confidence that should the application be permitted, the constructed scheme would reflect the approved drawings.

There is a significant change in level across the site, as evidenced by the steps down the existing side passageway; this is not reflected in the submitted plans and is further evidence that the proposals have not been thoroughly thought through and presents further doubt that the as built development would reflect the submitted drawings.

Environment Agency maps show that the site area is in an area at risk of flooding from Surface Water. A Flood Risk Assessment is therefore required especially as the area of permeable drainage is being significantly reduced. We have witnessed the impact of flood devastation at our property 4 Severnmead when we lived there and had to be relocated for many months whilst repair works were carried out.

The applicant claims the space to the side of the garage is derelict land; this is clearly public space/green buffer, which is present throughout the whole estate and is not in any way derelict. This is not land open for development and clearly the applicant does not own the land (going by their application form). It is clearly soft buffer space, present throughout the whole estate layout and therefore should not be disregarded as being unimportant to the character and appearance of the estate as a whole. Removal of the green soft landscaping to the front

of dwellings in the estate would result in the urbanisation and de-greening of the local environment, which the Local Authority states is strongly contrary to its Local Plan objectives and which would be contrary to Policy CS12.

The creation of two no. four bedroom properties is highly likely to result in the need for parking of more than four vehicles (especially as, as the applicant confirms, there are four spaces for the existing single dwelling) meaning that the temptation to park in front of the neighbours garage will be too great. The new parking will therefore increase parking pressure by introducing more demand for the same number of spaces.

The lack of any buffer between the principle living spaces of the proposed front unit and the parking area sets a new precedent for the estate the well-established planted buffer (the derelict land according to the applicant) and the front garages create private space setting the existing dwellings back from the street. The proposal to have parking AND bins located directly outside the sole living room windows will create an extremely poor outlook for the new residents and will significantly decrease the external appearance of the property. This will be detrimental to the character and appearance of the existing property and more pertinently to the estate as a whole and will as a result negatively affect the adjoining properties (in contravention of the essence of the Planning Policy CS11).

The provision for bin storage is totally unacceptable and should be an enclosed store in a far less obtrusive location. There is also insufficient provision for two no. four bedroom dwellings and all of this will result in bin-blight, completely against planning objectives for new-build residential proposals.

The property currently has no access off the side public footpath and creating a new pedestrian access would require a legal agreement to create a new Right of Access across that land. The proposals should not be approved (or at the very least a Condition attached that the development cannot be occupied) until such agreement had been undertaken.

This side access will go against the principles of Secured by Design and Planning Policies CS11 and CS12 in rendering natural security surveillance impossible, increasing the risks of crime and the fear of crime and providing access which is neither safe nor satisfactory.

Under Planning Guidance (Housing Standards Review etc.) minimum bedroom standards are not met, nor are circulation requirements (tight angled access to ground floor WC).

The lack of clarity, porosity of detailed information, lack of landscaping proposals (and other supporting information) and contravention of Planning Policy mean that we strongly urge the Planning Authority to consider refusal of this application, at the very least until MUCH more accurate, detailed and informative/definitive proposals have been submitted.

5 Severnmead, Hemel Hempstead, HP2 6DX

I am astounded that this planning application has got to this stage.

I am extremely concerned about the extra traffic that will be created in such a small cul-de-sac by this development.

Living next door to a previously family occupied home. This is now a multi occupancy dwelling resulting in many vehicles two of which are permanently park in turning areas. Quite often I have to reverse into or out of my premises up to 150 feet.

Surely extra vehicles from this development will exacerbate the situation in the near future.

8 Severnmead, Hemel Hempstead, HP2 6DX

I wish to formally raise an objection to the development on the following grounds:

1. The development as proposed shows a significant lack of amenity space reflected in the reduced size of the garden. The development of 4 bedroom house requires significantly larger garden space than is proposed as detailed in the Dacorum Borough Council guidance documents.

No garage spaces are provided for in the proposal for either of the 2 houses in the plan. Neither is any attic/loft space. Where/ how will the occupants be able to store belongings like all their neighbours? e.g. Wheelchairs and prams? Garden sheds in the small back gardens are very inconvenient for accessibility insecure and will further reduce amenity provision. No space is available for adding storage in the garden.

2. The extent of the land on the plans as proposed is not in the ownership of the applicant and has land noted as derelict. It is in fact in the ownership of the local authority and is part of the highways protection strip.

3. The parking area as proposed has an existing and longstanding right of way in place since 1 April 1971 that allows the passing and repassing of people and/or vehicles over the first two spaces. That right is required to access the existing garage to my property. The designation of the area as parking as shown on the plans will prevent any access to the garage.

New national guidance August 2014 seeks to ensure more parking spaces are provided alongside new homes to end a vicious cycle where clogged up streets leave motorists to run a gauntlet of congestion. That seems likely to increase yet further pressure upon the very limited off-road space proposed and in turn yet more pressure upon on already busy on-road.

This property is part of a building scheme constructed under the provisions of Transfer by the Commissions for the New Towns and the covenants relating to that scheme includes specific covenants which are for the benefit and protection of all properties within the area covered by the scheme. That Area being defined as the whole of the land at Hemel Hempstead of which the New Town's Commission was on the first day June 1971 the Freeholder. Whilst I am aware that these are private covenants enforceable in private law. I would expect the Local Authority, as both the planning authority and successors to the New Town Commission would ensure that they are upheld.

Area HCA23 Adeyfield North

DEVELOPMENT PRINCIPLES

Landscaping and planting: Encouraged throughout. New development proposals will be expected to supplement and enhance existing landscaping provision.
No evidence of supplement or enhancement proposed.

On-street parking: Limit effect by effective on-site provision in new development proposals. No provision for visitor parking off-street

Off-street parking: Provision by on-site parking is encouraged.

The 4 spaces incorrectly proposed have little manoeuvring space and could encourage visitors and even occupiers to park on road.

4. There will be significant effects on the privacy of my property from the windows of the front elevation of the development as they will have a direct line of sight into my conservatory and bedroom windows. It will also create a lack of privacy to my front and rear enclosed gardens that have been in existence since 1971.

5. The density of the development and the effect on the neighbouring properties will place further pressure on the environment as a result of the increase in parking within the street from visitors.

6. The provision of the entrance to one of the units from a section of land in separate ownership does not satisfy the provisions for access under the Equality Act for disabled people and as such the proposal for the second unit will be unlawful and unsaleable.

A1.3 The Sustainability Checklist An applicant should consider does my proposal improve access to buildings for all.

The applicant appears not to have considered that this key Dacorum Sustainability policy applies to the elderly and households with children as well as disabled persons and their visitors.

Applications requiring a Full Access Statement include new and substantially extended buildings.

This application is for a totally new building: No Full Access Statement has been provided.

The development is excessive and impinges on the quiet enjoyment of all the neighbours within the close.

We will follow-up this online comment with a letter that also includes a full copy of the deeds.

Further comment

It should be noted by the planning committee that Mr Naylor has been informed by my solicitor that the parking spaces could not in fact be provided and therefore if planning permission were granted there would be additional parking on the highway.

Comments on amended/additional information

Please find the following further objection to the subsequent plans and Design and Access statement. The amended plan and Design and Access statement fails on several fronts and planning permission should be refused.

1. The amended plan to two 2 bedrooms and a study is a sham. The study on the plan on both properties are unenforceable to be used as studies so they must be treated as bedrooms. Therefore making both properties three bedrooms in reality increasing density to the amenity space

2. Although it is difficult to tell as there is no footprint guide on the new plans. The ground floor plans make it seem at least between half and two thirds smaller in size than the original plans. Indeed the garden now looks massive in comparison. A completely false statement of the plans.

3. The access plan will have no affect other than create more vehicles in the already overcrowded cu-de-sac. The four parking spaces are an unworkable solution. The plan to demolish the garage and use the green space for parking spaces will only create a problem for cars that are already parked now on the highway as they wont be able to park in their current positions otherwise they will trap in cars parked in the newly formed parking spaces. Therefore having a negating affect.

The other two spaces on my right of access to my garage will block my use of my garage. One

of the few measurements on the plans is 5.5 meters from my garage to the start of the parking spaces. This will make it impossible for me to access my garage. By giving planning permission this will result in litigation to enforce my rights. It would be disappointing if the council were to encourage this dispute. As you can see from the photo SITE ANALYSIS 2. The applicants AUDI is blocking my access to my garage and continues to do so despite requests not to from my solicitor. This has been the case for the last six months since the applicant's first approach to planning.

4. I have lived at no. 8 for 23 years the previous owners kept the plot in good order and parked their cars in accordance with the parking agreement indeed a Mitsubishi shogun was parked in the garage and another vehicle was parked in the parking space to the side of the garage. No parking on the forecourt in front of both garages was ever an issue as we both respected each other's right of access.

Since 2012 when sold to the current encumbent the garden and leylandii have been left to become overgrown and not tended at any time. Strangely since planning permission has been sought the leylandii has been cut to the side of the footpath and my boundary on which it overhanged severely. Also the green space (unregistered land) in front of 4 and 6 has been cleared completely of any shrubs. Amazing as nothing has been tended to in the last four years.

5. The statement regarding overlooking my front and rear garden fails to recognise that the plan is to go up and double in size towards my gardens thus severely overlooking my front garden and rear garden and conservatory.

6. The background statement states that the plot is larger than average. This is false as no.1 and no.6 are the smallest plots in the close of fourteen houses because they only have one garden to the front thus one smallest amenity spaces.

7. It is a fact that the close is becoming overcrowded with vehicles forcing them to park on grass verges. This development will only exacerbate the situation.

In conclusion

I have proved that the proposals would adversely the amenity of the adjoining neighbours
I have proved that the proposals would adversely affect the privacy of adjoining neighbours
I have proved that the proposed parking solution is unworkable and would increase traffic and parking to an already overcrowded cul-de-sac. The current dwelling has been neglected since the last owner and just needs the garden tidied up trees cut down and lick of paint it's no excuse to build two houses on an unsuitable sized plot.

9 Severnmead, Hemel Hempstead, HP2 6DX

This development should not be allowed because.

4. The thought of 2 houses on the site of 1 house does mean things would be cramped.
5. The parking allotted to each house will not be adequate, the roads are already crowded. We live at 9 Severnmead close to us 7 Severnmead has been made into a multi-occupier house, the car parking associated with this house is horrendous, the road has cars parked in it even the turning point has cars/vans parked in it.
6. Big question is how the fire brigade is supposed to get down Severnmead with their appliances, with all the associated parking problems.
7. I believe some areas on the plans are actually rights of way.
8. I believe the plans show the buildings encroaching on the planned wildlife corridor at the edge of Marchmont fields.

10 Severnmead, Hemel Hempstead, HP2 6DX

We are concerned about the problems that may be caused by the extra vehicles that will be parking in this small cul-de-sac if this application is passed.

14 Severnmead, Hemel Hempstead, HP2 6DX

This plan will increase car usage by far more than just 4 cars. It will congest a small residential road which is already full to capacity. The road is set on a very steep hill and in bad weather is very treacherous even without increased cars.

28 Marlborough Rise, Hemel Hempstead, HP2 6DU

The proposed conversion does not conform to the concept of all existing houses within this area of Grovehill. All properties within this area around Marlborough Rise are purposely intended by orientation and design to respect privacy and never overlook another property. The existing building allows for this requirement by being located towards the front of the site and only exists with a single story erection at the rear. Dwelling 6a does comply with these criteria whereas the proposed dwelling 6b is to be built further towards the rear of the site and intrudes on adjacent property. This should not be allowed because of its location, would be two stories high rather than the existing single height, with windows now located overlooking adjacent property.

The proposed development would also involve an increased building density which would be undesirable for the small road structure of Severnmead. There is already a severe traffic problem resulting from the lack of parking within Severnmead with its current density. This results in many vehicles owned by Severnmead's residents parking in adjacent Marlborough Rise including blocking the designed turning bay at the end of this road and causing severe difficulties for large lorries and other vehicles.

Considerations

Policy and Principle

The site is located within the residential area of Hemel Hempstead where the Core Strategy, Policies CS1, CS4, CS11 and CS12 are relevant. Policy CS4 supports appropriate residential development in such locations, whilst CS11 is concerned with quality of neighbourhood design; to respect the typical density for an area and preserve attractive streetscapes. The location of this development in an urban area is acceptable providing it also meets the following criteria: avoids harm to neighbouring properties; respects the general character and appearance of the street; provides adequate parking and amenity spaces; provides suitable access arrangements and makes efficient use of the land.

In terms of compatibility with the Character Area Appraisal (HCA32), the development principles for the area are as follows:

- No special requirements, although where infilling is proposed, new buildings must follow the architectural proportions, style, colour and details of adjacent development.
- Small to moderately sized dwellings are encouraged.
- High density development in the range of 35 to 50 dwellings/ha (net) is generally acceptable, although the density of development schemes should be commensurate with that of nearby and adjacent development.

Density of Development

As mentioned above, the Character Area Appraisal promotes a high density of development in this area. This is reinforced by saved Policy 10 of the Dacorum Borough Local Plan (DBLP), which seeks to optimise the use of urban land. Further to this, national guidance (NPPF) states

that with regards to density, new development should correspond with neighbouring buildings and the local area. It is clear that in terms of density, this proposal for one additional dwellinghouse is acceptable in accordance with HCA32, saved Policy 10 and the NPPF (Paragraph 59).

Impact on Streetscene

No adverse impact.

HCA32 requires infill development to follow the architectural proportions, style, colour and details of adjacent development. Policy CS12(g) reinforces this, stating that new development should respect adjoining properties in terms of site coverage, scale, height, bulk and materials. It is felt that the proposal responds to the character of the area in terms of dwelling type, scale and design. The bulk of the neighbouring properties are reflected in the height, width and depth of the proposed, achieving a balance between the proposal and the neighbouring properties. Policy CS11(b) and Policy CS12(f) emphasise the need for new development to integrate and preserve attractive streetscapes. It is considered that the scheme not only performs well against relevant policy provisions but also preserves the streetscape character whilst ensuring that the potential of the site is optimised. The proposal will be in-keeping with the adjacent properties, resulting in a harmonious collection of dwellinghouses.

Impact on Residential Amenity

There have been nine objections received from neighbouring properties. These objections have been identified, summarised and addressed below. Throughout the determination period, the areas of concern raised by the neighbours were discussed with the agent and a number of amended schemes submitted. It is felt that all of the issues raised have been mitigated by changes in design. These are explained below.

Overlooking/Loss of Privacy

No adverse impact.

The neighbour to the rear of the property (4 Severmead) raised concerns about potential overlooking. However, the only window on the rear elevation of the proposed units is obscure glazed and non-opening, as shown on drawing 'TM006'. The windows on the eastern flank are situated towards the end of No. 4's rear garden and face away from the property. Therefore, views towards the house from these windows are non-existent and any views into the neighbour's garden are extremely limited. The neighbour at No. 8 also raised concerns about loss of privacy to first-floor windows, conservatory and garden. It should be noted that this neighbour has no windows directly facing the application site. The current dwelling already has a direct line of sight from the south facing first-floor windows into both front and rear gardens of number 8 Severmead. Thus, the new proposal will make little difference to the current privacy status of this neighbour's garden and conservatory. An additional plan has been submitted, demonstrating the minimal change in the location of the existing and proposed first-floor windows. Alongside this, the agent has replaced the most south-western window with obscure glazing to ensure that overlooking is not exaggerated to an unacceptable degree. Overall, it is considered that the loss of privacy would not be significant enough to warrant a refusal.

Loss of Light

No adverse impact.

