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DEVELOPMENT MANAGEMENT AGENDA

THURSDAY 12 MARCH 2020 AT 7.00 PM
DBC COUNCIL CHAMBER - THE FORUM

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

Membership

Councillor Guest (Chairman)	Councillor Oguchi
Councillor C Wyatt-Lowe (Vice-Chairman)	Councillor Riddick
Councillor Beauchamp	Councillor R Sutton
Councillor Durrant	Councillor Symington
Councillor Hobson	Councillor Uttley
Councillor Maddern	Councillor Woolner
Councillor McDowell	

For further information, please contact Corporate and Democratic Support on 01442 228209.

AGENDA

- 1. MINUTES** (Pages 5 - 22)
To confirm the minutes of the previous meeting.
- 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 declare their interest at the beginning of the relevant agenda item and it will be noted by the Committee Clerk for inclusion in the minutes.

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	5pm the day before the meeting.

You need to inform the council in advance if you wish to speak by contacting Member Support on Tel: 01442 228209 or by email: Member.support@dacorum.gov.uk

The Development Management Committee will finish at 10.30pm and any unheard applications will be deferred to the next meeting.

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 Management 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.

Please note: If an application is recommended for approval, only objectors can invoke public speaking and then supporters will have the right to reply. Applicants can only invoke speaking rights where the application recommended for refusal.

5. INDEX TO PLANNING APPLICATIONS

- (a) 4/01730/19/FHA - Raised decking areas, log cabin to rear garden and boundary fencing - 17 Pickford Road Markyate St Albans AL3 8RS (Pages 23 - 32)
- (b) 4/02119/19/FUL - Demolition of existing old dairy building. Redevelopment of site to provide a site facilities building and associated Development. - Land To Rear Of 25-26 Castle Street Berkhamsted (Pages 33 - 76)
- (c) 19/02993/FUL - Redevelopment of site to provide 6 no. dwellings with associated parking, landscaping and hardstanding (amended scheme) - Land R/O 12 Trowley Hill Road Flamstead St Albans Hertfordshire AL3 8EE (Pages 77 - 117)
- (d) 4/02222/19/FUL - Demolition of existing building and construction of 7 flats in two buildings with undercroft parking provision for 9 cars and landscaping. (Amended Scheme). - 16 Hempstead Road Kings Langley WD4 8AD (Pages 118 - 154)
- (e) 19/03052/ROC - Variation of Conditions 6 (Roof/Covered Structure) and 8 (Development usage) attached to planning permission 4/01793/19/MFA (Replacement covered ménage (re-submission)) - Top Common The Common Chipperfield Kings Langley Hertfordshire WD4 9BN (Pages 155 - 178)
- (f) 19/02895/ART - Land North End Of Cupid Green Lane, Hemel Hempstead (Pages 179 - 218)

6. APPEALS (Pages 219 - 230)

DACORUM BOROUGH COUNCIL

DEVELOPMENT MANAGEMENT

20 FEBRUARY 2020

Present:

MEMBERS:

Councillor Guest (Chairman) Councillors, C Wyatt-Lowe (Vice-Chairman), Beauchamp, Hobson, Maddern, McDowell, Oguchi, Riddick, R Sutton, Symington, Uttley and Woolner

OFFICERS:

R Freeman (Lead Planning Officer), K Mogan (Corporate and Democratic Support Lead Officer), P Newton (Planning Casework Team Leader), Robbins (Planning Officer) and Simmonds (Legal Governance Team Leader)

The meeting began at 7.00 pm

1 MINUTES

The minutes of the meeting held on 30 January were confirmed by the Members present and were then signed by the Chair.

2 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Durrant.

3 DECLARATIONS OF INTEREST

Councillor Guest asked Members to remember to declare any Disclosable Pecuniary or other Interests at the beginning of the relevant planning application.

4 PUBLIC PARTICIPATION

Councillor Guest reminded Members and the public about the rules regarding public participation as follows:

For each application the officer presents the report to the Committee, then the participants from the public are called to speak. Following this, questions are taken from the Committee along with statements and comments for debate.

5 4/01730/19/FHA - RAISED DECKING AREAS, LOG CABIN TO REAR GARDEN AND BOUNDARY FENCING - 17 PICKFORD ROAD MARKYATE

ST ALBANS AL3 8RS

Robert Freeman introduced the report to Members and said that the application had been referred to the Committee as it was contrary to the views of the Parish Council.

Andy and Jane Bunting spoke in objection to the application.

RECOMMENDATION

That planning permission be GRANTED subject to the suggested conditions.

It was proposed by Councillor McDowell grant the application in line with the recommendation but as there was no seconder, the motion fell.

It was proposed by Councillor Riddick and seconded by Councillor Beauchamp to defer the application to ask the applicant about lowering the height of the proposal.

Vote:

For: 5 Against: 5 Abstained: 2

Due to their being no majority, Councillor Guest used her casting vote to vote for deferral.

Resolved: That the application be deferred to seek further amendments to reduce the levels at the rear of the site – less steps and reducing heights of fencing structures

6 4/02321/19/FUL - LOFT CONVERSION AND FIRST FLOOR EXTENSION TO EXISTING PROPERTY AND ATTACHED THREE BED DWELLING AND A TWO BED DETACHED DWELLING WITH PARKING AND LANDSCAPING (AMENDED SCHEME) - 2 GLENVIEW ROAD HEMEL HEMPSTEAD HP1 1TE

Councillor Maddern declared an interest in this item as she was speaking in objection. She removed herself from the committee and did not speak or vote on the item.

Councillors Hobson and Uttley declared that they were the ward members for this application and had received correspondence from residents but declared that they were coming to the meeting with an open mind. They reserve their right to speak and vote.

The Case Officer, Sally Robbins, introduced the report to Members and said that the application had been referred to the Committee as it had been called in by a Ward Councillor.

Sally Robbins drew Members' attention to the amended conditions and informative note in the addendum.

Richard Sargent and Jan Maddern spoke in objection to the application.

Richard Farris spoke in support of the application.

RECOMMENDATION

That planning permission be GRANTED subject to the suggested conditions.

It was proposed by Councillor Wyatt-Lowe and seconded by Councillor McDowell to grant the application.

Vote:

For: 8 Against: 2 Abstained: 1

Resolved: That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall begin 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 (excluding demolition/ground investigations) shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the Council offices. Materials should be kept on site and arrangements made with the Planning Officer for inspection.

Reason: To ensure satisfactory appearance to the development and to safeguard the visual character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

3. No construction of the superstructure shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- o all external hard surfaces within the site
- o other surfacing materials
- o means of enclosure
- o mitigation tree planting for removed trees (including siting, species, size and maturity)
- o soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs.

The planting must be carried out within one planting season of completing the development.

Any tree or shrub, which forms part of the approved landscaping scheme, which within a period of 5 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity.

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS12 (e) of the Dacorum Borough Council Core Strategy (2013).

4. Prior to the first use of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan drawing number PL01 rev N. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway, in accordance with Core Strategy (2013) Policy CS8.

5. The development shall not be brought into use until the new access has been constructed to the current specification of the Highway Authority and to the Local Planning Authority's satisfaction.

Reason: In the interest of highway safety and amenity and to ensure the development makes adequate provision for on-site parking and manoeuvring of vehicles likely to be associated with its use, in accordance with Core Strategy (2013) Policy CS8.

6. The development shall be carried out in accordance with the Arboricultural Impact Assessment Method Statement & Tree Protection Plan (to BS:5837 2012) by Trevor Heaps Arboricultural Consultancy Ltd (dated 2nd August 2019) and the following approved drawing:

Drawing No: TH/A3/2072B/TPP (Tree Protection Plan)

Reason: In order to ensure that damage does not occur to trees during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 170 of the National Planning Policy Framework (2019).

7. The development hereby permitted shall be carried out in accordance with the following approved plans/documents:

Drawing Number P-01 Rev P (Location & Site Plan)
Drawing Number P-02 Rev N (Floor Plans and Elevations)
Drawing Number P-03 Rev M (Street Elevations)
Drawing Number P-04 Rev M (Street Elevations and Site Sections)

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

Informatives:

1. 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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

2. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.
3. 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.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047
4. 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 <https://www.hertfordshire.gov.uk/services/highways-roads-andpavements/business-and-developer-information/business-anddeveloper-information.aspx>
5. The Highway Authority requires the alterations to or the construction of the vehicle crossovers to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.), the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:- <https://www.hertfordshire.gov.uk/droppedkerbs/>
6. In the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England.
7. Nesting birds are protected under Schedule 1 of the Wildlife and Countryside Act 1981.

Any vegetation clearance should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than two days in advance of vegetation clearance by a competent

Ecologist and if active nests are found, works should stop until the birds have left the nest.

Any excavations left open overnight should be covered or have mammal ramps (reinforced plywood board >60cm wide set at an angle of no greater than 30 degrees to the base of the pit) to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.

8. To avoid killing or injuring of hedgehogs it is best practice for any brash piles to be cleared by hand. Any trenches on site should also be covered at night or have ramps to prevent and avoid hedgehogs being trapped during construction. It is also possible to provide enhancements for hedgehogs by making small holes within any boundary fencing. This allows foraging hedgehogs to be able to pass freely throughout a site.
9. The loss of any young or semi-mature trees should be compensated for with replacement trees on a one -for-one basis and the loss of any mature trees on a two-for-one basis. Ideally, replacement trees should be native species, or fruit/nut trees, which will provide benefit for local wildlife.

7 19/03033/FUL - PART DEMOLITION OF SEMI-DETACHED COTTAGE, GARAGE AND OUTBUILDINGS AND CONSTRUCTION OF 3 NEW DETACHED DWELLINGS - THE ORCHARD ALEXANDRA ROAD CHIPPERFIELD KINGS LANGLEY HERTFORDSHIRE WD4 9DS

Councillor Wyatt-Lowe declared that she had been approached by the applicant but did not discuss the case. She reserved her right to speak and vote on this item.

Councillor Riddick declared an interest. The applicant had approached him personally and he would not be able to view this application with an open mind. He removed himself from the committee and did not speak or vote on this item.

The Case Officer, Robert Freeman, introduced the report to Members and said that the application had been referred to the Committee given the concerns of the Parish Council.

Parish Councillor Bryant spoke in objection to the application.

Dr Woodward and Mr Huskingson spoke in objection to the application.

Heidi Leaney and Declan O'Farrell CBE spoke in support of the application.

RECOMMENDATION

That planning permission be GRANTED

It was proposed by Councillor Wyatt-Lowe and seconded by Councillor R Sutton to grant the application with additional condition withdrawing Schedule 2 Part 1 Class A and B permitted development rights.

Vote:

For: 10 Against: 0 Abstained: 1

Resolved: That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall begin 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 (excluding demolition/ground investigations) shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the Council offices. Materials should be kept on site and arrangements made with the Planning Officer for inspection.

Reason: To ensure satisfactory appearance to the development and to safeguard the visual character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

3. No construction of the superstructure shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - o all external hard surfaces within the site;
 - o other surfacing materials;
 - o means of enclosure;
 - o soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;
 - o minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.); and
 - o retained historic landscape features and proposals for restoration, where relevant.

The planting must be carried out within one planting season of completing the development.

Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity.

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS12 (e) of the Dacorum Borough Council Core Strategy (2013).

4. The development hereby permitted shall not be occupied until the arrangements for vehicle parking, circulation, loading and unloading shown on drawing No. 2708.54A shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved.

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities in accordance with Policies CS8 and CS12 of the Core Strategy and Saved Appendix 5 of the Local Plan 1991-2011.

5. No development, shall take place until a Phase I Report to assess the actual or potential contamination at the site has been 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:

(i) 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.

(ii) 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.

(iii) 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 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 off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 178 and 180 of the National Planning Policy Framework (2019).

6. All remediation or protection measures identified in the Remediation Statement referred to in Condition 5 above shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any part of the development hereby permitted.

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

Reason: To ensure that 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 off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 178 and 180 of the National Planning Policy Framework (2019).

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

Reason: To ensure that the site is subject to an acceptable drainage system serving the development in accordance with Policies CS31 and CS32 of the Core Strategy.

8. The development hereby permitted shall be carried out in accordance with the following approved plans/documents:

2708.50 - Location Plan
2708.53 - Proposed Site Plan
2708.54A - Parking Plan
2705.55 - Boundary Plan
2708.56 - Floor Plans to Plot 1
2708.57 - Elevations to Plot 1
2708.58 - Floor Plans to Plots 2 and 3
2708.59 - Elevations to Plots 2 and 3
2708.60 - Street scene

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

9. 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 and B

Reason: The Council is concerned that large extensions to the properties could result in harm to the amenities of neighbouring properties and lead to conditions prejudicial to matters of highways safety. As such the Council wishes to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality and in the interests of highways safety in accordance with Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 127 of the National Planning Policy Framework (2019).

- 8 **19/02788/FUL - DEMOLITION OF DETACHED GARAGE AND CONSTRUCTION OF TWO NEW SEMI-DETACHED HOUSES IN THE REAR**

**GARDEN OF MOLLY ASH - 8 ALEXANDRA ROAD CHIPPERFIELD KINGS
LANGLEY HERTFORDSHIRE WD4 9DS**

The Case Officer, Sally Robbins, introduced the report to Members and said that the application had been referred to the Committee as a Ward Councillor had called it in and it was contrary to the view of the Parish Council.

Parish Councillor Bryant spoke in objection to the application.

Robert Harman spoke in support of the application.

RECOMMENDATION

That planning permission be GRANTED subject to the suggested conditions.

It was proposed by Councillor Beauchamp and seconded by Councillor Maddern to grant the application.

Vote:

For: 8 Against: 2 Abstained: 2

Resolved: That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall begin 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. (a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.

(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
- (ii) The results from the application of an appropriate risk assessment methodology.

(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

(d) This site shall not be occupied, or brought into use, until:

(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

3. Any contamination, other than that reported by virtue of Condition 2, encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

4. No development shall commence until full details (in the form of scaled plans and/or written specifications) have been submitted and approved in writing by the Local Planning Authority to illustrate the following:

o Surface water drainage. Arrangement shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

o Proposed front boundary wall of a height of no greater than 0.6m to ensure that visibility levels for vehicles and pedestrians are maximised. This would need to be permanently maintained.

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

5. Prior to the first use of the development hereby permitted the vehicular accesses and associated highway works shall be provided and thereafter retained at the position shown on the approved plan drawing number 1105 02. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

6. No development (excluding demolition/ground works) shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure satisfactory appearance to the development and to safeguard the visual character of the area in accordance with Policies CS11, CS12 and CS27 of the Dacorum Borough Core Strategy (2013).

7. No construction of the superstructure shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:
- o all external hard surfaces within the site
 - o other surfacing materials
 - o means of enclosure (including heights of fences / walls etc.)
 - o soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs
 - o minor artefacts and structures (e.g. refuse or other storage units).

The planting must be carried out within one planting season of completing the development.

Any tree or shrub, which forms part of the approved landscaping scheme, which within a period of 5 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a similar species, size and maturity.

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS12 (e) of the Dacorum Borough Council Core Strategy (2013).

8. The development hereby permitted shall be carried out in accordance with the following approved plans/documents:

1105 01 A (PROPOSED PLANS AND ELEVATIONS)
1105 02 (PROPOSED SITE PLAN)

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

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage and through the course of the application, which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

2. In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0730hrs to 1730hrs on Monday to Friday, 08:00 - 13:00 Saturday and no works are permitted at any time on Sundays or bank holidays.
3. Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.
4. The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.
5. The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.dacorum.gov.uk by searching for contaminated land.
6. Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.
7. 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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
8. 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

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

Councillor Oguchi left the meeting at 9.15pm

9 4/02120/19/ROC - VARIATION OF CONDITION 2 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION 4/01142/17/FHA (SINGLE STOREY SIDE AND REAR EXTENSIONS, REPLACEMENT OF GARAGE, INTERNAL ALTERATIONS AND LOFT CONVERSION) - 2 NORTH ROAD BERKHAMSTED HP4 3DU

Councillor Woolner declared an interest in this item. She removed herself from the committee so did not speak or vote on this item.

Councillor Symington declared that she had receive an email from the applicant but would still be considering this item with an open mind. She reserved her right to speak and vote on this item.

The Case Officer, Sally Robbins, introduced the report to Members and said that the application had been referred to the Committee due to the contrary view of the Town Council.

RECOMMENDATION

That planning permission be GRANTED subject to the suggested conditions.

It was proposed by Councillor Maddern and seconded by Councillor Wyatt-Lowe to grant the application.

Vote:

For: 9 Against: 0 Abstained: 1

Resolved: That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall begin 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. Within 6 months of the date of this permission details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the Conservation Area, in accordance with Policies CS12 and CS27 of the Core Strategy (2013).

3. The bathroom window at second floor level in the side elevation of the loft conversion 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 application site, 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:

DD 17 / 053.2E
DD 17 / 053.6

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

Informatives:

1. 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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

10 19/02915/RET - RETENTION OF 8FT X 6FT SHED - 71 KINGS ROAD BERKHAMSTED HERTFORDSHIRE HP4 3BP

Councillor Woolner declared an interest in this item. She removed herself from the committee so did not speak or vote on this item.

Robert Freeman introduced the report to Members and said that the application had been referred to the Committee due to objection from the Town Council.

RECOMMENDATION

That planning permission be GRANTED subject to the suggested conditions.

It was proposed by Councillor Wyatt-Lowe and seconded by Councillor Hobson to grant the application.

Vote:

For: 9 Against: 0 Abstained: 1

Resolved: That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans/documents:

Proposed front elevation, no reference (received 13-Nov-19)

Proposed side elevation, no reference (received 13-Nov-19)

Proposed block plan, no reference (received 13-Nov-19)

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

**11 19/02803/FHA - TWO STOREY SIDE EXTENSION - 5 LONDON ROAD
MARKYATE ST ALBANS HERTFORDSHIRE AL3 8JL**

Sally Robbins introduced the report to Members and said that the application had been referred to the Committee as the Parish Council had a contrary view to the officer recommendation.

RECOMMENDATION

That planning permission be GRANTED subject to the suggested conditions.

It was proposed by Councillor Maddern and seconded by Councillor Uttley to grant the application.

Vote:

For: 9 Against: 0 Abstained: 1

Resolved: That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall begin 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 the existing building in terms of size, colour and texture.

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

3. Any ground contamination encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily

suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

4. The development hereby permitted shall be carried out in accordance with the following approved plans/documents:

Site Location Plan
Plans and Elevations 16/1683 Rev 1A

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

Informatives:

1. The above conditions are considered to be in line with paragraphs 170 (e) & (f) and 178 and 179 of the NPPF 2019.

In the event that no ground contamination is encountered, in order to discharge this condition, the developer will be required to submit a written statement confirming the absence of any visual or olfactory evidence of ground contamination and provide a supporting photographic record of any foundation excavations.

In the event that contamination is encountered the Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.dacorum.gov.uk by searching for contaminated land.

2. Planning permission/advertisement consent/listed building consent has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

- 12 **19/02684/FHA - DEMOLITION OF CONSERVATORY, CONSTRUCTION OF SINGLE STOREY REAR EXTENSION AND FIRST FLOOR SIDE EXTENSION. LANDSCAPING TO REAR GARDEN INCLUDING ALTERATIONS TO RETAINING WALL. - 47 EGERTON ROAD BERKHAMSTED HERTFORDSHIRE HP4 1DU**

The Case Officer, Sally Robbins, introduced the report to Members and said that the application had been referred to the Committee as it was contrary to the view of the Town Council.

RECOMMENDATION

That planning permission be GRANTED subject to the suggested conditions.

It was proposed by Councillor Maddern and seconded by Councillor Hobson to grant the application.

Vote:

For: 9 Against: 0 Abstained: 1

Resolved: That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall begin 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 the existing building in terms of size, colour and texture.