A number of neighbours objected with regards to loss of light. The existing building already breaches the 45 degree rule as set out by saved Appendix 7 of the DBLP. This would be slightly worsened by the proposal and therefore the agent was approached and asked to

supply evidence that there would not be a detrimental loss of light caused to any of the neighbours. Following this, a daylight/sunlight assessment was undertaken by MES Building Solutions. They stated the following:

"Daylight loss to neighbouring properties as a result of a new development (or extension) is usually assessed in accordance with *BRE 209: Site Layout Planning for Daylight and Sunlight*. As you're aware there is a staged process outlined in this document in determining the depth of analysis necessary for any given application. This culminates in what is known as a Daylight and Sunlight Impact Assessment, which incorporates four calculations that analyse whether or not the proposed development will have a detrimental impact upon its neighbours.

After having visited the site of the proposed extension on 19th February 2016 I am of the opinion that the planned development would not be likely to materially cause a detrimental impact on the neighbouring daylight, sunlight and amenity space sunlight. This is as a result of relatively small amount of additional massing that is proposed to be constructed and the distance between this massing and the neighbouring windows."

Therefore, following advice from a registered professional it is apparent that the proposal would be acceptable in terms of retaining sufficient light to the surrounding properties in accordance with BRE Guidelines and Policy CS12 of the Core Strategy.

Additional Traffic and Parking

All of the objectors were concerned with parking in the area and the potential for the additional dwelling to generate more parked cars on the road. Saved Appendix 5 of the Local Plan advises that as a maximum standard, dwellings comprising two bedrooms should accommodate 1.5 parking spaces. Therefore, both proposed dwellings combined should provide three parking spaces. The proposal comprises the demolition of a garage, which was built to vehicle dimensions in the 1970s, and is too narrow for feasible use by modern vehicle. Following the demolition of this garage, a number of additional parking spaces would be installed. The resultant layout would comprise four off-street parking spaces. One of the objectors commented on the fact that the upstairs study rooms could easily be converted into additional bedrooms. This has been taken into consideration. If both properties comprised three bedrooms, our maximum standards require 2.25 spaces per unit. This would leave an overall shortfall of 0.5 spaces. Considering that these are maximum standards and considering the proximate (walking distance) to local centres within Hemel Hempstead and nearby public transport links, the proposal is deemed acceptable in accordance with Policy CS12 of the Core Strategy and saved Policy 58 of the Local Plan.

The neighbour at 8 Severnmead was particularly concerned about access to his garage, as it fronts the proposed parking area. Contact was made with David Varney at Hertfordshire County Council and he confirmed that a 5.5m gap would need to be retained between any development and the entrance to the neighbour's garage. The agent was approached and he re-configured the parking layout to leave a sufficient (5.5m) gap between the proposed parking area and the neighbour's garage. The proposal would therefore have no impact on the neighbour accessing his garage.

Ownership of Derelict Land / Loss of Greenery

A number of neighbours commented on the ownership of the derelict piece of land to the east of the site, which would be incorporated as an access point for the proposed parking area. Although one of the neighbours claimed that this land was owned by Hertfordshire County Council, contact was made with our Estates Department and it was confirmed that this land was unregistered. All of the correct procedures were undertaken to ensure that this land could be incorporated into this planning application. For instance, Certificate D was signed in the application form and an advert was put in the local newspaper. The full paper trail regarding

this is stored on Anite. The piece of derelict land had become seriously overgrown and the majority of the pavement had been engulfed with shrubbery. To improve the aesthetics of this area, if approved, a condition would be attached to the application to ensure that additional landscaping is implemented.

Lack of Amenity Space

A few of the neighbouring residents commented on the lack of amenity space within the proposed site. The final amended scheme submitted reduced the building sizes to free up more amenity space. HCA32 states that "front garden areas should be provided at a size, depth and layout common to that of nearby and adjacent development." Although the shape and location of the site does not allow for rear gardens, the front gardens are considered sufficient when compared to the surrounding residential development. One of the proposed dwellings would accommodate 70sq.m of outdoor amenity space and the other would provide 106sq.m. Approximate calculations have been taken from GIS for the garden/amenity areas for a number of the surrounding properties (see below)

1 Severnmead	115sq.m
7 Severnmead	125sq.m
10 Severnmead	154sq.m
12 Severnmead	125sq.m

It is clear that properties on Severnmead generally benefit from larger amenity areas than what is proposed. However, it must be noted that the majority of these properties are larger and provide more bedrooms. Considering this and considering the proximate (walking distance) to Margaret Lloyd Park, just 100-200 metres to the north and the large open fields to the west of the site, it is not considered that a slight under provision of amenity space would warrant a refusal.

RECOMMENDATION - That planning permission be **GRANTED** subject to the following conditions:-

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

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

- 2 The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match in size, colour and texture those used on the existing building.**

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

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:**

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

Reason: Over development of the residential plots and enlargement of the

individual dwellings may result in a cramped layout and insufficient amenity space for the occupants. To enable the local planning authority to retain control over this, and in the interests of safeguarding the visual amenity of the locality, the condition above has been imposed in accordance with Policy CS12 of the Dacorum Borough Core Strategy.

- 4 **The car parking spaces shall have minimum dimensions of 2.4m by 4.8m. Such spaces shall be maintained as a permanent ancillary to the development and shall be used for no other purpose.**

Reason: To ensure the adequate provision of off-street parking in order to minimise the impact on the safe and efficient operation of the adjacent highway in accordance with Policy CS8 (h) and CS12 (b) of the Core Strategy.

- 5 **Pedestrian visibility splays of 2m by 2m shall be maintained, on both sides of the existing and proposed hardstanding areas, within which there shall be no obstruction to visibility between 600mm and 2m above the carriageway.**

Reason: In the interests of highway safety.

- 6 **No development shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- hard surfacing materials;
- means of enclosure;
- soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- proposed finished levels or contours.

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policies CS12 and CS25 of the Dacorum Borough Core Strategy.

- 7 **No development, other than the demolition of the single-storey front/side extension and detached garage, shall take place until full details of the on-site surface water drainage mechanisms for the parking spaces, have been submitted to and approved in writing by the Local Planning Authority. The parking spaces and pathways shall be constructed in accordance with the approved details prior to the occupation of the dwellings hereby permitted.**

Reason: To minimise danger, obstruction and inconvenience to highway users and to ensure the satisfactory disposal of surface water in accordance with Policies CS8 and CS31 of the Dacorum Borough Core Strategy.

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

**TM004
TM005
TM006**

TM007A
TM007B
TM008A
TM008B

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) (Amendment) Order 2015.

INFORMATIVES:

Highways Department

S278 Agreement Any works within the highway boundary will need to be secured and approved via a S278 Agreement with the County Council.

Advisory Notes

AN1) Where works are required within the public highway to facilitate the new vehicle access or modify an existing (no works planned at present but the applicant needs to be made aware), the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to Hertfordshire County Council Highways team to obtain their permission and requirements. Their address is County Hall, Pegs Lane, Hertford, Herts, SG13 8DN. Their telephone number is 0300 1234047.

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.

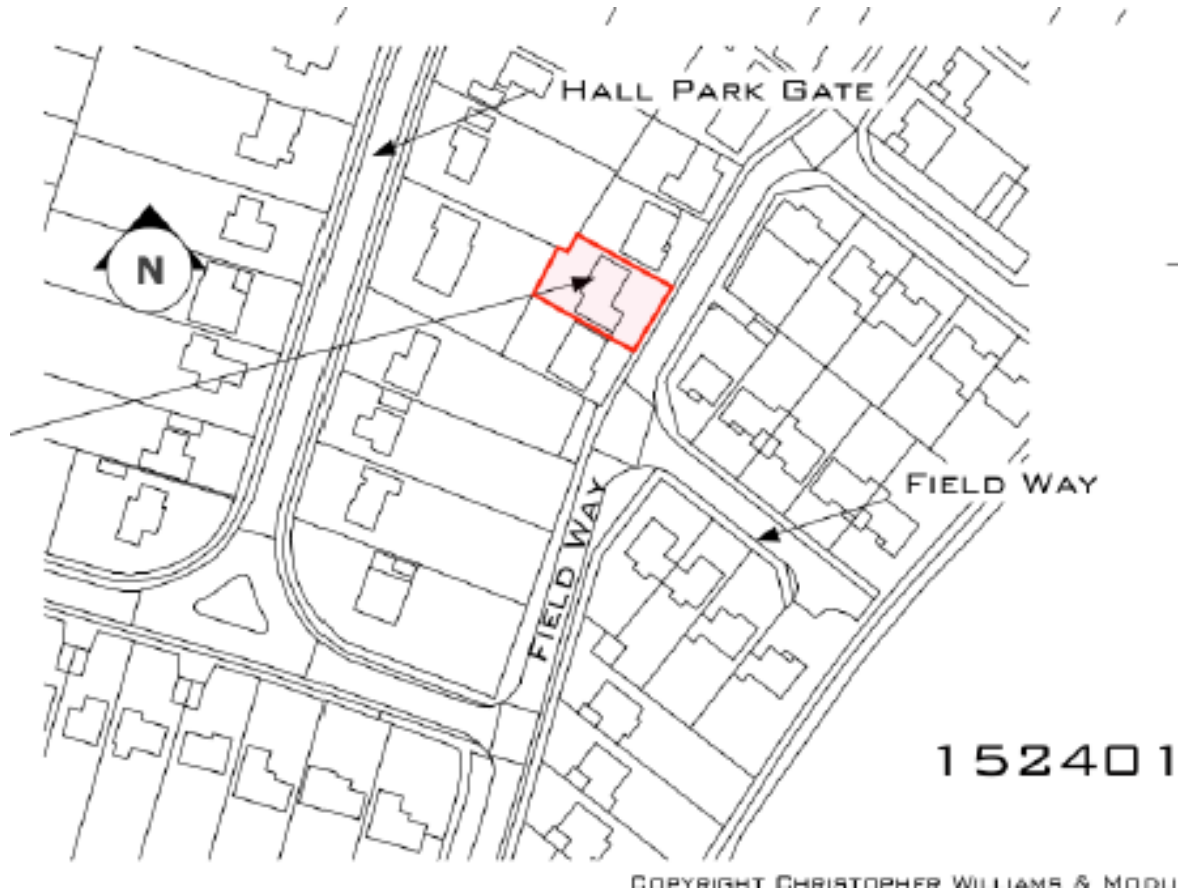
AN3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Agenda Item 5e

Item 5.05

4/03492/15/FHA - REAR EXTENSION AND ROOF RIDGE RAISED TO CREATE LOFT
CONVERSION

13 FIELDWAY, BERKHAMSTED, HP4 2NX

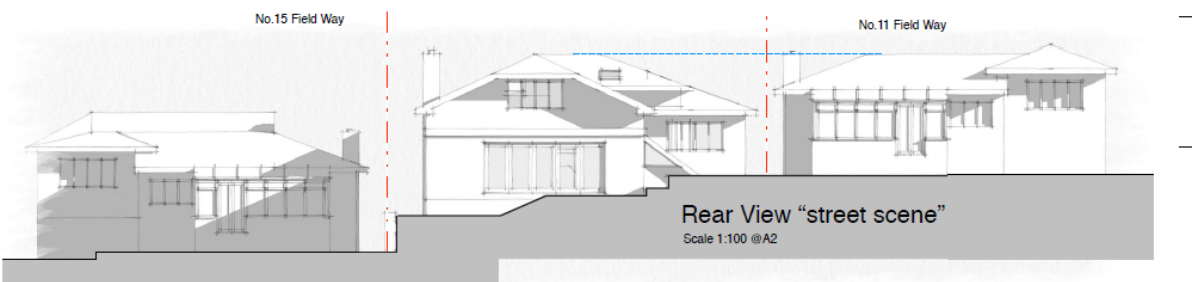
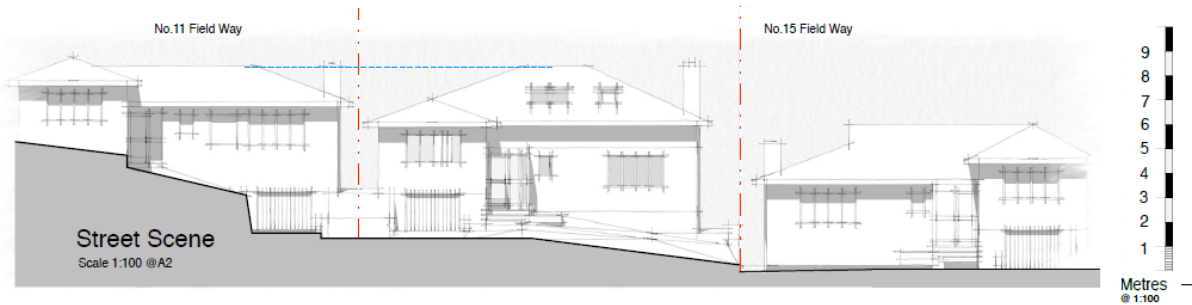
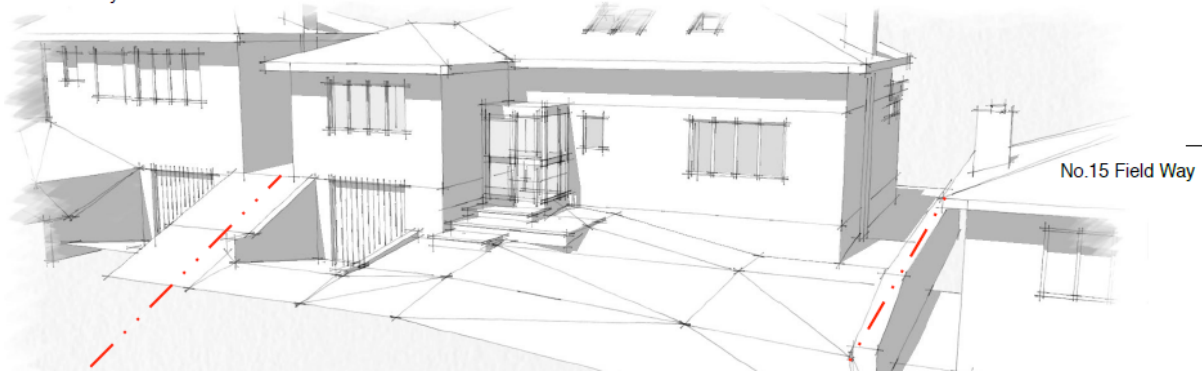


Item 5.05

4/03492/15/FHA - REAR EXTENSION AND ROOF RIDGE RAISED TO CREATE LOFT CONVERSION

13 FIELDWAY, BERKHAMSTED, HP4 2NX

No.11 Field Way



**4/03492/15/FHA - REAR EXTENSION AND ROOF RIDGE RAISED TO CREATE LOFT
CONVERSION.
13 FIELDWAY, BERKHAMSTED, HP4 2NX.
APPLICANT: Mr & Mrs MORRIS.**

[Case Officer - Rachel Marber]

Summary

The proposed single storey rear extension and raised ridge height to accommodate for a loft conversion through size, position and design would not result in severe detriment to the appearance of the parent dwellinghouse or surrounding street scene. Furthermore, the proposed would not adversely impact upon the residential amenity of neighbouring residents. The proposal therefore coheres with the NPPF (2012), saved appendixes 3, 5 and 7 of the Dacorum Local Plan (1991) and policies CS4, CS11 and CS12 of the Core Strategy (2013).

Site Description

The application site is located to the west side of Fieldway, Berkhamsted. The site comprises of a detached bungalow which is externally finished in red brickwork with an interlocking concrete tiled hipped roof, and a projecting front gable feature. To the front of the property there is a driveway formed of hardstanding which leads to a single garage; parking provision would be sufficient to accommodate two domestic cars.