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

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

1934/001 (EXISTING SITE PLAN)
1934/010 (PROPOSED GROUND AND FIRST FLOOR PLANS)
1934/012 (PROPOSED ELEVATIONS)
1934/011 (PROPOSED SECOND AND ROOF PLAN)
1934/013 (EXISTING AND PROPOSED RETAINING WALL)
1934/014 (PROPOSED SITE PLAN)

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

13 APPEALS UPDATE

That the following appeals were noted:

A. WITHDRAWN

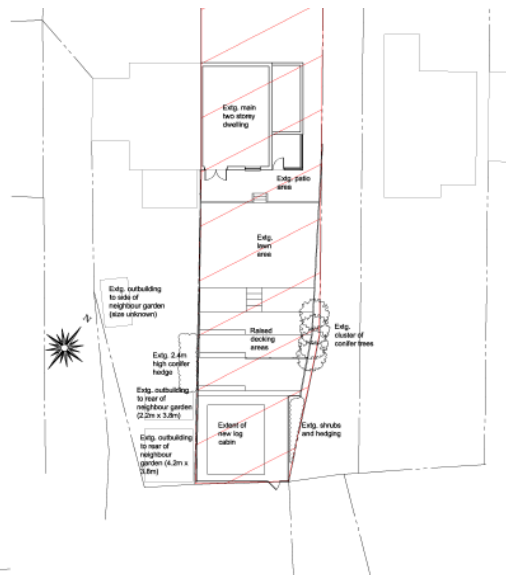
B. DISMISSED

The Meeting ended at 9.32 pm

Item 5a 4/01730/19/FHA

Raised decking areas, log cabin to rear garden and boundary fencing

17 Pickford Road, Markyate, St Albans, AL3 8RS

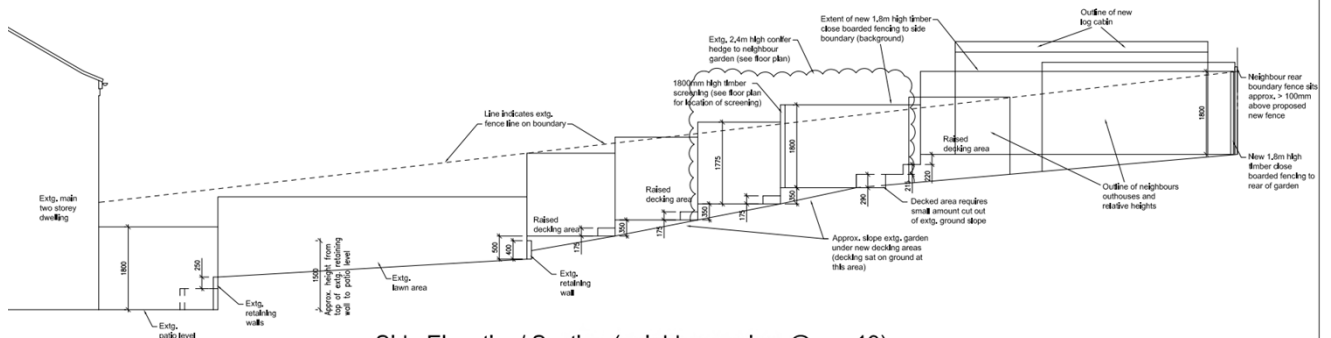


Site Plan
(Scale 1/200)

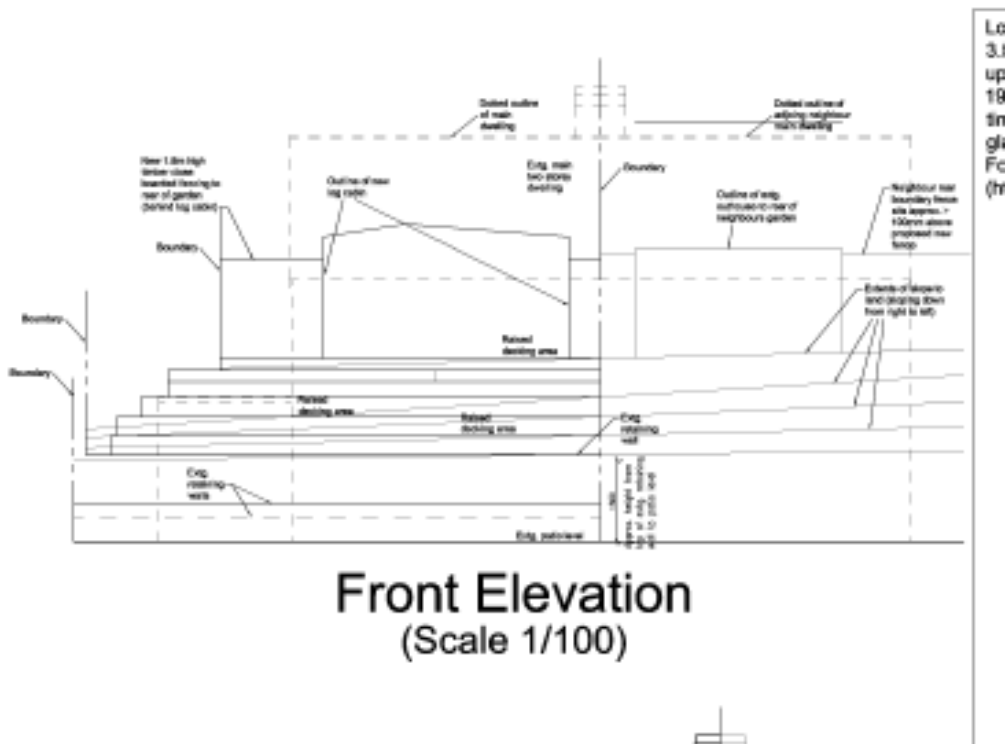
Item 5a 4/01730/19/FHA

Raised decking areas, log cabin to rear garden and boundary fencing

17 Pickford Road, Markyate, St Albans, AL3 8RS



Side Elevation/ Section (neighbours view @ no. 19)
(Scale 1/50)



Front Elevation
(Scale 1/100)

ITEM NUMBER: 5a

4/01730/19/FHA	Raised decking areas, log cabin to rear garden and boundary fencing	
Site Address:	17 Pickford Road Markyate St Albans AL3 8RS	
Applicant/Agent:	Mr J Bygate	
Case Officer:	Briony Curtain	
Parish/Ward:	Markyate Parish Council	Watling
Referral to Committee:	Contrary view of Parish Council	

The application is recommended for approval.

At their meeting on 20th February members resolved to defer the application to 'seek further amendments to reduce the levels at the rear of the site – less steps and reducing heights of fencing structures'.

The proposal has been amended slightly to alter the steps/decks to the central section and revised plans have been received. However, to the rear, the section plan presented to Members for consideration was mis-leading in so far as it relates to the impact on the neighbouring property.

The section plan submitted illustrates the land levels at the north of the site on the public right of way. These are significantly different from those within the site and at the southern boundary (common boundary with attached neighbour). The annotated plan presented to Members was inaccurate.

Additional section plans have been received which show the development as viewed from the adjoining site and set it in context with existing surrounding structures.

The considerations set out and conclusions reached in the original committee report remain pertinent to the very slightly amended plans now being considered. In response to points raised by members, a 'tier' of decking has been removed from just in front of the outbuilding level to make a more useable area. Whilst deeper and therefore likely to be used more often this area will be obscured by the proposed privacy screen so would not give rise to significant overlooking or privacy issues.

It is recommended that the application be supported subject to the conditions set out in the report.

The original report is attached below.

1. RECOMMENDATION

1.1 That planning permission be **GRANTED** subject to the suggested conditions.

2. SUMMARY

2.1 The application site is located in a residential area of the large village of Markyate wherein appropriate residential development is encouraged in accordance with Policy CS4 of the Core Strategy 2013. Given the topography of the area, there is already a very high level of mutual overlooking between properties. Whilst the raised decking levels the land, and would thereby intensify the use of some areas of the garden, there would not be a significant increase in overlooking, nor would the structures appear unduly intrusive or oppressive to surrounding properties.

2.2 When compared to existing conditions, the context within which the proposed structures would be viewed and compared to what could be constructed without the need for planning permission it is concluded that a refusal could not be sustained.

3. SITE DESCRIPTION

3.1 The application site is located to the southern side of Pickford Road in Markyate and comprises a semi-detached dwelling house with associated parking and amenity. The area slopes up to the south such that the dwelling occupies an elevated position above the road and the rear garden raises significantly to the rear.

4. PROPOSAL

4.1 Planning Permission (part retrospective) is sought for raised decking and a detached outbuilding to the rear of the site.

5. PLANNING HISTORY

No recent records

6. CONSTRAINTS

Large Village
Open Land
15.2m Air Direction limit
CIL3
Former Land use
Source Protection zone
SSSI Impact Risk Zone

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (February 2019)
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages

CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS29 - Sustainable Design and Construction

Supplementary Planning Guidance/Documents:

Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal;
The quality of design and impact on visual amenity;
The impact on residential amenity;

Principle of Development

9.2 The site is situated within the large village of Markyate wherein appropriate residential development is encouraged in accordance with Policy CS4 of the Core Strategy 2013. The proposal is thus acceptable in principle subject to a detailed assessment of its impact (Policy CS12).

9.3 As well as being acceptable in principle, it is important to note that some elements of the proposal would not require formal planning permission. The application site slopes upwards and across such that some areas of the decking are elevated and thus require formal permission. Other areas align with the original land level so would not themselves require consent. An outbuilding of identical size, if on the original ground level would not require planning permission as it would fall within the limits set out in Class E. The fact it has been sited on the raised decking means it now requires consent.

Quality of Design / Impact on Visual Amenity

9.3 Given the right of way that abuts the site and leads to the public park behind, the decking and outbuilding proposed would be visible from public vantage points. However, given the existing and proposed boundary treatment and the context in which they are set they would not significantly harm the overall character or appearance of the site or the wider area.

9.4 Whilst considerably smaller, many of the surrounding properties have outbuildings to the rear of their sites, which given the slope of the land are visible from the rights of way between the dwellings. The immediate neighbour also has a timber shed half way down the site, which whilst smaller, given its proximity to the right of way is readily visible. Similarly, all of the surrounding properties are enclosed by timber close-boarded fencing. The decking would be partially screened by the close-boarded fencing and existing landscaping and the areas that are visible would not be so imposing as to appear dominant or intrusive to the wider area. The proposals are considered to comply with Policies CS11 and CS12 in this regard and it is concluded a refusal could not be sustained.

Impact on Residential Amenity

9.5 The proposal will have an impact on the adjacent properties but not to such a degree as to warrant a refusal.

9.6 It is important to note that prior to any works commencing the original site comprised a largely flattened area to the very rear (see photos), upon which an outbuilding of very similar size to that currently proposed could have been constructed (with very minimal levelling works) without the need for formal planning permission. This is also the case for the surrounding properties many of which comprise small outbuildings and sheds in their elevated rear garden areas. It is considered that the elevated outbuilding now proposed would have the same overall visual appearance and impact on privacy as one that could have been constructed under PD rights. This is a material consideration that should be afforded weight.

9.7 Notwithstanding the above, the scheme has been amended during the course of the application in an attempt to overcome the concerns raised by neighbours. Certain areas of the decking that have already been constructed are to be lowered, the deck areas (terraces) have been made smaller and a privacy screen has been introduced.

Visual Intrusion

9.8 Given the slope of the rear gardens and their elevated position above the dwellings, the decking and outbuilding will be visible from both immediate neighbours; No. 19 and No. 15a. However they would not be significantly visually intrusive or unduly oppressive to the point that it would harm the enjoyment of their properties, especially when compared to similar albeit smaller structures in the immediate vicinity.

9.9 The difference in ground levels and the extent of the boundary treatment and planting between the sites (existing and proposed), means that from the garden areas and ground floor windows the structures proposed (as amended) would not be readily visible. Any views available would be limited and not therefore harmful.

9.10 In views from the first floor rear facing windows the decking and outbuilding would be apparent. However the relative orientation and distance to No. 15a, the other side of the public right of way and the extent of boundary treatment is such that there would again be limited harm. No 19 is attached to the application property and as such the decking and outbuilding would be visible from the rear facing windows. There is however only one habitable window affected (the second first floor rear facing windows serves a bathroom which is not habitable). The proposals would be visible from the bedroom window, however despite the fact they are habitable rooms they are principally used for sleeping and, as such, the appearance of a taller outbuilding (above what could be constructed under PD) and decked area would not be unduly overbearing or otherwise harmful to their overall residential outlook.

Privacy

9.11 Turning to privacy, the existing and original level difference between the dwellings and their rear gardens results in a very high level of mutual overlooking. The very rear section of the gardens are at approximately the same height as the first floor windows. Despite its elevated position, the outbuilding as amended; with no windows facing the dwellings would have a lesser degree of overlooking than the original garden area, which would represent an improvement. Turning to the decked areas, again whilst elevated the decks provide no greater overall views than those possible from the original garden areas. It is acknowledged that the fact they have been levelled is likely to result in the intensity of their use increasing but given their size has now been restricted and a privacy screen introduced to one area there would be no significant increase in overlooking levels and thus no significant loss of privacy.

9.12 It is proposed to raise the boundary fencing in some areas and this would ensure overlooking levels are kept similar to existing levels. The posts erected at the site are not indicative of the height of the fencing, as they are to be cut off. The plans have been amended to show the height of the proposed fencing in relation to the existing (existing shown dotted) and the heights proposed

are not excessive so would not appear intrusive but would maintain privacy. The description has been amended during the course of the application to add reference to the fencing.

9.13 Taken as a whole, it is concluded that there would be no significant harmful effects on the living conditions of the occupiers of any adjacent or surrounding properties and therefore no conflict with Policy Cs12 of the Core Strategy 2013.

Other Material Planning Considerations

9.14 The proposal did involve the cutting back of some trees surrounding the site, but the site is not the subject of TPOs and as such consent would not have been required for the works. Some trees have been retained and these do help screen the development from view.

Response to Neighbour Comments

9.15 These points have been addressed above other than the suggestion that the outbuilding will be used for business purposes. There is no evidence as part of the current submission to suggest this is the case. As such little weight can be attached to this concern. If in the future the building were used for business purposes not incidental to the dwelling house then planning permission would be required (and enforcement action taken if necessary).

Community Infrastructure Levy (CIL)

9.16 The development is not CIL liable.

10. RECOMMENDATION

10.1 That planning permission be **GRANTED** subject to the suggested conditions:-

1. The development hereby permitted shall begin 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 and the fencing / screens hereby approved thereafter maintained as such:

1087-PL-010 REV E
Photo/visual of outbuilding front facade

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

3. The Outbuilding hereby approved shall only contain openings (windows and doors) to the eastern elevation.

Reason; to safeguard the residential amenities of adjoining and adjacent residents in accordance with Policy CS12 of the Core Strategy 2013.

Informatives:

1. 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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
8	2	0	5	0

Neighbour Responses

Address	Comments
15A Pickford Road Markyate St Albans AL3 8RS	The log cabin is a large tall structure and as the back garden rises considerably I feel the building will be overpowering. The whole structure is being raised to the highest point in the back garden as it will be built on stilts. The rear is on the boundary of a recreation ground and is not in keeping with the surrounding green area. I am against this development due to its impact on the local environment. With regard to the installation of fencing around the property, at 1800mm high, this appears to be much higher than the fencing around neighbouring properties. On the eastern side of the property the fencing is being built on top of a high bank. The adjacent path is considerably lower than the bottom of the fence. Please note my objections when dealing with this application. Thank you.
19 Pickford Road Markyate St Albans AL3 8RS	We are the owners of ** Pickford Road, the***** house to which the above planning application relates. We write to object to the above planning application due to the loss of privacy we have suffered in both our house and garden by the construction of the raised decking and cabin. We have also suffered a loss of light due to the height of a new boundary fence, some of which has been constructed. The proposal in the application has been made retrospectively, allowing us to describe exactly the overbearing impact the development has had.

The construction of the decking has been elevated approximately 750mm above ground level on a sloping side which now allows our neighbour to look directly into our garden and also look directly into our house. The decking is raised to such an extent that we are able to view persons standing on the decking from the waist up, while we are sitting in our kitchen. Clearly, therefore, those standing on the decking are able to look directly into our garden and more worryingly, directly into our house.

Compounding the issue is that the construction of the top decking is level with the first-floor windows, allowing a direct view into the bedroom and bathroom. A direct view into our kitchen is also possible because of the height of the decking.

A new boundary fence has also been constructed between the properties, which measures approximately three metres above ground level in places.

The height of the new fence will mean a severe loss of light into both our garden and house if completed. We understand the increased height of the boundary fence has not been included within the above planning application.

We have consulted the National Planning Policy Framework and the Local Plan and it is clear that the requirement for good design - together with consideration - runs through both these documents. Section 12 of the NPPF is quite clear on this matter, regardless of the size of the development. Therefore, we consider this decking to be contrary to good design required by the planning authority.

Because of ***** profession, we have a rudimentary knowledge of planning requirements and have spoken to our neighbour, Mr Devoti when the works initially started, both to advise him of the correct course of action and to try to solve the matter amicably.

We have again spoken to Mr Devoti more recently once the extent of the loss of privacy became clear which we believe has resulted in the planning submission for the works. Essentially, prior to our intervention a planning application had not been sought.

We are aware that in the construction of extensions on dwellings the loss of light can be a limiting factor to any development, whereby a 45-degree rule can be employed to prevent the loss of light into a habitable room. Equally, consideration of privacy can be enforced, often by ensuring obscure glazing is fitted in any construction where it is considered a neighbouring property could be overlooked. Although the use of obscure glazing and the 45-degree rule may not be applicable in this case, it does demonstrate that light and privacy are appropriate considerations in planning applications.

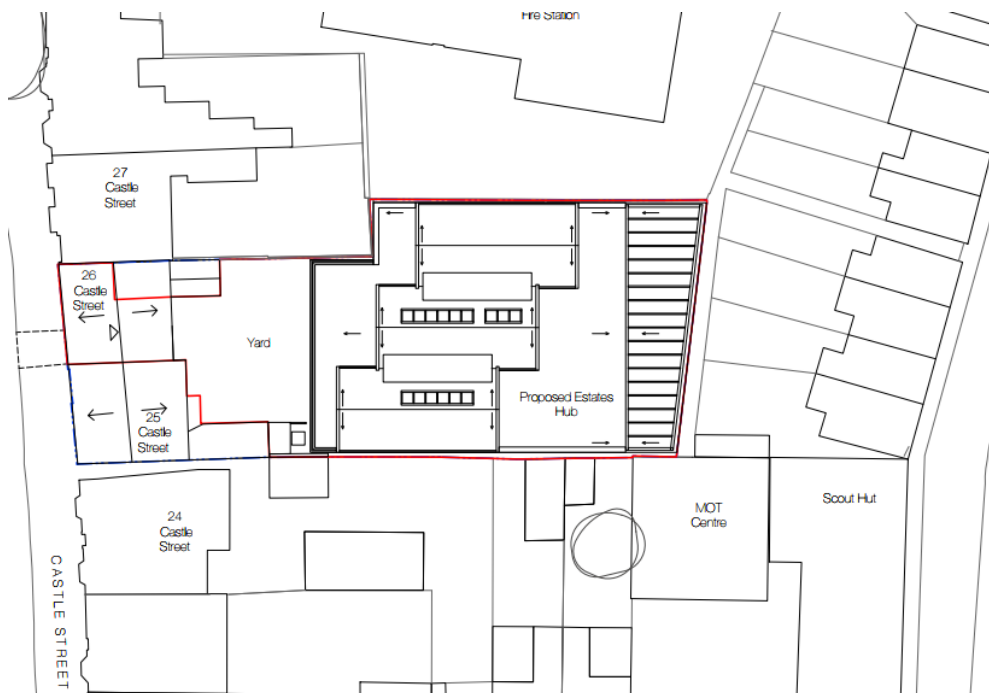
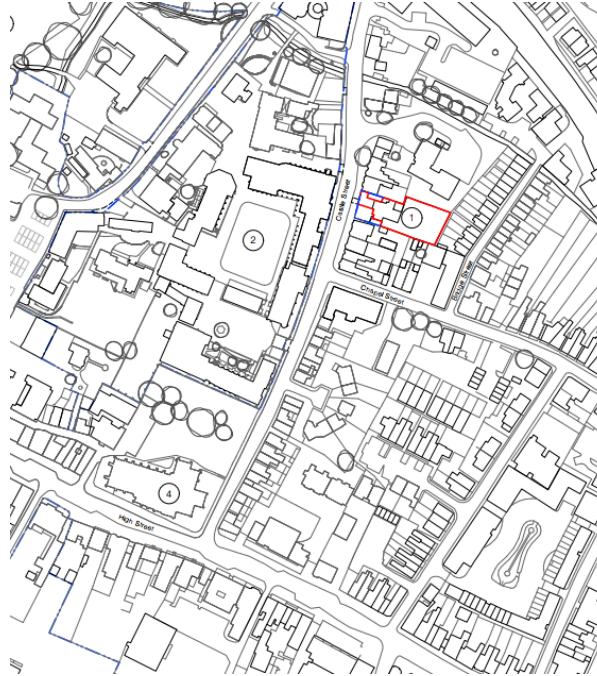
Finally, Mr Devoti has said that the log cabin was for business use. We draw your attention to this simply because no change of use has been applied for and we are concerned about the number of vehicles that may be parked on the driveway and surrounding roads.