The property is part of a wider group of four similarly designed properties. Although these four properties are a clear group of similar size, architectural design and material, they differ in regards to height, build line and roof form. The wider road of Fieldway features detached dwellinghouses of various sizes, architectural styles and heights.

Proposal

The application seeks permission for the demolition of the existing conservatory and construction of a single storey rear extension and loft conversion with a ridge height increase. The proposed alterations would result in the creation of an additional bedroom and en-suite at first floor level and an enlarged kitchen and dining room at ground floor. The proposed plans have been amended from the original submission, and are assessed below.

Referral to Committee

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

Relevant History

4/03906/15/TPO WORKS TO OAK TREE - TRIM BRANCHES
Withdrawn
26/01/2016

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

Adopted Core Strategy

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

Saved Policies of the Dacorum Borough Local Plan

Policy 13 - Planning Conditions and Planning Obligations
Appendix 3 - Gardens and Amenity Space
Appendix 5 – Parking Provision
Appendix 7 - Small-scale House Extensions

Summary of Representations

Comments received from consultees:

Berkhamsted Town Council

Objection

"The roof height proposed is out of keeping with adjacent properties. This would impact on the neighbours and result in loss of amenity space. The streetscape would be adversely affected contrary to CS 11, CS 12 and CS 29. The garden to the development would be less than 11.5 metres contrary to Policy 11 of the Local Plan."

Trees and Woodlands

"There are no trees or significant landscape features in the rear garden. The mature oak tree in the front garden will not be seriously affected by this development. However, I recommend that the grass area around the oak tree that is part of the Root Protection Area (RPA) of this tree, is protected by fencing to avoid storage of building materials and compaction."

Comments received from local residents:

19 Hall Park Gate

Objection

"I wish to object to the proposed development (ref: 4/03492/15/GHA) to add an additional storey to 13 Fieldway, Berkhamsted.

1. *The proposed modification would have an adverse effect on the residential amenity of neighbours. The modifications would mean the property would both overshadow and overlook my property and garden. The proposed upstairs windows would look directly into my bedroom windows, kitchen and two reception rooms causing a major and substantial loss of privacy. The upstairs windows would be approximately 20m from my lounge window and a shorter distance to my existing private patio area which would become overlooked. See attached photos from my lounge rear patio window with the proposed development superimposed.*

2. *The property would become overdeveloped for the site as it involves loss of some garden land and loss of the open aspect of the neighbourhood.*

3. *The proposed development is out of character in terms of its appearance compared with the existing properties in its vicinity. The existing dwellings on the same side of Fieldway are bungalows and are dug into the hillside to minimise impact. The existing low roofline profile of this and adjacent properties is parallel with the profile of the hill. In contrast, this proposed development adds over 3 metres in height to the downhill end of the bungalow and hence is entirely out of scale with its surroundings. As a result visual impact of the proposed development is unpleasant, over-bearing, out of scale and not in character with the neighbourhood.*

4. *The loss of sunlight, light and view would have an adverse impact on the residential amenity of mine and neighbouring properties.*

5. *The proposed design is ugly especially when viewed from the properties on Hall Park Gate including my own. The proposed use of 2 rows of Velux roof windows on such a large roof space is both unattractive and not in character with its surroundings.*

6. *The proposed modifications would contravene CS11 and CS 12 of the Dacorum's Local Planning Framework Core Strategy.*

7. *Restrictive covenants are in place to prevent developments of this type. Whilst I understand that the existence of restrictive covenants may not be considered as material planning considerations, it should be noted that more than one restrictive covenants would be breached if this development proceeded and the beneficiaries would take action to enforce them."*

(15/11/15)

19 Hall Park Gate

Objection

"I wish to object to the proposed amended development plans (ref: 4/03492/15/GHA) to add an additional storey to 13 Fieldway, Berkhamsted.

1. *The planning illustrations submitted do not accurately reflect the impact to the existing neighbourhood. This may be an attempt to falsely understate the true adverse visual impact it will create. As an example the document labelled Elevation Plans 2/17/2016 shows a North Side elevation with illustrations of the existing and proposed property with a scale on the left hand side, however the proposed illustration appears to have been sunk into the ground. This can clearly be seen by looking at the height of the existing and remaining full length window together with the roof at the front of the building. Hence the real and actual increase in height of the property is not show correctly.*

The drawings showing the Iso Street Scene and Iso Rear View appear to have the top of the proposed building omitted which therefore gives a false impression of the true relative proposed building height and impact to existing street scene and rear view. In addition 11 and 13 Fieldway are situated closer together than the Iso rear view diagram shows.

2. *The proposed modification would have an adverse effect on the residential amenity of neighbours. The modifications would mean the property would both overshadow and overlook my property and garden. The proposed upstairs windows would look directly into my bedroom windows, kitchen and two reception rooms causing a major and substantial loss of privacy. The new proposed upstairs windows would be very close to the boundary rear fence and would be approximately 20m from my lounge window and a shorter distance to my existing private patio*

area which would become overlooked. See attached photos from my lounge rear patio window with the proposed development superimposed.

3. *The property would become overdeveloped for the site as it involves loss of some garden land and loss of the open aspect of the neighbourhood.*
4. *The proposed development is out of character in terms of its appearance compared with the existing properties in its vicinity. The existing dwellings on the same side of Fieldway are bungalows and are dug into the hillside to minimise impact. The existing low roofline profile of this and adjacent properties is parallel with the profile of the hill. In contrast, this proposed development adds almost 2 metres in height to the main roof ridge of the property and hence is entirely out of scale with its surroundings. It will tower almost 3 metres over the closely adjacent number 15 next door. As a result visual impact of the proposed development is unpleasant, over-bearing, out of scale and not in character with the neighbourhood.*
5. *The loss of sunlight, light and view would have an adverse impact on the residential amenity of mine and neighbouring properties.*
6. *The proposed design is ugly especially when viewed from the properties on Hall Park Gate including my own. The proposed use of Velux roof windows and timber cladding on the front is both unattractive and not in character with its surroundings.*
7. *The proposed modifications would contravene CS11 and CS 12 of the Dacorum's Local Planning Framework Core Strategy.*
8. *When the land was sold for the original construction of this bungalow, restrictive covenants were put in place and written into the title deeds to prevent developments of this type thereby preventing the proposed adverse effect on the residential amenity of neighbours and streetscape. Similarly the original planning permission was granted on this basis. The new occupiers would have been aware of this when they purchased the bungalow yet have still chosen to apply for planning permission to convert the property from a bungalow to a 2 storey house. Whilst I understand that the existence of restrictive covenants may not be considered as material planning considerations, it should be noted that more than one restrictive covenant would be breached if this development proceeded and the beneficiaries would take action to enforce them."*

(28/02/16)

15 Fieldway

Objection

"I live at 15 Fieldway, next door to the above property and wish to lodge my objections for the above proposed works for the following reasons.

The loss of light to my property is a major factor and will overshadow my property as the elevation facing my property will be altered from the current hipped roof to a raised gable ended tiled elevation which will block light and overshadow my property and garden, including the conservatory, which I use a lot because of the natural sunlight it lets in. Also because of the vast difference in levels between my bungalow and 13, number 13 being a lot higher, the raising of the ridge will be overpowering to my property. We purchased the property from new in 1987, the scheme of numbers 11, 13 and 15 Fieldway was designed as 3 bungalows, as are

all properties on that side of Fieldway. With the proposed works this will turn the property into a 2 storey property which is out of keeping with that side of Fieldway.

My privacy will be lost to my rear garden due to the kitchen rear extension extending out into the rear garden. This will in turn push the patio area out into the rear garden of 13 and because of the vast difference in levels my neighbours will be able to overlook into my rear garden losing my privacy

Design of the proposed works. Currently the elevation facing my property is a hipped roof which as it is overshadows my property. By raising the ridge height and turning the elevation to a tile hung gable end will block my light. The dimension between my bungalow and number 13 is 2380mm, the distance shown on the elevations are not to scale and looks greater. Again because of the close vicinity of the proposed works this will add to the blocking of light and overshadowing my property.

Materials to the elevations include tile hanging and cedar cladding and face brickwork to the rear extension. The cedar cladding to the front elevation and tile hanging to the side is out of keeping as the bungalows either side, 11 and 15, which are totally face brickwork and part of the original planning which materials were approved by planners.

I trust you will take my reasons for my objections into account and appreciate if you would acknowledge receipt of my letter."

(16/11/15)

15 Fieldway

Objection

"I wish to object to the proposed amended development plans (4/03492/15/FHA) for the following reasons.

1. Slab level to the existing conservatory, which has now been demolished, had 2 steps down of approximately 600mm, and could not be seen from my property. The proposed single storey extension floor level will be the same as the existing bungalow and will be built right up to the north side elevation which will overlook my property and will block light/sunlight to both my bungalow and conservatory.

2. The raising of the roof and the addition of tile hanging to the north side elevation will overpower my property and block light/sunlight.

3. There will be a patio area outside the bi-fold doors to the kitchen/lounge. It is difficult to establish the level and extent of the patio, but would be overlooked because of the extensive difference in levels between both properties.

4. Steps are indicated on drawing 1524017v1 023. It is not clear where these steps go to. Drawing 1524017v1 030 indicates something adjacent to the bedroom window to the right of the extension. It is not clear what this is.

5. All properties on this side of Fieldway have been constructed as single storey bungalows. The proposed application will turn this property into the only two storey dwelling on this side of Fieldway which is out of character and could set a precedence for others to follow. Also the proposed elevation materials are not in keeping with neighbouring bungalows."

(09/03/16)

17 Hall Park Gate

Objection (summarised)

- 1. Covenant on land which prevents development/alteration. Bungalow will change into a house through raise in ridge height which would be totally out of character in the area.*
- 2. Loss of privacy to number 17 and 19 Hall Park Gate.*

(17/11/15)

17 Hall Park Gate

Objection

"I object to the proposed amended development plans (ref: 4/03492/15/GHA) to add an additional storey to 13 Fieldway, Berkhamsted.

- 1. I have a covenant in place which is written into the title deeds of 13 Fieldway stating no building or structure shall be erected on the land hereby transferred other than bungalows and garages. By adding an additional floor to the property my outlook and privacy would be severely impacted and this covenant would be breached. If necessary, I intend to take action to enforce the covenant.*
- 2. The loss of existing views from neighbouring properties would adversely affect the residential amenity of neighbouring owners.*
- 3. The planning illustrations submitted do not accurately reflect the impact to the existing neighbourhood. This may be an attempt to falsely understate the true adverse visual impact it will create. As an example the document labelled Elevation Plans 2/17/2016 shows a North Side elevation with illustrations of the existing and proposed property with a scale on the left hand side, however the proposed illustration appears to have been sunk into the ground. This can clearly be seen by looking at the height of the existing and remaining full length window together with the roof at the front of the building. Hence the real and actual increase in height of the property is not shown correctly.*

The drawings showing the ISO Street Scene and Iso Rear View appear to have the top of the proposed building omitted which therefore gives a false impression of the true relative proposed building height and impact to existing street scene and rear view. In addition 11 and 13 Fieldway are situated closer together than the Iso rear view diagram shows.

- 4. The proposed modification would have an adverse effect on the residential amenity of neighbours. The modifications would mean the property would both overshadow and overlook my property and garden. The proposed upstairs windows would look directly into my house and garden causing a major and substantial loss of privacy.*
- 5. The property would become overdeveloped for the site as it involves loss of some garden land and loss of the open aspect of the neighbourhood.*
- 6. The proposed development is out of character in terms of its appearance compared with the existing properties in its vicinity. The existing dwellings on the same side of Fieldway are bungalows and are dug into the hillside to minimise impact. The existing low roofline profile*

of this and adjacent properties is parallel with the profile of the hill. In contrast, this proposed development adds almost 2 metres in height to the main roof ridge of the property and hence is entirely out of scale with its surroundings. It will tower almost 3 metres over the closely adjacent number 15 next door. As a result visual impact of the proposed development is unpleasant, over-bearing, out of scale and not in character with the neighbourhood.

7. *The loss of sunlight, light and view would have an adverse impact on the residential amenity of mine and neighbouring properties.*

8. *The proposed design is ugly especially when viewed from the properties on Hall Park Gate including my own. The proposed use of Velux roof windows and timber cladding on the front is both unattractive and not in character with its surroundings.*

9. *The proposed modifications would contravene CS11 and CS 12 of the Dacorum's Local Planning Framework Core Strategy."*

(Received 05/03/16)

21 Hall Park Gate

Objection

"I refer to the above application and have set out below my observations. I wish to object to the planning application.

Due to the steep incline of Fieldway, properties 11, 13 and 15 were built as low profile buildings to keep the impact to neighbouring properties to a minimum. There are restrictive covenants in place to prevent developments of the proposed type. Whilst I understand that the existence of restrictive covenants may not be considered as material planning considerations, it should be noted that more than one restrictive covenants would be breached if this development proceeded and the beneficiaries would take action to enforce a design.

In the event this application were successful it sets a precedent for a neighbouring property to take a similar design approach. This would impact my property as follows:

- *Raising the roof line by 1.8 m does not constitute a low profile building;*
- *Windows of a similar design would look in to my garden reducing privacy. The planting of trees could reduce impact but reduce sunlight;*

General observation:

- *The proposed plan will be over-bearing to a number of properties and a visual intrusion to the street scene. CS 11, CS 12 and CS 29.*
- *Loss of privacy and sunlight to 15 Fieldway;*
- *The DBC space separation standards of 23m between back walls of properties would appear to be contravened. Policy 11 of the Local Plan;*
- *Timber cladding out of keeping;*
- *An assessment of the impact on the oak tree does not appear to have been included;"*

(18/11/18)

21 Hall Park Gate

Objection

"I refer to the above application and have set out below my observations. I wish to object to the planning application.

Due to the steep incline of Fieldway, properties 11, 13 and 15 were built as low profiles buildings to keep the impact to neighbouring properties to a minimum. There are restrictive covenants in place to prevent developments of the proposed type. Whilst I understand that the existence of restrictive covenants may not be considered as material planning considerations, it should be noted that more than one restrictive covenants would be breached if this development proceeded and the beneficiaries would take action to enforce a design.

In the event this application were successful it sets a precedent for a neighbouring property to take a similar design approach. This would impact my property as follows:

*Raising the roof line by 1.8 m does not constitute a low profile building;
Windows of a similar design would look in to my garden reducing privacy. The planting of trees could reduce impact but reduce sunlight;*

General observation:

*The proposed plan will be over-bearing to a number of properties and a visual intrusion to the street scene. CS 11, CS 12 and CS 29.
Loss of privacy and sunlight to 15 Fieldway;
The DBC space separation standards of 23m between back walls of properties would appear to be contravened. Policy 11 of the Local Plan;
Timber cladding out of keeping;*

An assessment of the impact on the oak tree does not appear to have been included;"
(02/02/16)

11 Fieldway

"We wish to raise the following comments detailing our concerns in relation to the proposed development of 13 Fieldway (ref: 4/03492/15/FHA)

- 1. The privacy of our garden, patio area and conservatory at the rear would be compromised. Our garden is small and it would be difficult to find a spot that is not overlooked.*
- 2. Both our conservatory and garden would be overshadowed affecting daylight at the rear of our property. Due to the hill, our garden already has a high bank to the opposite side, the increase in height and mass outlined in the proposed plans would create a feeling of being hemmed in.*
- 3. The proposed increase in height and surface area of the roof at the rear would be overbearing and dominant in relation to neighbouring properties. Furthermore, the open space between and around neighbouring properties is already minimal.*
- 4. The proposed roof height would be out of keeping with neighbouring properties, the current roof line of bungalows on this side of Fieldway, is staggered downhill to mirror the natural slope of the hill and to also minimise visual impact.*
- 5. The proposed plans would be out of keeping with other bungalows in Fieldway, none at present have loft/roof conversions."*

(18/11/15)

11 Fieldway

Objection

“Although the plans for the proposed development of 13 Fieldway (ref: 4/03492/15/FHA) have been revised, our concerns remain unchanged, namely:

- 1. The privacy of our garden, patio area and conservatory at the rear would be compromised. Our garden is small and it would be difficult to find a spot that is not overlooked.*
- 2. Both our conservatory and garden would be overshadowed affecting daylight at the rear of our property. Due to the hill, our garden already has a high bank to the opposite side, the increase in height and mass outlined in the proposed plans would create a feeling of being hemmed in.*
- 3. The proposed increase in height and surface area of the roof at the rear would be overbearing and dominant in relation to neighbouring properties. Furthermore, the open space between and around neighbouring properties is already minimal.*
- 4. The proposed roof height would be out of keeping with neighbouring properties, the current roof line of bungalows on this side of Fieldway, is staggered downhill to mirror the natural slope of the hill and to also minimise visual impact.*
- 5. The proposed plans would be out of keeping with other bungalows in Fieldway, none at present have loft/roof conversions.”*
(09/03/16)

23 Park Hill Gate

Objection

“I object to the proposed development to add an additional storey and extend the footprint at 13 Fieldway.