<p>Markyate Village Hall Cavendish Road Markyate St Albans AL3 8PS</p>	<p>Application is totally out of keeping with the residential area. The fencing and the decking are too high and possibly contravenes the local bylaws. The height of the whole structure should be reduced in order to prevent intrusive sightlines into the neighbours upstairs bedrooms.</p>
<p>2 Cavendish Road Markyate St Albans Hertfordshire AL3 8PS</p>	<p>Problem over sight lines, this will overlook the neighbours gardens and their homes. Wrongful use of decking. This is totally inappropriate in this area. The development is on the top of a steeply sloping garden and overlooks the neighbouring properties, overlooking their gardens.</p>
<p>19 Pickford Road Markyate St Albans Hertfordshire AL3 8RS</p>	<p>Having reviewed the amended plans dated 17 December, the applicant has not addressed any of our stated concerns concerning the original or superseding plans. The amendments are small and insignificant; only the position of the steps has changed. The overall height of the top deck has not changed and the overall height of the boundary fence is still over 3 meters high in places. Concerns for our privacy remain as they can see into our upstairs rooms (bedroom and bathroom) and down into our kitchen from their decking today. This would not change under the amended plans. Therefore we maintain our objection to the planning application.</p> <p>Having reviewed the amended plans dated 17 December, the applicant has not addressed any of our stated concerns concerning the original or superseding plans. The amendments are small and insignificant; only the position of the steps has changed. The overall height of the top deck has not changed and the overall height of the boundary fence is still over 3 meters high in places. Concerns for our privacy remain as they can see into our upstairs rooms (bedroom and bathroom) and down into our kitchen from their decking today. This would not change under the amended plans. Therefore we maintain our objection to the planning application.</p> <p>Having reviewed the amended plans dated 30th January 2020, the applicant has still not addressed any of our previously stated concerns. The amendments are small and insignificant and do not address the issues that we have objected to in the past. The overall height of the top deck has not changed and the overall height of the boundary fence is upto 3 meters high in places. Concerns for our privacy remain as they can see into our upstairs rooms (bedroom and bathroom) and down into our kitchen from their decking. This would not change under the amended plans. Therefore we maintain our objection to the planning application.</p>

Item 5b 4/02119/19/FUL

Demolition of existing old dairy building. Redevelopment of site to provide a site facilities building and associated Development.

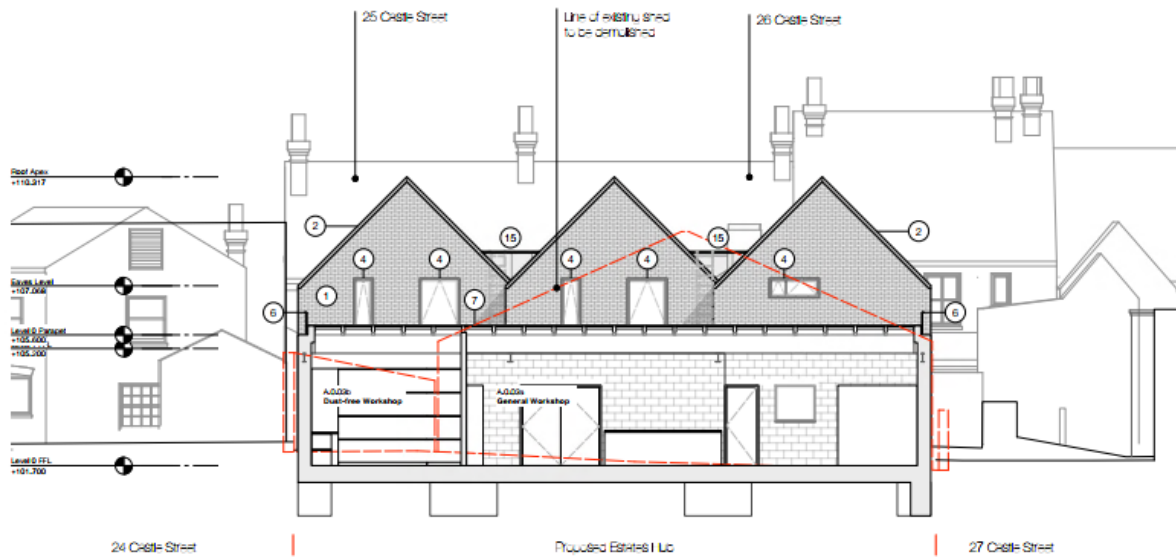
Land To Rear Of 25-26 Castle Street, Berkhamsted



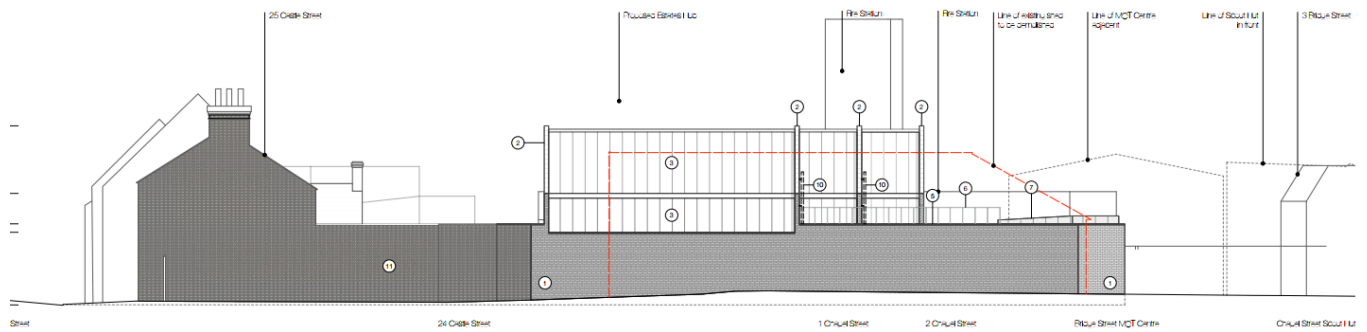
Item 5b 4/02119/19/FUL

Demolition of existing old dairy building. Redevelopment of site to provide a site facilities building and associated Development.

Land To Rear Of 25-26 Castle Street, Berkhamsted



2 Proposed GA East Section 1
1:100



1

ITEM NUMBER:

4/02119/19/FUL	Demolition of existing old dairy building. Redevelopment of site to provide a site facilities building and associated Development.	
Site Address:	Land To Rear Of 25-26 Castle Street Berkhamsted	
Applicant/Agent:	Update Record	
Case Officer:	Briony Curtain	
Parish/Ward:	Berkhamsted Town Council	Berkhamsted Castle
Referral to Committee:	Contrary Views of Town Council	

1. RECOMMENDATION

That planning permission be granted.

2. SUMMARY

2.1 The application site is located within the urban area of Berkhamsted wherein development is encouraged in accordance with Policy CS4 of the Core Strategy 2013. The size, scale and design of the building is considered acceptable and would not result in harm to the character or appearance of the site, the street scene or this part of the Berkhamsted Conservation Area. The scheme has been amended and it is now concluded that the building would not significantly harm the residential amenities of surrounding properties. Any adverse impacts with regard to ecology, highways, archaeology, contamination and drainage can be adequately mitigated by the imposition of conditions.

The proposal complies with Policies CS4, CS11, Cs12, CS26, CS27 and CS31 of the Core Strategy 2013.

3. SITE DESCRIPTION

3.1 The application site is located to the rear of No.s 25/26 Castle Street in Berkhamsted and currently comprises a large steel framed old dairy building which is a substantial post war shed which is used for storage purposes by Berkhamsted School. Access is via a narrow carriageway between two residential properties within Castle Street which also serves the rear of the residential dwellings No's 25/26 (also within the ownership of the school). The residential properties use the rear yard for parking, drying, amenity etc. The boundary walls adjacent to the Castle Street properties date from the 19th century and are of historic interest.

The site is situated within the Berkhamsted Conservation Area, Flood Zone 3 and is an area of Archaeological Significance. No's 25/26 are locally listed buildings.

The site is entirely surrounded by residential properties with the exception of the Fire Station to the north.

4. PROPOSAL

4.1 Full planning permission is sought for the demolition of the existing steel framed building and the construction of a purpose built part single, part two-storey estates facility building. The new building will incorporate workshop, storage staff and office spaces.

A demolition plan and additional information has been submitted that sets out it is intended to retain the vegetation clad wall that forms the north-eastern boundary of the site but the roof and the remainder of the walls are to be demolished.

Access to the site remains unchanged and there will be two parking spaces serving the building.

5. PLANNING HISTORY

Planning Applications

4/01127/19/FUL - Demolition of existing old dairy building. Redevelopment of site to provide a site facilities building and associated Development.
WDN - 8th July 2019

6. CONSTRAINTS

Area of Archaeological Significance
Conservation Area
Locally Listed Buildings
Former Land Use
Source Protection Zone

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (February 2019)
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS27 – Conservation of the Historic Environment
CS29 - Sustainable Design and Construction

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2002)
Planning Obligations (2011)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal;
The quality of design and impact on visual amenity;
The impact on residential amenity; and
The impact on highway safety and car parking.

Principle of Development

9.2 The site is located within the urban area of Berkhamsted wherein the principle of development is considered acceptable subject to compliance with other plan policies. The adopted Core Strategy 2013 seeks to optimise the use of urban land. The proposal is acceptable in principle subject to a detailed assessment of its impact.

Quality of Design / Impact on Visual Amenity

9.3 The proposal seeks to demolish the existing buildings and construct a part two storey, part single storey building for use as an 'Estates hub'. The existing buildings are of no architectural merit and their form and materials are considered to have a negative impact on and detract from the character and appearance of this part of the conservation area. No objection is therefore raised to the loss of the buildings in terms of use or visual appearance, their demolition is welcomed.

9.4 The site is bounded to the side and rear by either brick stand alone or party walls. Some of these walls may date from the 19th century and appear to be the former boundary walls. These are of historic interest and are now proposed for retention which is welcomed. Whilst further structural investigations are required to ensure this is feasible, at this stage the proposal seeks to build inside the northeast and south boundary walls. The more recent boundary walls (adjacent to Bridge Street) will be removed and re-built. This approach is acceptable and a condition requiring the retention of the older walls will be imposed for the avoidance of doubt.

9.5 Turning to the replacement building, the scheme has been amended numerous times during pre-application and previous applications. The design, siting, size, and scale of the building is now considered acceptable and would successfully integrate into the site, street scene and would not harm the character, or appearance of this part of the Berkhamsted Conservation Area to comply with Policies CS11, CS12 and CS27 of the Core Strategy 2013.

9.6 Whilst two storey, the overall siting and width of the proposed building will remain as per the existing dairy shed which occupies the entire rear of the site and abuts each of the side and rear boundaries. The proposed building will have a regular square footprint extending closer to Castle Street in parts (central section) but there are already small outbuildings clustering the side site boundaries in this position such that the overall footprint remains similar to the existing buildings. In design terms the building will appear two storeys in height and follow a traditional form with three gables to the Castle Street street scene but will not result in a cramped or incongruous appearance. The overall height of the building has been reduced since first submission and the gables have been staggered to break up the mass and bulk at first floor level. The stagger of the units as now proposed

not only breaks up the massing but adds visual interest to the building. The Conservation Officer is of the opinion that the stagger better reflects what would have been found within traditional bur gage plot back land developments where not all roofs would be in the same building line.