- 1. The dwellings built in the gardens of Hall Park Gate, fronting onto Fieldway, were specifically restricted to bungalows dug into the hillside with low rooflines to minimise the impact on the amenity of neighbours. There are restrictive covenants in place - it would be of serious concern if these were disregarded in planning decisions.*
- 2. Fieldway has a substantial slope so that there is a significant drop at the boundary between each of the properties. The proposed roofline would exacerbate this and will also protrude above the rooflines of the adjacent bungalows, adversely affecting the streetscape and dominating neighbouring properties.*
- 3. The proposed plans are overbearing. Neighbouring properties on all sides will be adversely affected by the increased height and footprint of the proposed plans. I support the objections already made by neighbours. They will be overlooked and suffer intrusion on their privacy.*
- 4. Extending the footprint reduces the garden to less than 11.5 metres and contravenes the Local Plan. The significant reduction in garden size would be out of keeping with the gardens of properties in the area.*
- 5. Design features such as the timber cladding and inclusion of rows of velux windows are at odds with surrounding properties and would have a negative impact on the character of the neighbourhood.”*
(22/11/15/)

23 Hall Park Gate

Objection

"I wish to continue my objection to the proposal to add an additional storey to 13 Fieldway, Berkhamsted following the publication of the amended development plans (ref: 4/03492/15/FHA)

The Amended plans illustrate the detrimental effect that the proposed extension will have on the neighbouring houses and on the street scene in Fieldway.

The Plans and Drawings showing the elevation looking South illustrate how overbearing it would be in terms of height and mass with the adjoining properties. Number 15 Fieldway (on the north side of No 13) will be particularly adversely affected by way it will dominate their property, with an immense shadow cast for the majority of the day and a severe loss of amenity. Other neighbours will suffer from loss of privacy as the new windows in the raised section will overlook properties to both the front and the back.

The proposed design including use of Velux roof windows and timber cladding on the front is totally out of character with the surrounding houses in Fieldway.

The proposed plan fails to comply with guidance in the Local Plan as identified by other objectors, especially in terms of garden space and is out of character with existing development. It would be an overdevelopment of the site and will have a negative impact on the privacy and amenity of neighbour due to excessive bulk, height and mass and the overshadowing of neighbouring property."

(Received 07/03/16)

Key Considerations:

Principle of Development

The application site is located within a residential area, wherein accordance to policy CS4 of the Core Strategy (2013) the principle of a residential extension is acceptable subject to compliance with the relevant national and local policies outlined below. The main issues to the consideration of this application relate to the impact of the proposed extension upon the character and appearance of the existing dwellinghouse, immediate street scene and residential amenity of neighbouring properties.

Effect on Appearance of the Existing Building and Street Scene

Saved appendix 7 of the Dacorum Local Plan (1991), policies CS11, CS12 of the Core Strategy (2013) and the NPPF (2012) all seek to ensure that any new development/alteration respects or improves the character of the surrounding area and adjacent properties in terms of scale, massing, materials, layout, bulk and height.

In accordance with the submitted application the proposed extensions would be of simple, traditional design, comprising of brickwork walls with tile hang and timber cladding, an interlocking concrete tiled hipped roof and redwood colour UPVC windows and doors. These materials are considered acceptable and in-keeping with the existing dwellinghouse; complying with policy CS12 of the Core Strategy (2013).

The proposed single storey rear extension would have an approximate depth of 3.5 metres, width of 9 metres and height (to ridge) of 3.6 metres. This would result in a total proposed additional floor space of 31.5m². Subsequently the proposed is considered of a size that would not require planning consent, complying with Class A of the General Permitted Development Order (2015).

Furthermore, no aspect of the proposed rear extension would be visible from the street scene. As a result there would be no adverse impact on the street scape, preserving both the character and appearance of the existing dwellinghouse and wider street scene.

The proposed loft conversion would result in a maximum 1.7 metre (approximately) ridge height increase. Although this is a significant height increase, the proposed hipped roof form and subsequent pitch would distribute this additional volume. Further to this the properties within the street scene are staggered in regards to both height and typography level. As a result this increase in ridge height would not appear out of character with the varied street scene. Further to this number 11 Fieldway is a two storey dwelling house and therefore the conversion of the proposed into a two storey property would not appear alien within the group of dwellings.

The two proposed front velux roof lights and one rear velux roof light would not require planning consent under Class C of the General Permitted Development Order (2015).

Furthermore, the objections received in regards to the proposed materials of the dwellinghouse cannot constitute a reason for refusal, due to the varied character of the street scene and the nature of limited planning control over such a material change; exterior cladding and type of material can be changed without planning consent under Class A of the General Permitted Development Order.

Overall, it is considered that the single storey rear extension and increase in ridge height would not severely detriment the appearance of the parent dwellinghouse and street scene; accordingly the proposed coheres with the NPPF (2012), saved appendix 7 of the Dacorum Local Plan (1991) and policies CS4, CS11 and CS12 of the Core Strategy (2013).

Effect on Amenity of Neighbours

The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved appendix 3 of the Local Plan (1991) and policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact upon neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way visual intrusion, loss of light and privacy.

The single storey rear extension would extend beyond the rear of the neighbouring property 15 Fieldway, however due to the limited depth of the rear extension and the Permitted Development fall-back position, which would allow a slightly deeper (4 metre) single storey extension, grounds for refusal on this aspect could not be sustained.

The proposed increase in ridge height would not result in loss of daylight or outlook to the neighbouring property No. 15 Fieldway (to the north east of the application site) as the flank

elevation features only secondary side windows; further to this the resultant loss of light to the rear garden and rooms as a result of the increase in ridge height would be mitigated further by the pitch of the hipped roof.

A 5.8 metres deep garden would be preserved as a result of the proposed rear extension. Although this would fall short of the 11.5 metres guideline outlined in the saved Local Plan, the permitted development fall-back position of a rear extension and the existing conservatory (which was of identical depth) need to be taken into account and for these reasons grounds for refusal on garden depth could not be sustained.

No invasion of privacy would occur as a result of the rear extension and loft conversion due to no windows proposed on the side elevations. In addition, the proposed loft conversion would not result in a loss of privacy due to a 23 metre separation distance from the property opposite (19 Hall Park Gate) being maintained therefore adhering to the 23 metres rear to rear separation distance outlined in saved appendix 3 and 7 of the Local Plan (1991).

Concerns have been raised in regards to loss of privacy to the rear patio of number 15 Fieldway. Although, there is currently a degree of existing overlooking a condition has been attached to this grant permission for 1.8 metre high boundary treatment to run along this boundary. This fence height should ensure that the privacy of neighbouring residents is restored.

Many objections received have also made reference to covenants attached to the land which prevent a first floor extension. It is important to note that covenants are not a planning material consideration.

Thus, the proposal would not significantly further impact upon the residential amenity and privacy of neighbouring residents and is acceptable in terms of the NPPF (2012), saved appendixes 3 and 7 of the Local Plan (1991) and policy CS12 of the Core Strategy (2013).

Impact on Protected Trees

Saved policies 99, 100, 101 of the Dacorum Local Plan (1991) and Policy CS12 of the Core Strategy (2013) seek to ensure that retained trees are protected during development and that new planting is a suitable replacement for any removed trees.

DBC Tress and Woodlands were consulted on the proposal due to the Protected Tree within the front curtilage of the application site. Subsequent to their consultation response a Tree Protection Condition has been attached to the grant permission.

Impact on Car Parking Provision

The Council's parking guidelines within saved appendix 5 of the Local Plan (1991) requires a maximum of 2.25 off street parking spaces for three bed dwellings within Residential Zones 3-4. The provision of 2 spaces accord with this maximum guideline and is considered acceptable for a unit of this size. Subsequently, it is not considered that the proposal would impact on the safety and operation of the adjacent highway. The proposal meets the requirements of policy CS12 of the Core Strategy (2013) and saved appendix 5 of the Local Plan (1991).

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

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

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

- 2 **The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings or such other materials as may be agreed in writing by the local planning authority.**

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

- 3 **In this condition the mature TPO Oak tree in the front garden of the application site shall be retained in accordance with the approved plans and particulars; and paragraphs (a) below shall have effect until the expiration of 1 year from the date of the occupation of the building for its permitted use.**

(a) The erection of fencing for the protection of the retained tree and surrounding grass area shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason: To ensure the vitality of the protected tree and to safeguard the visual character of the immediate area; in accordance with policies 99, 100, 101 of the Dacorum Local Plan (1991) and Policy CS12 of the Core Strategy (2013).

- 4 **Prior to the construction of any decking / patio area/sitting area to the rear of the extension hereby approved full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- **hard surfacing materials for the proposed sitting out area;**
- **proposed finished levels or contours;**
- **a plan indicating the positions, design, materials and type of boundary treatment to be erected.**

The approved works shall be completed before the construction of the extensions hereby permitted.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policies CS12 of the Core Strategy (2013).

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

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035
031

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

Article 35 Statement

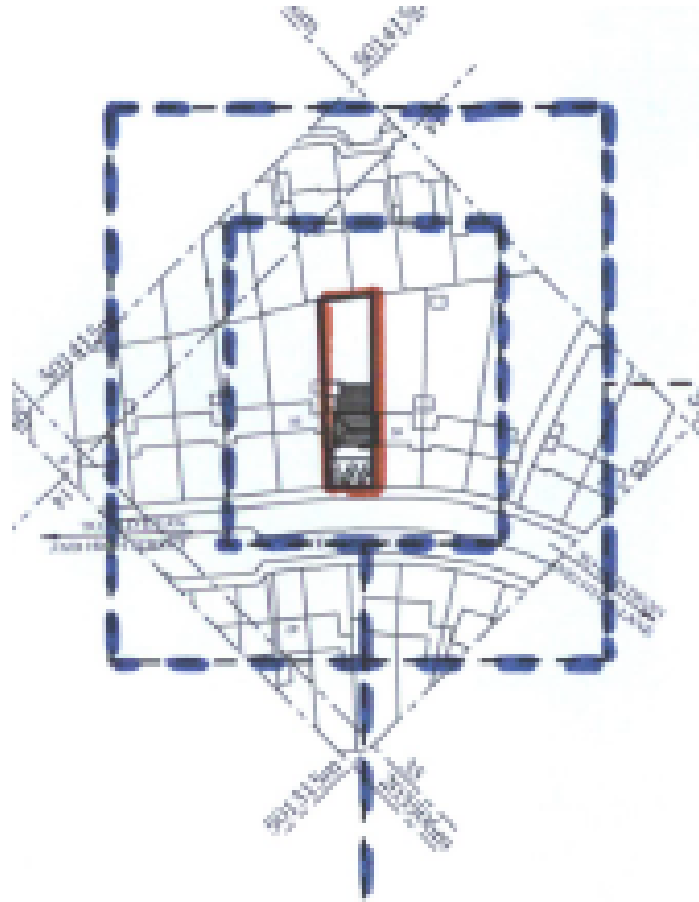
Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

Agenda Item 5f

Item 5.06

4/00143/16/FHA - FRONT PORCH. REAR TWO STOREY EXTENSION.

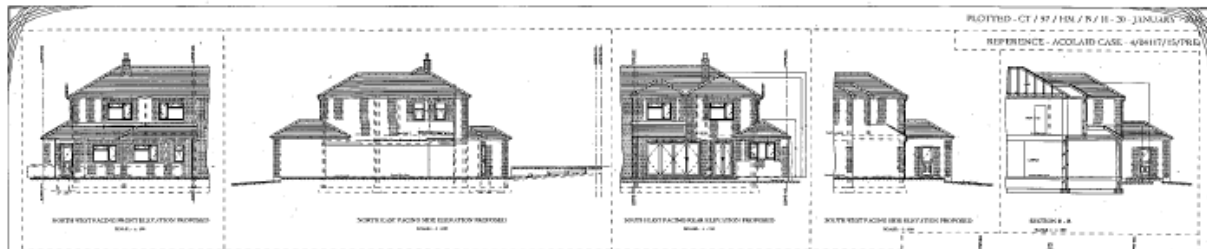
57 HYDE MEADOWS, BOVINGDON, HEMEL HEMPSTEAD, HP3 0ES



Item 5.06

4/00143/16/FHA - FRONT PORCH. REAR TWO STOREY EXTENSION.

57 HYDE MEADOWS, BOVINGDON, HEMEL HEMPSTEAD, HP3 0ES



**4/00143/16/FHA - FRONT PORCH. REAR TWO STOREY EXTENSION..
57 HYDE MEADOWS, BOVINGDON, HEMEL HEMPSTEAD, HP3 0ES.
APPLICANT: MISS CLAIRE THOMAS.**

[Case Officer - Rachel Marber]

Summary

The proposed two storey rear extension and front porch through size, position and design would be subservient, sympathetic additions to the appearance of the parent dwellinghouse and surrounding street scene. Furthermore, the proposed would not adversely impact upon the residential amenity of neighbouring residents. The proposal therefore coheres with the NPPF (2012), saved appendixes 3 and 7 of the Dacorum Local Plan (1991) and policies CS4, CS11 and CS12 of the Core Strategy (2013).

Site Description

The application site is located to the east side of Hyde Meadows, Bovington. The site comprises of a two storey semi-detached dwellinghouse which is externally finished in red brickwork with a brown tiled half hipped roof. To the front of the property there is a driveway formed of gravel; parking provision would be sufficient to accommodate three domestic cars.

The property was built as part of wider road of similarly constructed 19th century semi-detached dwellinghouses. Each house is relatively regimented in regards to architectural detailing, height, size and build line; the overall character of the area is very evident.

Proposal

The application seeks permission for the construction of a single storey front porch, a two storey rear extension and associated alterations. The proposed alterations would result in the creation of a reception room, cloak room, dining room and garden room at ground floor and two enlarged bedrooms at first floor level with the addition of an en-suite.

Referral to Committee

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

Relevant History

No Relevant History

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

Adopted Core Strategy

CS4 - The Towns and Large Villages
CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

Saved Policies of the Dacorum Borough Local Plan

Policy 13 - Planning Conditions and Planning Obligations

Appendix 3 - Gardens and Amenity Space

Appendix 7 - Small-scale House Extensions

Summary of Representations

Comments received from local residents:

55 Hyde Meadows

"I have concerns regarding the details of the rear elevation:-

1. The two storey extension would come too far passed the end of my property, blocking light to my conservatory and patio area.
2. The new position of the rear windows would allow visual intrusion into our conservatory and garden.
3. The pitched roof on the rear store room which is currently flat roof adjacent to my flat roof, will also block light and look out of place to the other houses.
4. The pitched roof may cause damage to our existing roof, and direct rain water onto my flat roof in heavy rain despite guttering.