9.7 Turning to the impact on the conservation area, given the additional height the building would be visible from some public vantage points. However given the concealed angled position of the site, views would be restricted. The main view would be the view across Bridge Court / Fire Station. The building as proposed is of a traditional design, and considered to be of appropriate scale. It would be set amongst buildings of a variety of designs and against the backdrop of existing development. As such, it is concluded there would be no significant harm to the character or appearance of the Conservation Area. Section 16 of the NPPF para 196 makes clear that 'where a development proposal will lead to less than substantial harm to the significance of a heritage asset (the conservation area and locally listed buildings), this harm should be weighed against the public benefits of the proposal. The proposal has been identified as having very little harm to heritage assets and as such the benefits of the proposal (the consolidation and upgrading of existing school facilities to optimise the use of urban land and allow for future expansion) outweigh the limited harm.

9.8 Concern has been expressed in relation to materials and detailing. The zinc roofing is of concern and it is suggested by the Conservation Officer that the use of slate or clay tiles would help the building sit more quietly within the back lands of castle Street. It is also requested that there be patterns within the bond of the brickwork or other features of interest to ensure the building is of interest. Large areas of stretched bond would appear out of keeping with the other brick buildings in the area. A condition requiring details and samples of the materials and detailing of mortar mix and brick bond will be imposed and will ensure a satisfactory appearance to the development.

9.9 The proposal would not adversely affect the site or the wider area, or harm the character, appearance and historic interest of this part of the Berkhamsted Conservation Area. As such the proposal complies with Policy CS11 and CS12 of the Core Strategy 2013 and Section 16 of the NPPF.

Impact on Residential Amenity

9.10 Given its height and location the proposed building will have an impact on the residential amenities of adjacent properties in terms of light, privacy and visual intrusion but not to such a degree as to warrant a refusal.

9.11 The scheme has been amended significantly since original submission (4/01127/19/FUL). The building has been reduced in overall height (two storey and flat roof sections), the first floor footprint has been reduced and set away from the common boundaries with certain adjacent properties, and the gables have been stepped to reduce the massing and scale of the building. Section/street scene plans were requested illustrating the existing and proposed buildings to demonstrate the impact of the proposal on the surrounding roads (Castle Street, Bridge Street and Chapel Street). These have been submitted and demonstrate that given the separation distances, the design and configuration of the building, and the already built up context within which the site is set, the proposed building, whilst taller would not have a significantly harmful adverse impact, especially when compared to the existing circumstances. The impact of the proposal on each of the surrounding streets will be explored below.

9.12 Looking first at Bridge Street to the rear, whilst the proposed building extends to the back edge of the access alley with these properties of Bridge Street so too does the existing building. The overall relationship between the buildings would thus remain as existing. The proposed building is staggered and the first floor element of the building is set between 19.5m (at its closest

point) and 24m (at its further point) from the rear elevations and rear facing habitable bedroom windows of the properties of Bridge Street. The roof and eaves line of the proposed building have been lowered and at this distance, whilst the building will clearly be visible it would not appear unduly prominent or intrusive to the detriment of residential amenity. Given the orientation, again whilst taller at two storeys, the building would not have a significant adverse impact in terms of light levels or overshadowing. Turning to privacy it is proposed to have first floor rear facing windows which would overlook the properties of Bridge Street. Saved Appendix 3 of the Dacorum Borough Local Plan deals with layout of new residential development and requires a minimum 23m back to back separation distance between buildings to ensure no adverse privacy/overlooking implications. Whilst the proposal is not residential in use, the windows of the first floor offices proposed would overlook residential properties and as such it is considered weight should be attached to this requirement. Given the proposal falls slightly short of the 23m distance required it is considered necessary and reasonable to condition the first floor windows and doors of the eastern elevations be obscured glazed and non-opening to a height of 1.7 above floor level.

9.13 Moving to Chapel Street to the south, again it is concluded that given the separation distances provided and the staggered form of the building, the building would not appear unduly oppressive to the detriment of residential amenity. The existing shed is single storey and whilst only slightly lower than the proposed building it is not overly dominant as the roof slopes away from the common boundary with the Chapel Street properties. Whilst higher, the replacement building has been amended to ensure the closest wing does not extend across these properties. The furthest two wings would project across the rear and thus be in direct views but these would be set away from the common boundary which would lessen their impact. Whilst closer in places than the existing shed, the building would continue to be viewed against the backdrop of existing buildings and structures. It is also important to note the existing heavily built up context of these properties which are flanked and surrounding by a range of imposing buildings including the MOT centre. When compared to existing levels the harm caused would not be significant. Given the orientation of the proposed building (due north) the impact on light levels would be minimal. It is not proposed to have any windows to the southern elevation at first floor and as such there would be no privacy or overlooking issues.

9.14 Finally assessing Castle Street, other than 25/26 which are owned and occupied by the school, any direct impacts would largely be confined to No's 24 and 27 either side of the application site. The application site boundary is irregular in that it extends partially over the rear of No. 27. The northern most gable would extend directly in front of the rear facing windows of No. 27 (kitchen/diner on ground floor and bedrooms on first/ roof level). This part of the proposal has thus been amended. The gable has been set back 18.5 to provide more relief and avoid it appearing unduly oppressive. The remainder of the building would extend closer but be viewed from an oblique angle thereby reducing its overall impact.

9.15 Whilst it is acknowledged that the proposed building would be highly visible from the rear of the properties of Castle Street (No's 24 and 27) it would not appear unduly dominant or oppressive and it is concluded a refusal could not be sustained. The front facing stairwell window provides a direct view to the rear of No. 27 and will be conditioned to be of obscured glazing. The windows further to the south would provide oblique views to the rear of No. 24 and as such it is not considered necessary or reasonable to condition these. Daylight and Sunlight assessments have been submitted and demonstrate that the building would not cause a significant loss of light or overshadow surrounding properties, the proposal will result in a loss of light to the rear of No. 27 but given the existing high boundary walls which enclose the site, the loss would not be at such a level as to warrant to refusal.

Impact on Highway Safety and Parking

9.16 The site access arrangements would not alter as a result of the proposal. The design and access / Planning statements submitted set out the size / type and frequency of vehicles servicing

the proposed building and it is concluded that there would be no significant additional trips as a result of the proposal. It is important to note that the building proposed would continue to operate as part of the much larger wider school campus i.e. staff parking requirements for the proposed building will be met within the existing parking arrangements for staff at the School. The existing parking spaces for the residential units would remain unaltered.

9.17 The proposal is not considered to give rise to concerns in relation to parking or highway safety. Herts County Council Highways have been consulted and do not wish to restrict the grant of planning permission. They recommend conditions and informative which will be included. Given the concealed, constrained position of the site and its restricted access it is considered necessary and reasonable to condition the submission of a Construction management Plan.

9.18 The building will be serviced by small van movements and there is considered enough manoeuvre space in front of the proposed building. A vehicle access plan provides swept path analysis and demonstrates that vehicles including flatbed vans are able to enter and leave in a forward motion.

Other Material Planning Considerations

9.19 Ecology - The application is supported by a Preliminary Ecological Appraisal (EPA) and an additional Ecology Statement that set out the impact of the development on biodiversity and protected species. In relation to protected species, the County Ecologist is satisfied with the content of the reports and the recommendations contained within them for mitigation measures.

9.20 From the evidence in the PEA and the nature of the buildings involved, the potential for bat roosts is negligible/low and any impacts can be limited if demolition/clearance occurs as described (ivy cut back at end of active season and supervised tile removal). Whilst the buildings proposed to be demolished are of low value (to bats), two integrated bat boxes are to be incorporated into the design of the new building. The demolition/clearance methods described and the mitigation measures set out will be secured by condition.

9.21 In relation to nesting birds the PEA report and its recommendations are considered acceptable and will be secured by condition (demolition and clearance outside breeding season and bird boxes under the eaves).

9.22 Turning to habitat loss and biodiversity net gain, the existing climbing vegetation on the roof and adjacent wall of the main building provide both a locally significant visual and ecological resource. The applicants are keen to retain this wall but until further investigations are undertaken it is not clear if this will be possible. As such an ecological statement has been setting out the various scenarios and ensuring that any loss of habitat can be adequately compensated. The applicants are not willing to spend money on further investigations until planning permission is secured in principle.

9.23 If the wall can be retained as currently proposed, then no additional biodiversity net gains would be required. A condition will be imposed stating the wall is to be retained.

9.24 If it transpires the wall cannot be retained (due to structural reasons) then a scheme of compensation will need to be submitted to and agreed in writing by the LPA. This could include a green roof within the development, additional planting on an alternative site, or as a last resort a financial contribution to a local biodiversity project (biodiversity off-setting).

9.25 The development is considered acceptable and with the inclusion of the suggested conditions, the proposal protects biodiversity in accordance with the NPPF and Policy CS26.

Archaeology

9.26 The application is supported by an Archaeological Desk-Based Assessment (DBA) which has been reviewed by the County Archaeologist.

9.27 The site is located within Area of Archaeological Significance No. 21 which covers the core of historic Berkhamsted. Given the sites position on the main medieval street between the castle and the town, the potential for medieval remains here is very high. The applicants DBA recommends post consent investigations comprising a watching brief. It is unlikely that any finds would be a constraint to development. As such it is agreed that post consent investigations are acceptable, however the County Archaeologist considers that given the high potential for assets, and the uncertainty about the level of preservation of such remains, the site should be evaluated prior to the commencement of development following by further work if necessary to mitigate the impact of the development to any in situ remains.

9.28 To ensure any archaeological implications are appropriately dealt with in accordance with para 199 of the NPPF and Policy CS27 of the Core Strategy 2103, pre-commencement conditions will be imposed requiring a Written Scheme of Investigation.

Contamination

9.29 The application site has a long established commercial/industrial land use history. Whilst the application does not propose a substantially different end use there is the possibility of the presence of contamination that could impact the environment. The Councils Scientific Officer has requested the imposition of pre-commencement conditions. It is considered necessary and reasonable to impose such conditions and the LPA is satisfied that any contamination identified can be adequately mitigated via details required by condition.

Flood Risk / Drainage

9.30 The site is located within Flood Zone 1 wherein there is no constraint to development as a result of Flood Risk. The Environment Agency have confirmed they have no objection and no comment to make.

9.31 Turning to drainage a Flood Risk Assessment and Outline Drainage Strategy have been submitted and reviewed by Lead Local Flood Authority. Whilst objecting to the proposals, they are satisfied that the imposition of a pre-commencement condition could adequately deal with drainage matters.

Noise / Disturbance

9.32 Given the proposed use and the concerns raised by local residents a noise survey was requested. A 'Workshop Noise Assessment (Report No 18-0086-2 RO1) which sets out the nature and scale of the operations likely to be undertaken within the proposed building has been submitted. It lists the machinery and tools likely to be used and the predicted noise levels associated with them. It also sets out background noise readings of the existing area.

9.33 The Councils Environmental Health team have been consulted and they do not have any significant concerns in relation to noise and disturbance associated with the development. They are satisfied that 'the report submitted identifies the building will not have opening windows and will use mechanical ventilation. These measures would serve as mitigation'. It is recommended that a condition be imposed ensuring the development operates fully in accordance with the submitted report.