I would be happy with this proposal if:-

1. The store room roof remained a flat roof.
2. The two storey extension finished level with my rear wall."

Comments received from consultees:

Bovingdon Parish Council

Objection

"Front porch is too large for the property and is not in keeping with other properties in the road."

Key Considerations:

Principle of Development

The application site is located within a residential area, wherein accordance to policy CS4 of the Core Strategy (2013) the principle of a residential extension is acceptable subject to compliance with the relevant national and local policies outlined below. The main issues to the consideration of this application relate to the impact of the proposed extension upon the character and appearance of the existing dwellinghouse, immediate street scene and residential amenity of neighbouring properties.

Effect on Appearance of the Existing Building and Street Scene

Saved appendix 7 of the Dacorum Local Plan (1991), policies CS11, CS12 of the Core

Strategy (2013) and the NPPF (2012) all seek to ensure that any new development/alteration respects or improves the character of the surrounding area and adjacent properties in terms of scale, massing, materials, layout, bulk and height.

In accordance with the submitted application the proposed extensions would be of simple, traditional design, comprising of brickwork walls and brown tiled hipped roofs. These materials are considered acceptable and in-keeping with the existing dwellinghouse; complying with policy CS12 of the Core Strategy (2013).

The proposed two storey rear would have a maximum depth of 3.5 metres, width of 8.368 metres and height (to ridge) of 7 metres. The proposed extension is considered of modest size and only 0.5 metres deeper than a two storey addition which could be added under permitted development (Class A).

Furthermore, no aspect of the proposed rear extension would be visible from the street scene. As a result there would be no adverse impact on the street scape, preserving both the character and appearance of the existing dwellinghouse and wider street scene.

The single storey front porch would measure 2.7 meters in depth, 4.95 metres in width and 3.5 metre in height; this would result in the creation of 13m². Although this is a significant addition to the front of the property it would not be overtly visible from the street scene due to the low residing level of the dwellinghouse (and henceforth front porch) in relation to the higher elevation of the road. Further to this, several other properties within the street scene feature dominant front porches, such as No. 14 Hyde Meadows' 7m² porch (4/01099/05/FHA) and No. 75 Hyde Meadow' front porch 6m² (4/01172/01/FHA); as a result the proposed porch and associated canopy is considered to appear relatively congruous within the surrounding street scape.

The proposed pitched roof to the existing rear extension could be constructed without planning permission under Class B of the General Permitted Development Order.

Overall, it is considered that the two storey rear extension and single storey front extension would be sympathetic additions to the appearance of the parent dwellinghouse and street scene; accordingly the proposed coheres with the NPPF (2012), saved appendix 7 of the Dacorum Local Plan (1991) and policies CS4, CS11 and CS12 of the Core Strategy (2013).

Effect on Amenity of Neighbours

The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved appendix 3 of the Local Plan (1991) and policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact upon neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way visual intrusion, loss of light and privacy. Moreover, saved appendix 7 of the Local Plan advises that alterations should be set within a line drawn at 45 degrees from the nearest neighbouring habitable window.

The proposed rear extension would not breach the 45 degree line as drawn from the ground or

first floor rear habitable windows of neighbouring properties No. 55 and 53 Hyde Meadows. As a result it is not considered that there would be a significant loss of daylight to neighbouring first floor doors/windows as a result of the proposed. Further to this due to the marginal proposed depth of the two storey rear extension, further back build line of number 55, and existing single storey rear extension it is not considered that a significant loss of light or outlook to the neighbouring rear gardens would result.

No invasion of privacy would occur as a result of the rear extension or front porch due to no windows being proposed on the side elevations. The additional window inserted in the existing north east facing side elevation has been conditioned as obscured glazed, in order to preserve the privacy of neighbouring residents and occupiers of the dwellinghouse.

Thus, the proposal would not further impact upon the residential amenity and privacy of neighbouring residents; thus is acceptable in terms of the NPPF (2012), saved appendices 3 and 7 of the Local Plan (1991) and policy CS12 of the Core Strategy (2013).

Consultation Response:

Several concerns were received as a result of the application. The main concerns are addressed below:

- *Two storey rear extension resulting in loss of light and privacy to No. 55:* The 45 degree line as drawn from No.55s' rear windows would not be breach indicating no loss of outlook or light to the rear habitable rooms. Further to this the marginal depth of 3.5 metres would be 0.5 metres larger than what could be constructed under Permitted Development and therefore the proposed rear extension is not considered to result in severe loss of light to No.55 rear garden. Similarly, the 3.5 metre further projection of the rear elevation would not result in further loss of privacy than the existing outlook of the rear bedroom windows. Mutual overlooking such as this is common place in an urban situation.
- *Pitched roof proposed on existing rear extension resulting in loss of light to No.55's garden and would appear visually incongruous:* This change can occur without planning consent under Class B of the General Permitted Development Order.
- *Front porch too large and incongruous within the street scene:* This has been addressed within the visual consideration section above which concludes that although the proposed porch is larger than others in the immediate area it is not considered to be harmful to the street scene.

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

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

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

- 2 **The materials to be used in the construction of the external surfaces of the**

extension hereby permitted shall match in size, colour and texture those used on the existing building.

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

- 3 **The additional window inserted at first floor level in the bathroom north east side elevation hereby permitted shall be permanently fitted with obscured glass and non-opening below a height of 1.7m from floor level.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings and occupiers of the dwelling house; in accordance with Policy CS12 of the Core Strategy (2013).

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

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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 early engagement with the applicant at the pre-application stage which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

Item 5.07

4/02680/15/FUL - DEMOLITION OF EXISTING DWELLING AND REPLACEMENT WITH NEW DWELLING AND GARAGE.

LITTLE BEANEY, NETTLEDEN ROAD NORTH, LITTLE GADDESSEN, BERKHAMSTED, HP4 1PE



Item 5.07

4/02680/15/FUL - DEMOLITION OF EXISTING DWELLING AND REPLACEMENT WITH NEW DWELLING AND GARAGE.

LITTLE BEANEY, NETTLEDEN ROAD NORTH, LITTLE GADDESSEN, BERKHAMSTED, HP4 1PE



**4/02680/15/FUL - DEMOLITION OF EXISTING DWELLING AND REPLACEMENT WITH NEW DWELLING AND GARAGE..
LITTLE BEANEY, NETTLEDEN ROAD NORTH, LITTLE GADDESSEN, BERKHAMSTED, HP4 1PE.
APPLICANT: Mr Dixon.**

[Case Officer - Tass Amlak]

Summary

The application is recommended for approval. The proposal is for the demolition of the existing dwelling and the construction of a replacement dwelling and garage. Overall it is considered that the proposed development will be an efficient use of developed land and will provide a new dwelling which would be in keeping with the character and appearance of the street scene and the wider conservation area. In addition to this the proposal is not considered to result in significant harm to the residential amenities of the neighbouring properties.

Site Description

The application site (Site) is situated within the Rural Area, Chilterns Area of Outstanding Natural Beauty and Conservation Area. The Site is enclosed by residential curtilages which gives the street scene a suburban character.

The Site comprises of a 1960's 1 1/2 storey chalet bungalow of modest architectural quality. The dwelling house is served by ample residential-curtilage which is enclosed by various boundary treatment that help to restrict any long distance views onto the Site.

Proposal

The application seeks permission for the demolition of the existing house and the replacement of a new dwelling and garage. The proposed dwelling will have a maximum depth of 9.5 metres, a maximum width of 15.3 metres and a maximum height of 7.2 metres.

The proposed dwelling will be contemporary design and will be designed with two interlocking barns and a zinc roof.

Relevant Planning History

W/552/62	Farmers dwelling	Grant: 22/03/1962
W/2889/71 14/09/1971	Double Garage	Grant:
W/1798/73 17/04/1973	Side extension	Grant:
4/0825/79	Removal of agricultural occupancy condition	Grant: 13/06/1979
4/1162/85 31/10/1983	Single storey rear extension and bay window	Grant:
4/02146/03	Roof and rear extensions	Grant: 02/12/2003
4/01688/ 30/09/2005	Retention of Gable Window and Brickwork	Grant:

Referral to Committee

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

Relevant Planning Policy

National Planning Policy Framework 2012

National Planning Policy Guidance 2014

Core Strategy (2013)

CS1, CS7, CS8, CS10, CS11, CS24, CS27, CS29

Saved Dacorum Borough Local Plan (DBLP) 1991-2011

13, 22, 58, 99 & 120

Appendices 3, 5 and 7

Supplementary Planning Guidance/Documents

Environmental Guidelines

Chiltern Design Guide

Other relevant documents

Chiltern Conservation Board Management Plan

Constraints

Conservation Area

Chilterns AONB

Rural Area

Area of Special Control for Adverts

Former Land Use

Representations

Little Gaddesden Parish Council

Objection:

Little Gaddesden Parish Council have considered the application and object on the basis of design of the proposal. The bulk and dominance of the two interlocking barn forms and the zinc roof and black stained timber cladding are out of keeping with that expected within the AONB and Conservation Area.

Highways Authority

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

Environmental Health

No objection

The Chiltern Society

No response

Trees

I have reviewed the above application and consider the tree loss shown in context with the sight and surrounding area to be relatively minor.

However, half the frontage of the current house is shown a beech tree within hedging for retention. It is hard to imagine during the process of demolition, cart away, delivery and storage of new materials and the construction process for a new house that this feature will survive. Perhaps the agent can be pressed on this matter neither demonstrate that he is able to retain or show it as removed.

Design/Conservation

Conservation and Design raise **no objection** to the amended scheme for the new dwelling that now includes a basement subject to the following conditions.

- Notwithstanding the details submitted for the hereby approved new dwelling and detached garage, no works shall be commenced until details along with samples of the external materials and finishes have been submitted to and approved in writing by the Local Planning Authority. Works shall then be undertaken in accordance with the approved details.
- Notwithstanding the details submitted for the hereby approved new dwelling and detached garage, no works shall be commenced until details for the windows, ground-floor glazed opening screen, roof lights and exterior doors have been submitted to and approved in writing by the Local Planning Authority. The details shall include details of the frames and finishes. The windows, glazed screen, roof lights and exterior doors to install in accordance with the details as approved.
- Notwithstanding the details submitted for the hereby approved new dwelling and detached garage, no works shall be commenced until full details for measures for rainwater collection and discharge have been submitted to and approved in writing by the Local Planning Authority. The details shall include details of the materials and finishes. The measures for rainwater collection and discharge shall then be undertaken in accordance with the details as approved.
- Reason: In the interests of the visual amenities of the Conservation Area, and ANOB, in accordance with Policies CS24 and CS27 of the adopted Dacorum Core.

Please note given Conservation & Design believe the external materials, finishes and detailing to be of great importance here and as such request the above conditions. With respect to the windows it is noted the materials section of the application for the windows states aluminium. The CGI image would strongly seem to suggest the exterior frames would be in timber. The drawings do not detail any measures for the collection and discharge of rainwater from either the new dwelling or the detached garage and given the modern design being proposed Conservation and Design have concerns that inappropriately detailed measures to deal with rainwater to the roofs such as the rainwater guttering and pipework typically used elsewhere would visually compromise the scheme, this being something I have previously raised.

Response to Neighbour Notification

West Beaney

Summary of Comments (UPDATED)

Before proceeding onto more detailed comments we would wish to say that we are not against the demolition of the existing dwelling in principle but have the following concerns.

1. The proposed replacement is inappropriate both in terms of size for the existing

curtilage, design and materials in respect of the surrounding dwellings, its close proximity to our property and what is appropriate for the local context. It does not enhance the existing buildings which have historical interest within the village.

2. The extensive use of a dark material with a much larger and imposing property than currently exists will have an adverse impact on our amenities by its overbearing nature and will overwhelm the site. The dark roofing materials do not blend into the surrounding buildings as does the existing tiled roof.
3. The proposed building increases the property to two storeys and there is a significant increase in wall height on our boundary from a single storey to a two storey wall which potentially reduces light in our property and also includes overlooking windows which reduce our privacy.
4. The proposed development is within the Little Gaddesden conservation area and the proposed building of 270m², plus garage and outbuildings, is at least 3 times larger than the original post war house of 104m². There have already been two approved extensions prior to this application resulting in an increase of 111%, which is in excess of the 50% guideline. We believe a further increase in size would set an unwelcome precedent and would be detrimental to the conservation area, as would the use of these proposed materials.
5. We support the objective of creating a building which has less impact on the environment but this objective can be achieved without building a significantly larger building than the one that currently exists. Indeed, if the costs of demolition and the materials for rebuilding are taken into account it will have much less impact on the environmental footprint if the building is no larger than the existing one.
6. Photographs are included to illustrate our detailed comments set out below

Proximity to West Beaney

1. The two properties are very close together, with a wall of West Beaney forming the boundary and a path of only a metre wide separating it from the eastern elevation of Little Beaney. This proximity is not referred to in the Design and Access Statement of the new planning application and the photographs in it of the existing property only show the open aspect within the application site and open paddock on the other side of the property to us. We would have expected the plans of existing elevations to include our property for proper context rather than give the impression that the application site sits apart in its curtilage and we have submitted photographs for this purpose. We believe this to be particularly important as the new design has increased the eastern wall height from the current single storey to a two storey building. The proposed new building includes ground floor bedroom and lounge windows as well as two first floor bathroom windows. These windows will be higher than the current windows and will overlook our ground floor kitchen/utility room windows, ground floor bathroom window, first and second floor bedroom windows as well as patio. We believe this to be a loss of privacy.
2. Although we understand and welcome that the revised plan proposes moving the new building further away from West Beaney this can, at maximum, be no more than 1.4metres and as such makes no impact on the above comments. We do not consider it to be sufficient to overcome the increase in wall height from a single storey to a two storey wall, particularly with the change in materials from brick and tile to black timber and dark roofing. The current roof is tile and blends in with the current single brick wall and with the brick walls of our property which the proposed darker colours will not. The central roofing portion is at a height of 8 metres and this may not be visible from the ground but will be seen from our [first and] second floor west facing windows. The ridge height shown on the elevation

plan is "+7.26" but this does not tally with the scaling which gives a height of 9.9 metres

Materials and Design unsympathetic to Context

3. It is clear from sections 2.1 to 2.3 in the Design Statement that the architect has argued strongly on what might be considered to be an appropriate "vernacular" design for this site. In our view the starting point should at least have regard to the existing palette of materials that exists both within the group of buildings adjacent and nearby and the village itself. Three of the properties in this group of dwellings were originally part of a single property which was a Georgian Rectory with stables (with an early Victorian extension). The main Rectory was divided into two in the 1970's and all three are built in the same materials of traditional local brick (including Luton blues) and tiled roof, as is the former stable and coach house. We do not accept the argument that maintaining the integrity of materials on this site is 'mindless replication' (second and third lines of 2.1) in order to justify the use of black painted timber and zinc roofing is not accepted. This is an integrated unit due to its history and has never been a farm with outbuildings as is the case elsewhere when many barn-like developments have been appropriate. We feel that the extensive use of a dark material only exacerbates the impact of what will be a much larger and imposing property than exists. It will have an adverse impact on our amenities by its overbearing nature; it will overwhelm the site and is not of appropriate design, appearance or materials.
4. We are concerned that the change in roof design and increase in height from the current single storey on this elevation may well take light from our patio and from the kitchen window and utility room windows. As we don't have measurements of the vertical wall height in order to calculate this we could not work out a shadow angle.

Threefold Increase in size on Original Dwelling

5. There are significant differences in the areas quoted in the Design and Access Statement of the new planning application and the Planning Officers Report for Planning Application - 4/02146/03/FHA, which concerned the last successful application for planning development of the same property. The Planning Officer's report states (on page 4) that the original dwelling was 104m². Subsequent additions, detailed in the report which includes a garage, have increased this to 219m², an increase of 111%, which is in excess of the 50% guideline. This was accepted for the reasons detailed in the report and without objection from ourselves. The Design and Access Statement supporting the new planning application states (page 7) that the proposed dwelling has a footprint that falls within the allowable permitted development of 30% increase from existing original dwelling. We believe this statement to be ambiguous, confusing and potentially misleading, especially as no figure is clearly provided. The original and existing dwellings have markedly different areas, and the figures for the new dwelling only refer to the existing footprint. However, the Planning Officers report for the previous planning application confirms the original dwelling footprint to be 104m². The existing footprint in the new application is given as 254m². It would have helped if clear measurements were given in the accompanying plans. It is, of course, for the planning officer to verify the figures. However, the proposed footprint of 270m² is confirmed in the plans, excluding the garage and outbuildings. This is an increase of 166m² (160%) on the original dwelling, excluding the garage, and 187m² (180%) including the garage, but excluding the basement. The volume increase is an even greater percentage. Considering the curtilage of the site we believe this to be unacceptable both in terms of footprint, floor space and volume.
6. We do not object to the construction of a basement in principle but we are concerned about the structural damage which may occur as it is very close to a part of our property that was built in the 19th century with little or no foundations. We wish to know what actions will be

taken to ensure that there will be no structural damage to our property.

7. If despite our comments above, the Planning Committee is minded to grant permission we would ask that the following matters in particular are the subject of conditions and subject to local consultation prior to the commencement of development:
 1. Details of all materials
 2. The two first floor bathroom windows facing our property shall comprise obscure glazing
 3. Details of how the movement of vehicles related to the site will be managed during the construction phase including provision for workers' and delivery vehicles and demonstration that the site can be entered and exited in forward gear. (The reason for this request is that the site is accessed by a relatively narrow private road which serves the other properties in the group and there should be no obstruction of that road. Redevelopment including provision of a basement is likely to include large vehicles)
 4. Provision of adequate sheeting on our boundary to prevent the movement of dust and reduce noise.

Beaney, Little Gaddesden

We are the owners of Beaney and we are immediate neighbours of Little Beaney, with our land adjoining two of it's boundaries, to the rear and the side.

IN SUMMARY we object to the size, design and materials of the proposed building which we consider will dominate and overwhelm the site and the immediate neighbourhood:

Size: a substantial, double block, 5 bedroom house is now proposed on the site of a plot that was originally allocated in the 1970s for a 2 bedroom house (since extended to a 4 bedroom house);

Design & Materials: a contemporary barn style building is proposed, to sit immediately alongside Beaney/West Beaney which is a non-designated heritage building, dating from 1830 and which was the old village Rectory. The use of all black vertical timber cladding (no brick) and a dark zinc roof is not in keeping with the brick and slate of its Georgian/ Victorian neighbours but is in stark contrast.

In our view, the language used by the Architects in their statement gives entirely the wrong impression that the proposed design is sympathetic to the environment and the neighbouring buildings. It is important to consider the 'photo'/illustrations submitted by the Rural Heritage Society to appreciate that it is not in- keeping with its very close neighbours.

Rural Heritage Society

The property is situated in the Chilterns AONB and the Little Gaddesden Conservation Area, the purpose of which is to protect and enhance the village's special architectural or historic interest.

The development site is close to one of the most iconic buildings in the area, the former Rectory, now called Beaney and built in about 1830, as well as Beaney's former coach house and stables (Beaney Farm), believed to be of a similar age. Any replacement building should reflect and harmonise with this immediate environment in particular and the village's individual character in general. The proposed design does not.

While there may be a place for a building to a “contemporary Chiltern vernacular” design in some places, it is not here, at least not in its proposed form, which does not respect the immediately surrounding properties or the general village properties in terms of scale, bulk, materials and style. The proposed design is oppressive, giving a large industrial “block” impression, of a much increased bulk and heaviness over the existing building (which has the appearance of a dormer bungalow with low walls and a steeply sloping roof to the level of the top of the ground floor storey). The new building would raise the whole roof line relative to the wall height, so creating the “boxy” or “cuboid” impression. This impression is emphasised by the black timber cladding and the dark weathered zinc roof (the colour of the zinc is not specified but appears to black as well in the illustrative views attached to the application). Zinc is not a typical roofing material in the village (or elsewhere within the Chilterns) and would jar with other roofs in the Conservation Area. Nor does the overall style of the proposed building mesh with that of the remainder of the village.

In light of the situation of the proposed building within the Conservation Area and its proximity to the traditional building style of Beaney and Beaney Farm, as well as the other traditional houses in the village, the design is wholly inappropriate in its context and the application should be rejected. In no way does the design either positively conserve and enhance the appearance and character of the Little Gaddesden Conservation Area or preserve its integrity, setting and distinctiveness. In fact it detracts substantially from the setting of Beaney and Beaney Farm.

While a low carbon emission building is to be encouraged, it should be borne in mind that much carbon will be expended in the demolition of the existing building and in the construction of the new building, and this will take many years to recoup by any improved carbon efficiency of the latter.

Considerations

Policy and Principle

Policy CS7 of the Core Strategy states within the Rural Area the replacement of the existing buildings for the same use will be permitted provided that it has no significant impact on the character and appearance of the countryside; and supports the rural economy and maintenance of the wider countryside.

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

Saved Policy 120 of the Borough Local Plan states development within a conservation area would be permitted provided it ‘preserves or enhances the established character or appearance of the area’ and respect established building lines, layout and patterns. With alterations and extensions to existing building expected to be ‘complementary and sympathetic to the established character of the building to be altered or extended.’

It is also important to note that within the AONB the NPPF requires “great weight” to be given to conserving landscape and scenic beauty of protected landscapes, including Areas of Outstanding Natural Beauty (paragraph 115).

Therefore in light of the above, consideration of this application should be based on whether or not the proposed dwelling would have a significant impact on the character/appearance of the countryside.

The comparative floorspace of the existing and proposed dwellings are laid out below:

Existing dwelling (including existing extensions) = 254 sqm

Proposed dwelling above ground = 270 sqm

Proposed dwelling including basement = 405 sqm

In comparing the size and appearance of the previously existing dwelling against that which is now proposed, the floorspace of the proposed dwelling is significantly larger than the existing dwelling, however, 135 m² is contained within the basement and not visible externally and therefore this would not be harmful to character and appearance of the countryside.

In addition to this it is important to consider the potential extensions which could be built under Permitted Development (PD) without the need to apply for planning permission.

The existing property could be extended by a single storey rear extension and a basement under Class A of General Permitted Development Order 2015.

Permitted Development Extensions

Class A single storey rear extension - 32 sqm

Class A basement extension - 120 sqm

The combined floorspace of a potential permitted development rear extension on top of the existing floorspace of the dwelling would equate to a floorspace of 406sqm, an almost identical floorspace to that proposed. Taking the above into account it is considered the proposed size increase is acceptable in this location and will not significantly impact on the character and appearance of the countryside.

The proposed dwelling will be 0.6 metres higher than the ridge height of the existing dwelling and this is not considered to have a significant impact on the skyline than the existing dwelling. Furthermore the proposal would appear to be more innovative with the use contemporary materials, designed with two interlocking barns and a zinc roof. In addition to this the proposed building will be more energy efficient than the existing dwelling and this is advocated for new dwellings in the AONB by the Chilterns Building Design Guide. It would therefore be appropriate within its AONB setting supported by Policy 97 and Policy CS24 of the Core Strategy.

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

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

Impact on Street Scene and the AONB

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

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

The proposed property will be taller than the existing property however the height and bulk of the proposal has been reduced by the design of the roof which will be constructed by two interlocking pitched roofs and the inclusion of two dormer windows. The external appearance

of the building also includes some modern and contemporary architectural features. This approach to the Design was supported by the Conservation Officer who praised the innovative design of the proposal and was happy to support the application following the amendments.

It also is noted that the wider Chilterns area is characterised by a number of converted agricultural buildings and therefore the design proposal is not considered to be harmful to the character and appearance of the general locality.

In terms of design and materials, the Chilterns Design Guide has been adopted as Supplementary Planning Guidance and states "that the use of energy efficient and environmentally sensitive materials and building techniques, combined with high quality locally distinctive architecture can provide broad based environmental benefits expected in an Area of Outstanding Natural Beauty. Greater consideration should be given to more passive sustainable approaches such as the use of greater levels of insulation (sheep's wool or recycled materials such as newsprint or plastic for example), the use of natural paints or the installation of wood fuelled burners. New developments should take advantage of these materials and techniques, where appropriate. In particular, the use, or appropriate re-use, of locally produced building materials and installation of sensitively sited and designed renewable energy technologies (solar panels and ground source heat pumps for example) should be encouraged."

It is worth emphasising that the development constitutes a Passivhaus, which is noted for its energy efficiency. Furthermore, the proposed south western facade has more glazing and this allows for passive solar gain. In addition to this the external architecture uses materials from the local vernacular pallet that have a low embodied carbon footprint and are long lasting. Therefore the proposed energy efficiency of the building is supported by the Chilterns Design Guide.

For the reasons given above it is considered that the improved appearance will therefore improve its appearance within the AONB and thus comply with policy.

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

Finally, in terms of the street scene, whilst the maximum height will be 0.6 metres higher than the existing dwelling; the proposed dwelling will be at least 7m from the front boundary, behind tall trees and shrubbery and thus is not considered to have any significant impact on the street scene.

Impact on the Conservation Area

The proposal is considered to be of high quality design which will preserve the character and appearance of the conservation area. The Conservation officer is supportive of the proposals subject to the imposition of conditions regarding materials and detailing.

Impact upon Residential Amenity

It is acknowledged that an objection has been raised from the neighbouring property West Beaney in relation to the effect of the proposal on the residential amenities however it is acknowledged that the proposed dwelling will be marginally deeper than the existing depth along the boundary of West Beaney and the height of the proposed dwelling would be 0.6 metres higher than the existing property; the amended proposal would now be sited a further 3.2 metres away from the boundary of this neighbouring property and therefore the proposal is not considered to result in significant harm to the residential amenities of this neighbouring property.

The proposal would therefore comply with Policy CS12(c) of the Core Strategy.

Other Material Planning Considerations

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

Parking

The proposal includes a new garage and the application site benefits from a large area of hardstanding and there the proposal is in accordance with council Parking Standards. The highway authority in principle raised no objection as the proposal is unlikely to have a significant impact on the safety and operation of the adjacent highway.

Trees

Concerns have been raised by the tree officer that the existing trees and hedging shown for retention could be damaged during the construction and demolition process therefore a condition requesting the submission of a Construction Management Plan are submitted to the Local Authority is recommended.

Community Infrastructure Levy

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

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

Conclusions

The proposed is acceptable and would not have an adverse impact on the appearance of the street scene and the wider Little Gaddesden Conservation Area. There would be no significant adverse impacts on neighbouring properties. In addition, the proposal would not have an impact on highway and pedestrian safety. The proposal is therefore in accordance with the National Planning Policy Framework, Policies CS12, CS17 CS13, and CS27 of the Core Strategy.

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

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

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

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

Drawing No. EX01
Drawing No. EX02
Drawing No. EX03
Drawing No. PL02 Rev H
Drawing No. PL03 Rev B
Drawing NO. PL04 Rev B
Drawing NO. PL06 Rev A
Design & Access Statement

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

NOTE 1: ARTICLE 35 STATEMENT

Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which lead to improvements to the scheme

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

- 3 **Notwithstanding the details submitted for the hereby approved new dwelling and detached garage, no works shall be commenced until details along with samples of the external materials and finishes have been submitted to and approved in writing by the Local Planning Authority. Works shall then be undertaken in accordance with the approved details.**

Reason: In the interests of the visual amenities of the Conservation Area, and ANOB, in accordance with Policies CS24 and CS27 of the adopted Dacorum Core.

- 4 **Notwithstanding the details submitted for the hereby approved new dwelling and detached garage, no works shall be commenced until details for the windows, ground-floor glazed opening screen, roof lights and exterior doors have been submitted to and approved in writing by the Local Planning Authority. The details shall include details of the frames and finishes. The windows, glazed screen, roof lights and exterior doors to installed in accordance with the details as approved.**

Reason: In the interests of the visual amenities of the Conservation Area, and ANOB, in accordance with Policies CS24 and CS27 of the adopted Dacorum Core.

- 5 **Notwithstanding the details submitted for the hereby approved new dwelling and detached garage, no works shall be commenced until full details for measures for rainwater collection and discharge have been submitted to and approved in writing by the Local Planning Authority. The details shall include details of the materials and finishes. The measures for rainwater collection and discharge shall then be undertaken in accordance with the details as approved.**

Reason: In the interests of the visual amenities of the Conservation Area, and ANOB, in accordance with Policies CS24 and CS27 of the adopted Dacorum Core.

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

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

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

- 7 **The existing frontage hedging and trees shall be protected during construction and shall thereafter be retained.**

Reason: To accord with Policy CS12, CS24 and CS25 and to preserve the character and the beauty of the Chilterns AONB.

- 8 **The bathroom windows on the flank elevation facing the neighbouring property West Beaney of the building hereby permitted shall be non opening and shall be permanently fitted with obscured glass.**

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

- 9 **Prior to the commencement of the development hereby approved details of a Construction Management Plan must be submitted to the Local Planning Authority for approval**

Reason: In the interest of highway safety and free and safe flow of traffic and to accord with adopted Core Strategy Policy CS9.

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

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

- 11 **In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of [1 year] from the date of the occupation of the building for its permitted use.**

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998: 1989 Recommendations for Tree Work.