9.34 In addition given the proximity of adjacent residential properties it is considered necessary and reasonable to condition the hours of operation.

9.35 Whilst it is concluded that the proposal is acceptable on planning grounds and there is no evidence to suggest the proposed uses would result in material harm to the residential amenity of surrounding residents, should noise or general disturbance become an issue in the future this could be adequately dealt with outside the planning process by Environmental Health legislation.

Response to Neighbour Comments

9.36 These points have been addressed above other than crime prevention, alternative sites and devaluation of house prices.

9.37 Concern was raised by residents in relation to crime and access to their properties via the application site. The comments of the County Crime Prevention Officer were sought and having undertaken a site visit she is satisfied that the proposal would not give rise to any concerns. Crime in the surrounding area is relatively low and she considers that in relation to designing out crime, crime prevention, security and safety the area will be more secure as a result of its re-development. The proposal will result in a greater level of natural surveillance and the new buildings will be managed and used frequently by the school.

9.38 The development will have a safe and secure access for all users and will incorporate natural surveillance to deter crime and the fear of crime. The proposals thus comply with Policy CS11 and CS12 of the Core Strategy 2013.

9.39 Local residents suggest that the school has alternative sites across the town, which would be more suitable for this building. Whilst this may be true this cannot be given any weight in current considerations. The application must be assessed as submitted and on its own planning merits.

9.40 The impact of a development on local house prices is not a material planning consideration.

10. RECOMMENDATION

10.1 That planning permission be **GRANTED** subject to the following conditions.

Conditions:

1. The development hereby permitted shall begin 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:

1812 – P210 REV 01 – DEMOLITION PLAN
1812 – P500 REV 01 – Vehicle Access Plan
1812 – P100 REV 01 – Proposed Site Plan
1812 – P010 REV 01 – site location plan
1812 – P220 REV 01 – Proposed plans
1812 – P230 REV 01 – Proposed plans
1812 – P240 REV 01 – Proposed plans
1812 – P340 REV 01 – Proposed plans

1812 – P350 REV 01 – Proposed plans
1812 – P360 REV 01 – Proposed plans
1812 – P370 REV 01 – Proposed plans
1812 – P110 REV 01 – Sections
Archaeology Desk Based Assessment (May 19 - Oxford Archaeology)
Workshop Noise Assessment Report No. 18-0086-2-R01
Preliminary Ecological Appraisal and Daytime Bat Inspection Survey Nov 19

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

3. No development (excluding demolition/ground investigations) shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the Council offices. Materials should be kept on site and arrangements made with the Planning Officer for inspection.

Reason: To ensure satisfactory appearance to the development and to safeguard the visual character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

4. No demolition / development shall commence until an Archaeological 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:

- (a) The programme and methodology of site investigation and recording.
- (b) The programme for post investigation assessment.
- (c) Provision to be made for analysis of the site investigation and recording.
- (d) Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- (e) Provision to be made for archive deposition of the analysis and records of the site investigation.
- (f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with saved Policy 118 of the Dacorum Borough Local Plan (2004), Policy CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 189 of the National Planning Policy Framework (2019).

5.
 - i) Development shall take place in accordance with the Written Scheme of Investigation approved under Condition 4;.
 - ii) The development shall not be brought into first use 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 4; and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with saved Policy 118 of the Dacorum Borough Local Plan (2004), Policy CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 189 of the National Planning Policy Framework (2019).

6. No development, shall take place until a Phase I Report to assess the actual or potential contamination at the site has been 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:

(i) 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.

(ii) 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.

(iii) 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 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 off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 178 and 180 of the National Planning Policy Framework (2019).

7. All remediation or protection measures identified in the Remediation Statement referred to in Condition 6; above shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any part of the development hereby permitted.

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

Reason: To ensure that 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 off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 178 and 180 of the National Planning Policy Framework (2019).

8. The demolition works and development hereby approved shall be constructed/ undertaken fully in accordance with the recommendation set out in the submitted Preliminary Ecology Assessment.

No above ground work shall commence on the building hereby approved until details of integrated bat and bird boxes has submitted to and agreed in writing by the Local Planning Authority.

Reason: To safeguard against harm to protected species and to ensure the development contributes towards the conservation and restoration of habitats in accordance with the NPPF and Policy CS26 of the Core Strategy 2013.

9. The existing north-eastern and southern boundary walls and attached vegetation shall be retained in their entirety in perpetuity.

If the walls cannot be retained for structural reasons then prior to the commencement of development (including demolition) a scheme of ecological compensation measures shall be submitted to and approved in writing by the Local Planning Authority. These measures shall be implemented as agreed and thereafter maintained as such.

Reason: To safeguard the character, appearance and historic interest of the area and to ensure the development does not have a negative impact on biodiversity/ecology in accordance with Policies CS26 and CS27 of the Core Strategy 2013.

10. No development shall take place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, 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 1 in 100 year + 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.

1. A detailed drainage plan including the location and provided volume of all SuDS features, pipe runs and discharge points into any storage features.
2. Detailed engineered drawings of the proposed SuDS features including their, location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event.
3. Demonstrate an appropriate SuDS management and treatment train and inclusion of above ground features such as a blue roof etc. reducing the requirement for any underground storage.
4. Provision of Thames Water agreement for proposed run-off rates and volumes.
5. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To prevent the increased risk of flooding, both on and off site in accordance with Policy CS31 of the Core Strategy 2013.

11. Upon completion of the drainage works, and prior to the building being bought into use, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority.

The management and maintenance plan shall include:

1. Provision of a complete set of as built drawings including the final drainage layout for the site drainage network.

2. Maintenance and operational activities for the lifetime of the development.
3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory maintenance of the surface water network on the site and to reduce the risk of flooding to the proposed development and future occupants. In accordance with Policy CS31 of the Core Strategy 2013.

12. The first floor windows and doors in the eastern of the extension hereby permitted shall be non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is fitted. All parts of the windows and doors below 1.7m from the floor level shall be permanently fitted with obscured glazing.

The first floor stairwell window (window further to the left) in the western elevation of the building hereby approved shall be permanently fitted with obscured glazing

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy CS12 (c) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 127 (f) of the National Planning Policy Framework (2019).

13. The development hereby approved shall be operated fully in accordance with the submitted Berkhamsted School Old Dairy Workshop Noise Assessment (Report No. 18-0086-2 R01) . The extract fan serving the workshop shall have a sound power level not exceeding 70dBA and shall not contain any tonal character.

Reason: To safeguard the residential amenities of surrounding properties in accordance with Policy CS12 of the Core Strategy 2013.

14. Prior to the commencement of development (including demolition) a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan should consider all phases of the development. The construction of the development shall only be carried out in accordance with the approved Construction Management Plan which shall include details of:

- o construction vehicle numbers, type and routing;
- o traffic management requirements;
- o construction and storage compounds (including areas designated for car parking);
- o siting and details of wheel washing facilities;
- o cleaning of site entrances, site tracks and the adjacent public highway;
- o timing of construction activities (to avoid school pick up/drop off times);
- o provision of sufficient on-site parking prior to commencement of construction activities;
- o post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- o construction or demolition hours of operation; and
- o dust and noise control measures.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with Policies 51 and 54 of the Dacorum Borough Local Plan (2004), Policy CS8 of the Dacorum Borough Core Strategy (2013) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

15. The workshops hereby permitted shall not be operational other than between the hours of:

08.00 - 17.00

Reason: To protect the residential amenities of the locality in accordance with to Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 127 (f) of the National Planning Policy Framework (2019).

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage and during the course of several applications which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

2.
 1. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

 2. 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.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

 3. 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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Berkhamsted Town council	Decision: Objection Comments: 'Although the Committee had no objection to the principle of replacing the Old Dairy, the scale, height, proximity and subsequent overlooking and intrusion onto neighbouring dwellings is inappropriate. The Committee would like the Planning Officer to take the issues raised by

	<p>the residents into account and request the following revisions to the proposed scheme:</p> <ul style="list-style-type: none"> . the removal of ivy and the resulting impact on wildlife and habitat needs to be considered with the restoration of green walls to replace any demolished or destroyed; . the restoration or replacement of any destroyed adjacent historic walls; . the installation of a secure gate to secure the site at night with a master light switch to prevent light pollution; . limited or no access and repair only access to the roof; . the roof materials should be sympathetic to the local properties; . the workshop plant must not be proximate to the wall backing on to Bridge Street properties to avoid the transmission of vibration and noise; . the rear fenestration of the upper structure should be above 1.8m and opaque; . a sunlight assessment should be completed to assess the possible loss of amenity in adjacent patio gardens in summer months as well as winter; . given the narrow access off Castle St onto the site, a demolition plan and method statement should be submitted. <p>The Committee also requested clarification regarding the change of use and its potential implications.</p> <p>CS12, Appendix 3 (i, iv, vi).'</p>
Archaeology Unit (HCC)	<p>This application is essentially identical in archaeological terms to previous scheme 4/01127/19/FUL. Our advice therefore remains the same as for that application and is reproduced below.</p> <p>The proposed development is within Area of Archaeological Significance no. 21, as identified in the Local Plan. This covers the core of historic Berkhamsted, and includes the motte and bailey castle and medieval town, as well as areas of prehistoric, Roman and Saxon occupation.</p> <p>The proposed development site is in close proximity to Berkhamsted Castle (Historic Environment Record no. 39), an 11th century motte and bailey castle which is a Scheduled Monument. It is one of the best preserved Norman castles in the country. Castle Street is likely to have come into existence in the 12th century as a thoroughfare linking the castle to the newly rebuilt St Peter's Church (Thompson & Bryant 2006, 7).</p> <p>Given the site's position on the main medieval street between the castle and the town, the potential for medieval remains here is very high. This is confirmed by the applicant's archaeological Desk-Based Assessment (DBA; Oxford Archaeology 2019). The significance of such remains is likely to lie in their contribution to the overall understanding of the history and notably the configuration of the medieval town. The DBA mentions that an archaeological watching brief just to the north of the site at 27</p>

Castle Street revealed ground that had been disturbed by development in the 19th and 20th centuries, and residual medieval pottery (HER no. 18194). There is, however, evidence of medieval remains surviving well in this part of Berkhamsted (e.g. at the junction of Mill Street and Castle Street to the north (HER no. 13125), and further to the south along Castle Street (HER nos. 10944, 12319, 16203 & 31498), and the level of disturbance may vary from site to site.

The DBA recommends that archaeological investigations take place post consent, and that these comprise a watching brief. We are not entirely in agreement with these recommendations.