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree

shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

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

Agenda Item 5h

Item 5.08

4/02275/15/ROC - VARIATION OF CONDITION 3 (PERMANENT EXTENDED HOURS OF USE FOR MONDAY TO THURSDAY 09.00 TO 22.00 HOURS AND FRIDAY 09.00 TO 21.30 HOURS AND TEMPORARY EXTENDED HOURS OF USE FOR A 12 MONTH PERIOD FOR SATURDAY 09.00 TO 20.00 HOURS) AND CONDITION 5 (PERMANENT RETENTION OF RETRACTABLE NET AT ITS FULL HEIGHT) OF PLANNING PERMISSION 4/01156/10 /FUL (ASTRO PITCH ON FORMER 5-A-SIDE AREA/TENNIS COURTS, CONSTRUCTION OF CHANGING/ANCILLARY TWO STOREY ACCOMMODATION BLOCK, FLOODLIGHTING OF ASTRO PITCH AND ASSOCIATED FENCING)

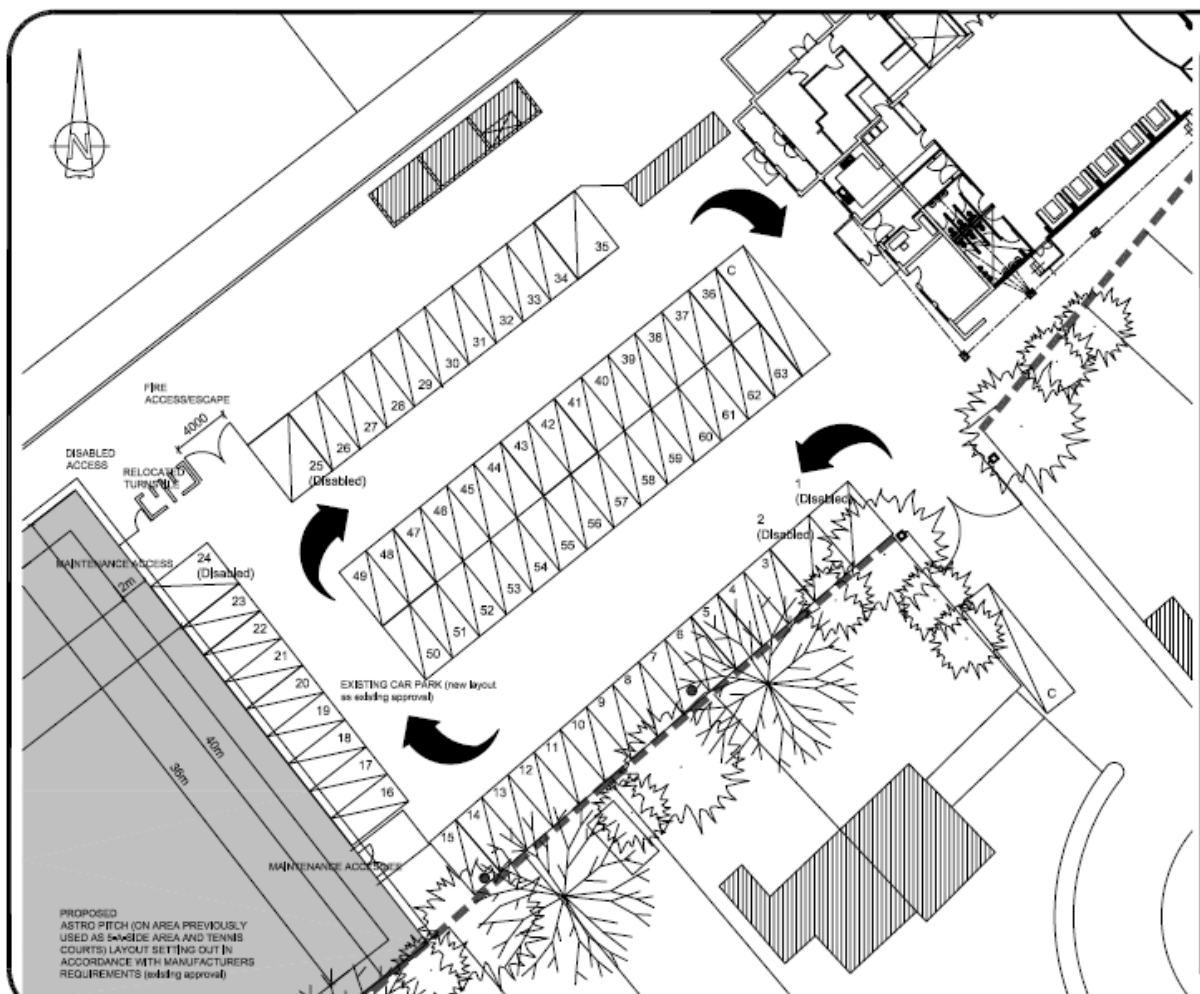
HEMEL HEMPSTEAD TOWN FOOTBALL CLUB, VAUXHALL ROAD, HEMEL HEMPSTEAD, HP2 4HW



Item 5.08

4/02275/15/ROC - VARIATION OF CONDITION 3 (PERMANENT EXTENDED HOURS OF USE FOR MONDAY TO THURSDAY 09.00 TO 22.00 HOURS AND FRIDAY 09.00 TO 21.30 HOURS AND TEMPORARY EXTENDED HOURS OF USE FOR A 12 MONTH PERIOD FOR SATURDAY 09.00 TO 20.00 HOURS) AND CONDITION 5 (PERMANENT RETENTION OF RETRACTABLE NET AT ITS FULL HEIGHT) OF PLANNING PERMISSION 4/01156/10 /FUL (ASTRO PITCH ON FORMER 5-A-SIDE AREA/TENNIS COURTS, CONSTRUCTION OF CHANGING/ANCILLARY TWO STOREY ACCOMMODATION BLOCK, FLOODLIGHTING OF ASTRO PITCH AND ASSOCIATED FENCING)

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



**4/02275/15/ROC - VARIATION OF CONDITION 3 (PERMANENT EXTENDED HOURS OF USE FOR MONDAY TO THURSDAY 09.00 TO 22.00 HOURS AND FRIDAY 09.00 TO 21.30 HOURS AND TEMPORARY EXTENDED HOURS OF USE FOR A 12 MONTH PERIOD FOR SATURDAY 09.00 TO 20.00 HOURS) AND CONDITION 5 (PERMANENT RETENTION OF RETRACTABLE NET AT ITS FULL HEIGHT) OF PLANNING PERMISSION 4/01156/10 /FUL (ASTRO PITCH ON FORMER 5-A-SIDE AREA/TENNIS COURTS, CONSTRUCTION OF CHANGING/ANCILLARY TWO STOREY ACCOMMODATION BLOCK, FLOODLIGHTING OF ASTRO PITCH AND ASSOCIATED FENCING).
HEMEL HEMPSTEAD TOWN FOOTBALL CLUB, VAUXHALL ROAD, HEMEL HEMPSTEAD, HP2 4HW.**

APPLICANT: Hemel Hempstead Town Football Club.

[Case Officer - Nigel Gibbs]

Background

The application was previously considered by the Development Control at its meeting on 26 February 2016. The Report is at Annex A with the exception of the conditions.

Recommendation made to DCC on 26 February 2016, variation of condition 3: Hours of Use

This specified:

Notwithstanding the submitted details the astroturf pitch and floodlights hereby permitted shall only be used during the following times:

- **Mondays to Thursdays: Between 09.00 hours and 22.00 hours for the period between 1 September to 30 April each year, subject to the use between 09.00 hours and 11.00 hours being only during school holidays.**
- **Mondays to Thursdays: Between 09.00 hours and 21.00 hours for the period between 1 May to 31 August each year, subject to the use between 09.00 hours and 11.00 hours being only during school holidays.**
- **Fridays : Between 09.00 hours and 21.30 hours, subject to the use between 09.00 hours and 11.00 hours being only during school holidays.**
- **Saturdays : Between 09.00 hours and 20.00 hours for a period of 12 months only as from the date of this decision, and**
- **Sundays : Between 11.00 hours to 20.00 hours.**

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

Meeting Outcome

The application was recommended for planning permission. At the meeting Members were advised of Councillor Tindall's representation referred to below.

The Minutes confirm:

- Councillors had concerns over the extended late hours and wanted to strike a balance between the needs of the community versus neighbour amenity.
- The recommendation was changed to delegate to the Group Manager to approve of 9am-11am opening hours but to discuss the extended evening hours with the applicant.

- It was proposed by Councillor Ritchie and seconded by Councillor Maddern to grant the application in line with the new recommendation. Vote For: 11 Against: 1 Abstained: 0.
- It was resolved that planning permission be granted with a view to approve the morning hours only and subject to a range of conditions.

Note from case officer regarding HHFC's Approved Hours of Use

The Report **incorrectly** confirmed that Condition 3 of the existing Planning Permission 4/01156/10 specified:

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

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

This should have read:

Mondays to Thursdays: 11.00 hours to 22.00 hours,
 Fridays: 11.00 hours to 21.30 hours,
 Saturdays: 11.00 hours to 20.00 hours, and
 Sundays: 11.00 hours to 20.00 hours

Therefore the club already has planning permission to open until 22.00 Monday to Thursday. This application is solely seeking to open 09.00-11.00 Monday-Friday in the school holidays and 09.00-11.00 on Saturdays for one year. No changes would be made to the evening opening hours.

Response from Hemel Hempstead Football Club

HHFC has reviewed the change to the hours and is unable to agree any reduction in the currently approved hours to 21.00 hours from 22.00 hours Mondays to Thursdays.

To reduce the late evening hours during these 4 days will fundamentally disrupt HHFC's commitment to longstanding community bookings for users between these times.

Referral to Committee

The application is referred back to the DCC.

This is because the DCC was incorrectly informed that the approved hours on Mondays to Thursdays 11.00 hours to 21.00 hours rather than until 22.00 hours and due to HHFC's response.

The DCC's decision should take into account this anomaly in its decision.

Representations

Councillor Ron Tindall
 (as reported to the previous meeting)

I write on behalf of the objectors to application 4/02275/15/ROC and apologise that I shall not

be able to be present.

Whilst I acknowledge the contribution to the community of the Football Club, I should like to draw the Committee's attention to the failure of the Applicant to previously comply with conditions set by the Development Control Committee. I refer in one instance to a requirement of 2010 to ensure the floodlights were compliant. This was finally completed on 20th November 2015, some five years after installation following action by myself. Indeed I question whether the need to comply was hastened by this present application.

The Applicant in his letter of 11th December states 'there have been no long-term issues'. I question that statement as I have for some years corresponded with residents of Vauxhall Road with regard to nuisance caused by the Football Club, and in particular the nuisance caused by users of the astro-pitches. It has often been difficult to get the Applicant to take action to stop early use and noise, late finishing, and the general feeling that no-one is in control.

The existence of these issues are confirmed by the fact that the Applicant has in his letter from paragraph four suggested a number of measures to deal with the very problems of which the residents have been complaining.

As I have little confidence in these assurances, I ask the Committee to refuse or to defer approval of the application for a period of at least six months, during which time, the Applicant be asked to demonstrate that he will adhere to all conditions set by the Committee. The Applicant can achieve this by strict adherence to the present conditions and full control of all visitors from the moment they enter the premises.

Councillor Ron Tindall

(in response to being reported back to the DCC)

In advising the neighbour at no. 32 of the DCC's need to further consider the matter no. 32 has confirmed to Councillor Ron Tindall that HHFC 'didn't stop using Astro turf pitch until 10.10 pm so still incapable of keeping within time allowed'.

Considerations

Review of the Material Considerations

Background

This is with reference to the following:

1. Notwithstanding this application HHFC are permitted to use the facility until 22.00 hours Mondays to Thursdays each week as per the extant planning permission.
2. HHFC **will not** agree to any reduction in the currently approved hours opening until 22.00 hours to 21.00 hours Mondays to Thursdays. It is understood that this would fundamentally disrupt the HHFC's commitment to longstanding community bookings for users between 21.00 and 22.00 hours between Mondays to Thursdays.

Assessment

There are no objections to the additional hours in the daytime as reflected in the recommended conditions and previous discussion at the Development Control Committee on 26 February 2016.

HHFC and Councillor Ron Tindall are aware of the anomaly in the previous report regarding

the evening use.

This means that the football club already has permission to open until 22.00 Monday-Thursday. The club has submitted a variation of condition 3 (hours of opening) to open earlier (09.00-11.00) in the school holidays so they can accommodate children on holidays. The applicant has not proposed to close the club earlier in the evenings. As a Local Planning Authority we are able to assess the whole impact of hours of opening, and we are aware of concerns about football being played until 22.00. Hence, the case officer recommendation to liaise further with the applicant about the evening hours of operation. Upon further investigation the council does not have sufficient evidence to reasonably suggest that the football club should close at 21.00 rather than 22.00. The Council's enforcement department does not have sufficient evidence to robustly defend that the football pitch should close at 21.00 rather than 22.00. In any case Environmental Health has powers under the Environmental Protection Act 1990 to prosecute against a statutory noise nuisance.

If the club are operating outside of their agreed hours of operation until 22.00 then this would be a matter for the enforcement department.

Therefore the recommended conditions are changed from the previous report to reflect these circumstances.

Conclusions

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

In initially supporting the astroturf pitch the Council acknowledged HHFC's community role which is reflected by the level of demand for its use and hence the current proposal.

There has to be a reasonable and very careful balance between providing sporting facilities and safeguarding the residential amenity of local residents.

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

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

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

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

hours to 20.00 hours each day).

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

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

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

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

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

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

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

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

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

- 6 **Within 6 months of the date of this permission a Green Travel Plan shall be submitted to the local planning authority for its approval in writing. The Travel Plan shall provide details of measures for reducing car dependency and the need to travel to site by car whilst promoting alternative modes of transport such as walking, cycling and use of public transport. The approved Travel Plan shall then be implemented in accordance with the approved details within 3 months of the date of its approval in writing by the local planning authority.**

The Travel Plan shall then be operated for at least 1 year from the date of its first implementation. During this period the effectiveness of the Travel Plan shall be monitored by the operator. At the end of this period the monitoring results shall be submitted to the local planning authority in writing and the Green Travel Plan shall be maintained at all times unless otherwise agreed in writing by the local planning authority.

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

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

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

- 8 No development shall take place upon the construction of the two storey accommodation block hereby permitted until samples of the details proposed to be used on the external walls and roofs shall have been submitted to and approved in writing by the local planning authority. The approved materials shall be used in the implementation of the development.**

Reason: To ensure that the extended building complements the existing character and appearance of the area to accord with the requirements of Policy CS12 of the Dacorum Core Strategy.

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

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

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

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

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

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

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

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

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

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

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

275- 6-4 Rev E, 275-6-1 Rev A (Location Plan), 275-6-5 Rev A (Indicative Layout)

275-6-08 (3) Rev A, 275-6-6 Rev C , HHFCTR/1, 275-6-3 Rev E, 275-6-4 Rev E HHTFC/03 Rev A, HHTFC/02 Rev A, HHTFC/04 and HHTFC/05 Rev A

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

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

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

ARTICLE 35 STATEMENT

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

ANNEX A

Summary

The application is recommended for approval.

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

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

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

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

Site Description

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

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

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

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

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

Condition 3.

This specified:

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

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

Condition 5.

This specified:

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

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

Proposal

This is to vary both conditions.

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

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

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

Note: There will be no change to Sundays.

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

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

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

The application is supported by a Club Management Plan.

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

Club Management Plan for the Astro Pitch Use

This confirms:

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

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

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

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

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

New signs will be installed in the car park to channel people to designated waiting areas preferably away from adjoining properties as far as is practical. These signs will state that hirers should act in an appropriate manner whilst using the facilities and consider the local community at all times. The signage will also provide contact numbers should they wish to report any inappropriate behaviour from fellow users of the facility.

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

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

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

Note: Signage has since been installed.

Pre Application Advice

This has been very extensive involving the withdrawal of a previous application and

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

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

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

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

Referral to Committee

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

Relevant Recent Planning History

Planning Permission 4/00503/09

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

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

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

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

Planning Permission 4/00045/10

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

Planning Permission 4/01046/10

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

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

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

Withdrawn Planning Application 4/ 01795/14/ROC.

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

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

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

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

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

REPRESENTATIONS

Noise & Pollution

Initial Response

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

Management Plan

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

Parks & Open Spaces

No objections.

Hertfordshire County Council: Highways

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

Hertfordshire Constabulary: Crime Prevention Design Advisor Crime Prevention Design Service

Initial Response

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

Management Plan

As above.

Hertfordshire Fire & Rescue Service

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

Environment Agency

No adverse comments.

Sport England

- Initial Response

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

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

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

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

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

The proposal to vary the permitted hours of use during school holiday periods is therefore considered to have a positive impact on the use of the artificial grass pitch as it would increase the hours of use that the facility would be available for community sport and offers the football club more flexibility to deliver a community programme which is responsive to meeting local

needs and which would help sustain the facility. Therefore Sport England **does not wish to raise an objection** to this application and is supportive of the proposal as a non-statutory consultee for the reasons set out above

- Further Response

SP note from the information provided that the amendments relating to Condition 3 now propose that the hours of use of the artificial pitch will not be extended on Sundays as originally proposed and that the hours of use on Saturdays will be extended on a trial 12 month period and will be the subject of monitoring. The extended hours for weekdays are as originally proposed.

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

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

Response to Neighbour Notification/ Site Notice

- Initial Response

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

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

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

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

- Further Response: Proposed Management Plan

32 Vauxhall Road. Reinforce the initial objection.

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

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance

Dacorum Core Strategy

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

Saved Policies of the Dacorum Borough Local Plan

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

Supplementary Planning Guidance / Documents

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

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

Supplementary Planning Guidance/ Documents

Environmental Guidelines

Councils Playing Pitch Strategy and Action Plan (June 2015)

Considerations

Policy and Principle

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

New development on designated **Open Land** is subject to Dacorum Core Strategy Policy CS4 and saved Dacorum DBLP Policy 116. DBLP Para 116.1 explains much leisure space is

protected from development because it is held as public open space and required to meet accepted standards of provision.

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

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

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

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

(a) the location, scale and use of the new development must be well related to the character of existing development, its use and its open land setting; and

(b) the integrity and future of the wider area of open land in which the new development is set must not be compromised.

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

Overview

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

Environmental Implications: Visual and Residential Amenity including Light Pollution.

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

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

1. Visual Implications of the Fence

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

2. Additional Hours: Noise, Disturbance and Lighting

As confirmed the existing lighting installation is acceptable.

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

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

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

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

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

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

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

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

The later evening uses are most sensitive during the 4 month period summer period (May to August) with an inevitable inbuilt greater impact close to houses and gardens as compared to the 'environmentally vulnerable' September and April period which also coincides with the main winter football season when training pitches are more likely to be required. Supporting the extension of hours between September and April for up to 22.00 hours Mondays to Thursdays is an appropriate balance between the provision of additional hours and safeguarding amenity in those summer months. Recommended Condition 1 addresses this.

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

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

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

Crime Prevention/ Security

Hertfordshire Constabulary Crime Prevention Design Officer raises objections.

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

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

Conditions

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

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

Article 35

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

Conclusions

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

In initially supporting the astroturf pitch the Council acknowledged HHFC's community role which is reflected by the level of demand for its use and hence the current proposal.

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

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

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

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

RECOMMENDATION - That planning permission be **GRANTED** for the reasons referred to

above and subject to the following conditions:

1 Notwithstanding the submitted details the astroturf pitch and floodlights hereby permitted shall only be used during the following times:

Mondays to Thursdays: Between 09.00 hours and 22.00 hours for the period between 1 September to 30 April each year, subject to the use between 09.00 hours and 11.00 hours being only during school holidays.

Mondays to Thursdays: Between 09.00 hours and 21.00 hours for the period between 1 May to 31 August each year, subject to the use between 09.00 hours and 11.00 hours being only during school holidays.

Fridays: Between 09.00 hours and 21.30 hours, subject to the use between 09.00 hours and 11.00 hours being only during school holidays.

Saturdays: Between 09.00 hours and 20.00 hours for a period of 12 months only as from the date of this decision, and

Sundays: Between 11.00 hours to 20.00 hours.

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

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

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

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

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

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

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

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

and the disabled parking spaces shown by Drawing No. 275-6-6 Rev C shall be provided at all times.

Reason: To ensure that there is an acceptable parking layout serving the site with due regard to the need to provide safe fire/emergency access and for persons with disabilities in

accordance with the requirements of Policies CBS 8 and CS12 of the Dacorum Core Strategy.

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

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

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

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

- 8 **No development shall take place upon the construction of the two storey accommodation block hereby permitted until samples of the details proposed to be used on the external walls and roofs shall have been submitted to and approved in writing by the local planning authority. The approved materials shall be used in the implementation of the development.**

Reason: To ensure that the extended building complements the existing character and appearance of the area to accord with the requirements of Policy CS12 of the Dacorum Core Strategy.

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

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

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

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

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

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

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

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

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

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

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

275- 6-4 Rev E, 275-6-1 Rev A (Location Plan), 275-6-5 Rev A (Indicative Layout)

275-6-08 (3) Rev A, 275-6-6 Rev C , HHFCTR/1, 275-6-3 Rev E, 275-6-4 Rev E HHTFC/03 Rev A, HHTFC/02 Rev A, HHTFC/04 and HHTFC/05 Rev A

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

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

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

ARTICLE 35 STATEMENT

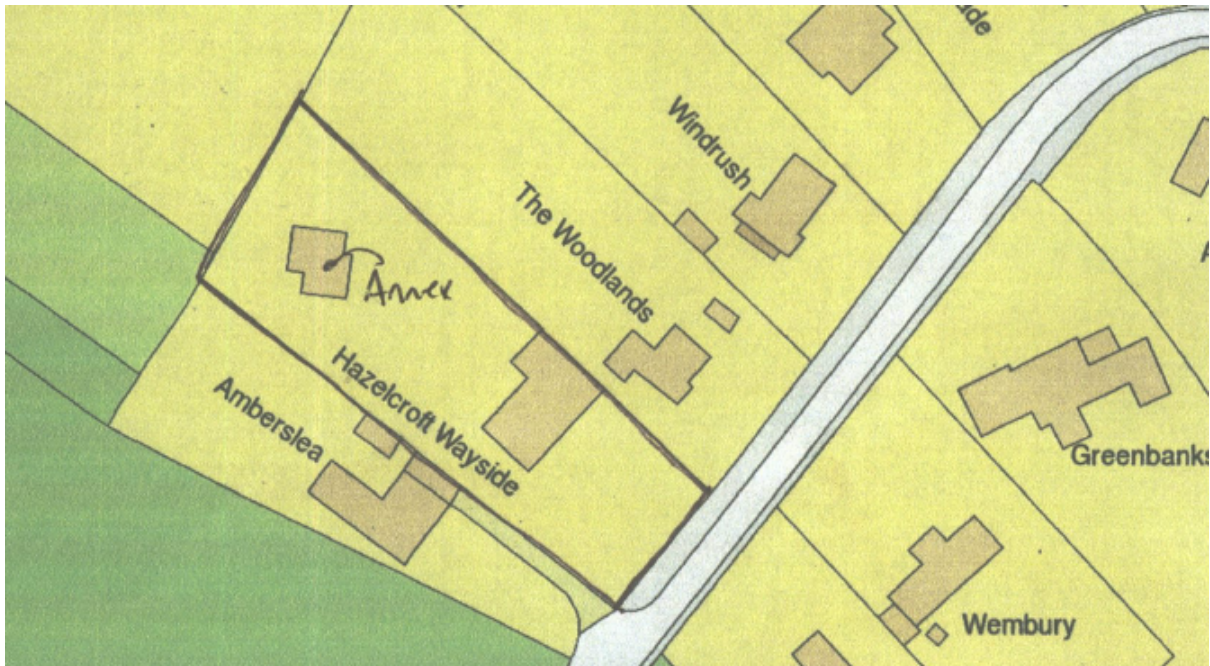
Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the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

Agenda Item 5i

Item 5.09

4/00395/16/FHA – CONVERSION OF GARAGE AND ASSOCIATED ROOMS TO ANNEX
ACCOMMODATION

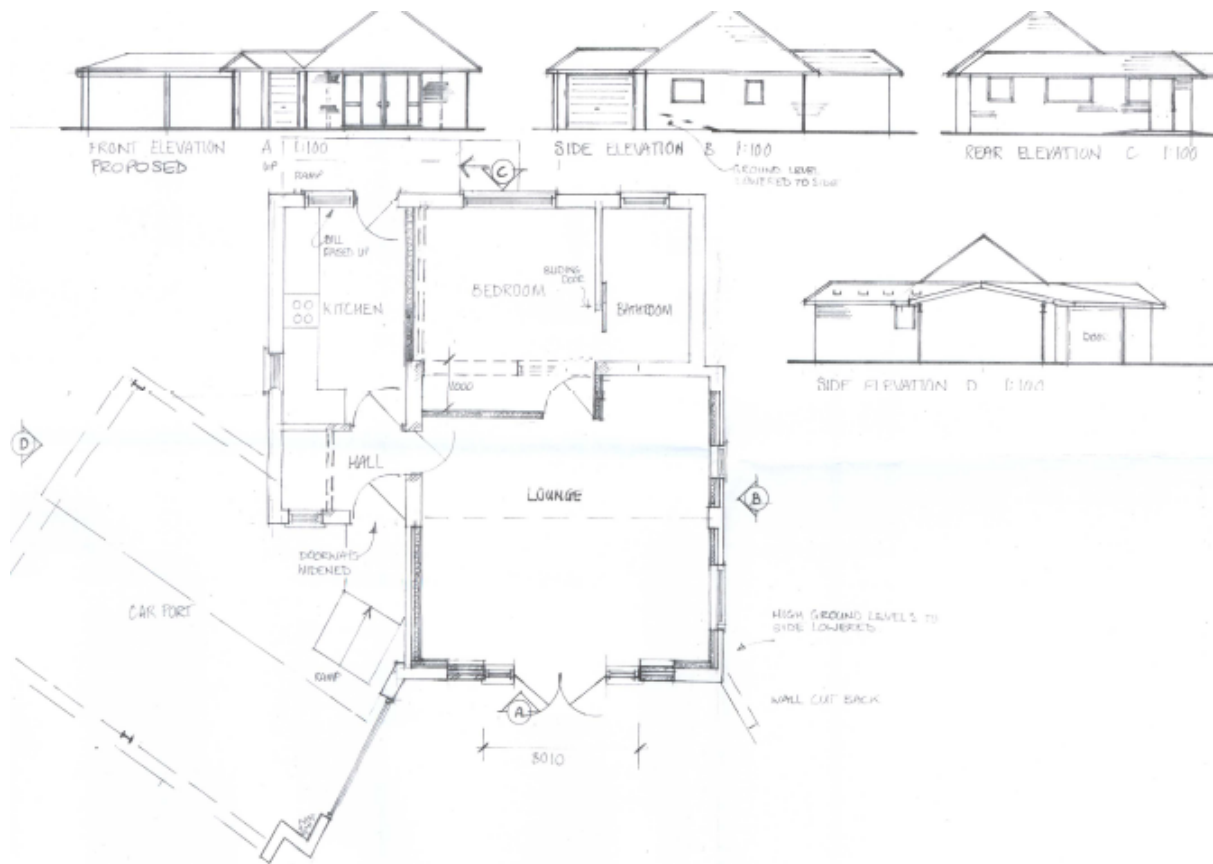
HAZEL GROVE, WAYSIDE, CHIPPERFIELD, KINGS LANGLEY, WD4 9JJ



Item 5.09

4/00395/16/FHA – CONVERSION OF GARAGE AND ASSOCIATED ROOMS TO ANNEX ACCOMMODATION

HAZEL GROVE, WAYSIDE, CHIPPERFIELD, KINGS LANGLEY, WD4 9JJ



4/00395/16/FHA - CONVERSION OF GARAGE AND ASSOCIATED ROOMS TO ANNEX ACCOMMODATION.

HAZEL GROVE, WAYSIDE, CHIPPERFIELD, KINGS LANGLEY, WD4 9JJ.

APPLICANT: Mr E Davies.

[Case Officer - Joan Reid]

Summary

The application is recommended for approval. The application is for conversion of the existing outbuilding to an annexe for occupation of a family member which is considered to be appropriate development in the Green Belt. There would not be any harm to the openness of the Green Belt or character of the countryside as a result of the conversion. The amenities of the neighbouring properties would not be harmed and sufficient parking is provided on site. Occupation of the annexe would be restricted by condition.

Site Description

The application site is located to the North West of Wayside within the Green Belt. The property is one of the last properties on Wayside and comprises a large detached dwelling together with a number of outbuildings.

Proposal

The application seeks planning permission for use of the existing garage as a granny annexe for occupation of the father of the owner of the parent property. Minor works are required to the building for its conversion including insertion of double doors and windows in place of the existing garage doors together with internal alterations to the building. The annexe would comprise a lounge, bedroom, bathroom and kitchen area.

Referral to Committee

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

Planning History

None recently

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
NPPG

Adopted Core Strategy

CS1 - Distribution of Development
CS5 - The Green Belt
CS29 - Sustainable Design and Construction

Saved Policies of the Dacorum Borough Local Plan

Policies 22,
Appendices 3, 5 and 7

Summary of Representations

Chipperfield Parish Council

CPC does not support this application due to it being an outbuilding

Neighbour notification

No objections

Considerations

Policy and Principle

It is questionable whether planning permission is actually required for the use of the existing outbuilding for the occupation of a family member as this often doesn't constitute development as both occupancies are still contained within the one planning unit. Nevertheless the applicant has submitted an application for the avoidance of doubt. Policy CS5 of the adopted Core Strategy allows for small scale development within the Green Belt including reuse of permanent, substantial buildings provided that it has no significant impact on the character and appearance of the countryside and it supports the rural economy and the maintenance of the wider countryside. No extensions are proposed to the building and as such it is not considered that there would be any harm to the overall openness of the Green Belt. The use of the existing outbuilding would be occupied by the parent of the owner of the main house and as such it is considered a good re-use of existing buildings without any significant intensification of use. The conversion would constitute a re-use of an existing building and would be considered as appropriate use in the Green Belt in accordance with policy CS5 above and the NPPF.

Impact on Green Belt and character of the Countryside

In addition to the considerations above, it is considered that the conversion would not result in any loss of openness to the Green Belt. The external works to the building (alterations to the fenestration) would not have any negative impacts to character of the countryside.

Effects on appearance of building

The only external works proposed would be changing the garage doors to more domestic double doors and windows, together with converting an existing window on the rear of the building to a door and window. These works are considered to be sympathetic to the parent property and no objection is raised.

Impact on Neighbours

The site is well screened by mature hedging and trees. Due to the screening, together with the orientation and separation distances, it is not considered that the conversion of the outbuilding to a granny annexe would result in any significant harm to the neighbouring property (Amberslea) in terms of loss of light, privacy or overbearing impact.

Other Material Planning Considerations

As the outbuilding comprises facilities capable for independent living, it is considered reasonable to impose a planning condition restricting the use of the annexe to a family member of the parent property. This is to restrict the occupation as a separate dwelling in the future which would be considered unacceptable in planning terms.

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

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

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

- 2 **The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match in size, colour and texture those used on the existing building.**

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

- 3 **The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Hazel Grove, Wayside.**

Reason: To safeguard appropriate development in the Green Belt and character of the area in accordance with policies CS5 and CS12 of the adopted Core Strategy and to avoid harm to the amenities of the neighbouring properties in accordance with policy CS12.

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

01
02A
LOCATION PLAN

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

6. APPEALS UPDATE.

A. LODGED

4/00488/16/ENA MR A MATHERS
APPEAL AGAINST ENFORCEMENT NOTICE, CONVERSION OF ONE
DWELLINGHOUSE TO SEVEN FLATS
1 AIREDALE, HEMEL HEMPSTEAD, HP2 5TP
[View online application](#)

4/02278/15/FHA Williams
BOUNDARY FENCING AND ASSOCIATED LANDSCAPING
6 KILN CLOSE, POTTEN END, BERKHAMSTED, HP4 2PX
[View online application](#)

B. WITHDRAWN

None

C. FORTHCOMING INQUIRIES

4/00488/16/ENA MR A MATHERS
APPEAL AGAINST ENFORCEMENT NOTICE, CONVERSION OF ONE
DWELLINGHOUSE TO SEVEN FLATS
1 AIREDALE, HEMEL HEMPSTEAD, HP2 5TP
[View online application](#)

D. FORTHCOMING HEARINGS

None

E. DISMISSED

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
[View online application](#)

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