It is unlikely that remains that may prove a constraint to development will be present, and therefore we agree that archaeological works may occur post consent. However, given the high potential for archaeological assets of some kind, and the uncertainty about the level of preservation of such remains, the most pragmatic approach will be to evaluate the site before development commences, followed by further work if necessary to mitigate the impact of the development on any in situ remains.

I believe that the position and details of the proposed development are such that it should be regarded as likely to have an impact on significant heritage assets with archaeological interest. I recommend that the following provisions be made, should you be minded to grant consent:

1. The archaeological evaluation, via trial trenching, of the proposed development area, prior to any development taking place. This office is happy to discuss the nature and scope of this evaluation with the applicant or their archaeological agents, as site constraints may complicate the positioning of a trench or trenches;

2. such appropriate mitigation measures indicated as necessary by the evaluation. These may include:

a) the preservation of any archaeological remains in situ, if warranted, by amendment(s) to the design of the development if this is feasible;

b) the appropriate archaeological excavation of any remains before any development commences on the site;

c) the archaeological monitoring and recording of the ground works of the development, including foundations, services, landscaping, access, etc. (and also including a contingency for the preservation or further investigation of any remains then encountered);

3. the analysis of the results of the archaeological work with provisions for the subsequent production of a report and an archive and if appropriate, a publication of these results

4. such other provisions as may be necessary to protect the archaeological interest of the site.

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I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications

	<p>of this development proposal. I further believe that these recommendations closely follow para. 199, etc. of the National Planning Policy Framework, relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).</p> <p>In this case two appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants. I suggest the following wording:</p> <p>Condition A</p> <p>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 assessment of significance and research questions; and:</p> <ol style="list-style-type: none"> 1. The programme and methodology of site investigation and recording 2. The programme and methodology of site investigation and recording as suggested by the evaluation 3. The programme for post investigation assessment 4. Provision to be made for analysis of the site investigation and recording 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation 6. Provision to be made for archive deposition of the analysis and records of the site investigation 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation. <p>Condition B</p> <ol style="list-style-type: none"> i) Any demolition/development shall take place in accordance with the Written Scheme of Investigation approved under Condition A. ii) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured. <p>If planning consent is granted, then this office can provide details of the requirements for the investigation and information on archaeological contractors who may be able to carry out the work.</p>
Hertfordshire County Council Highways	<p>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:</p> <p>The Highway Authority has commented previously on a similar planning application (ref: 4/01127/19/FUL). The application was withdrawn due to the scheme having been revised and the external massing reduced</p>

and modified, to respond to concerns raised (principally by local residents) during the previous application consultation period. This application in terms of highway implications remains the same. Therefore, the previous comments also remain the same as follows:

CONDITIONS

1. Provision of Parking and Servicing Areas

Prior to the first occupation of the development hereby permitted the proposed access /on-site car and cycle parking / turning /waiting area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking /manoeuvring area, in the interests of highway safety.

2. Construction Management Plan

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

The Construction Traffic Management Plan shall include details of: a. Construction vehicle numbers, type, routing; b. Traffic management requirements; c. Construction and storage compounds (including areas designated for car parking); d. Siting and details of wheel washing facilities; f. Cleaning of site entrances, site tracks and the adjacent public highway; g. Timing of construction activities to avoid school pick up/drop off times; h. Provision of sufficient on-site parking prior to commencement of construction activities; i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway.

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

I should be grateful if you would arrange for the following note to the applicant to be appended to any consent issued by your council:-

INFORMATIVES

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

2. 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.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

3. 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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

COMMENTS

This application is for: Demolition of existing old dairy building and redevelopment of site to provide a site facilities building and associated development.

The Site is located on the east side of Castle Street, Berkhamsted, situated behind the residential dwellings of no. 25 and 26 Castle Street.

ACCESS

Access to the site will remain unchanged, via the coaching access between 25 / 26 Castle Street currently serving the building.

PARKING

There will be two parking spaces within the site to serve the building. Employees will continue to use existing parking within the wider campus to supplement parking available within the site.

Since the proposed development will work within the wider operations of the Castle Campus of Berkhamsted School, parking requirements for the proposed building will be met within existing parking arrangements for staff at the school

Standard car parking bays with minimum dimensions of 4.8 metres x 2.4 metres will be provided.

WORKS IN THE HIGHWAY

No works are required in the highway

TURNING SPACE

Drawing no 1812-P500 "Vehicle Access Plan" provides swept path drawings which indicate that vehicles including a flatbed van are able to enter and leave the site in forward gear.

TRIP GENERATION

No significant number of additional trips will be result from this proposal being implemented, since the development relocates the existing Estates Management buildings to a single Estates Hub.

	<p>External deliveries to the Estates Hub will be limited to one per week and would be made by a light van. Movements of items to and from the Estates Hub to serve the Campus (internal movements) would be made by flatbed lorry, twice a day (out in the morning and back in the evening) and very occasionally during the day to pick up and drop off materials.</p> <p>CONCLUSION HCC as highway authority considers that the proposals would not have a severe residual impact upon highway safety or capacity, subject to the conditions and informative notes above</p>
Contaminated Land (DBC)	<p>Having reviewed the documentation submitted with the above planning application and having considered the information held by the Environmental Health Department I have the following advice and recommendations in relation to land contamination.</p> <p>The application is for the substantial redevelopment of an area with a long established commercial/industrial land use history. Therefore, although the application does not propose to introduce a significantly different end use the possibility of the presence of contamination that could impact the environment and the redevelopment itself should be considered by the applicant. For these reasons it is recommended that the following planning conditions are imposed on the permission should it be granted.</p> <p>Contaminated Land Conditions: Condition 1:</p> <p>(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.</p> <p>(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:</p> <p>(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;</p> <p>(ii) The results from the application of an appropriate risk assessment methodology.</p>

(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

(d) This site shall not be occupied, or brought into use, until:

(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

Condition 2:

Any contamination, other than that reported by virtue of Condition 1 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

Informatives:

The above conditions are considered to be in line with paragraphs 170 (e) & (f) and 178 and 179 of the NPPF 2019.

The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire.

	<p>This can be found on www.dacorum.gov.uk by searching for contaminated land.</p>
<p>Lead Local Flood Authority (HCC)</p>	<p>Original Comments;</p> <p>Thank you for consulting us on the above application for demolition of the existing old dairy building. Redevelopment of the site to provide a site facilities building and associated development.</p> <p>We acknowledge there was a previous application submitted for this site, however we understand this is separate therefore will not be referred to within this response.</p> <p>We have reviewed the information submitted by the applicant in support of the planning application, and we understand that a blue roof will be incorporated into the scheme providing a 50% betterment for the 1 in 30 year runoff event, however, the calculation has not been provided</p> <p>Previously developed sites should aim to discharge at the original pre-development greenfield rate where possible. If not, a significant reduction in the current rate of discharge should be achieved and evidence provided as to why greenfield rates are not viable. We require technical justification as to why greenfield runoff rate cannot be achieved.</p> <p>The applicant has indicated on the application form that surface water runoff will also be discharged into a main sewer. In this case, evidence should be provided to show the relevant water company accepts the proposed volumes and rates.</p> <p>In this case, due to a lack of information submitted, we are unable to assess how the applicant intends to manage surface water runoff from the site.</p> <p>In the absence of a 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. This should as a minimum include the following:</p> <ul style="list-style-type: none"> - Statement of compliance with the NPPF and NPPG policies, LPA local plan policies and HCC SuDS Guidance and Policies. - Anecdotal information on existing flood risk with reference to most up to date data and information. - The location/extent of any existing and potential flood risk from all sources including existing overland flow routes, groundwater, flooding from ordinary watercourses referring to the national EA fluvial (river) and surface water flood maps. - A drainage strategy which includes a commitment to providing appropriate SuDS in line with the non-statutory national standards, industry best practice and HCC Guidance for SuDS. - Detailed calculations of existing/proposed surface water storage volumes and flows with initial post development calculations/ modelling in relation to surface water are to be carried out for all rainfall events up

to and including the 1 in 100 year including an allowance for climate change.

- Evidence that if the applicant is proposing to discharge to the local sewer network, they have confirmation from the relevant water company that they have the capacity to take the proposed volumes and run-off rates.

For further advice on what we expect to be contained within the FRA to support an outline planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx> this link also includes HCC's policies on SuDS in Hertfordshire.

Overcoming our objection

The applicant can overcome our objection by undertaking a surface water drainage assessment which demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. It should give priority to the use of sustainable drainage methods, the SuDS hierarchy and management train. Production of a surface water drainage assessment will not in itself result in the removal of an objection.

Informative to the LPA

We ask to be re-consulted with the results of the surface water drainage assessment. We will provide you with bespoke comments within 21 days of receiving a formal re-consultation. Our objection will be maintained until an adequate surface water drainage assessment has been submitted.

Additional Comments;

Thank you for consulting us on the above application for demolition of existing old diary building. Redevelopment of site to provide a site facilities building and associated development.

The Flood Risk Assessment and Outline Drainage Strategy carried out by Heyne Tillet Steel reference 1976 Revision A dated 13 May 2019, and the information submitted in support of this application does not currently provide a suitable basis for assessment to be made of the flood risk arising from the proposed development. In order for the Lead Local Flood Authority to advise the relevant local planning authority that the site will not increase flood risk to the site and elsewhere and can provide appropriate sustainable drainage techniques the following information is required as part of the flood risk assessment;

1. Drainage plan identifying location of existing/proposed connection.

	<p>2. Confirmation from Thames Water that they are satisfied with the connection and proposed discharge rates.</p> <p>Overcoming our objection To address the above points, please see the below comments;</p> <p>1. A surface water drainage layout plan should be provided to support the scheme and include the location of all SuDS features, pipe runs and connections into the surface water sewer overlain on the development layout along with all the corresponding detailed calculations. The FRA states that a CCTV survey of the existing connections has not been carried out. Where it is proposed to utilise an existing, this should be assessed.</p> <p>2. We require permission from Thames Water that they are satisfied with the proposed rates and volumes. This information should be provided upfront prior to the approval of planning permission to ensure that the proposed scheme is feasible. An agreement in principle rather than a formal permission would be acceptable.</p> <p>For further advice on what we expect to be contained within the FRA to support an outline planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx this link also includes HCC's policies on SuDS in Hertfordshire.</p> <p>Please note if the LPA decide to grant planning permission we wished to be notified for our records should there be any subsequent surface water flooding that we may be required to investigate as a result of the new development</p>
<p>Environmental And Community Protection (DBC)</p>	<p>I have read the submitted noise report.</p> <p>I don't have any concerns there will be a harmful noise impact based on predictions. The report identifies the building will have no opening windows and use mechanical ventilation. This will serve as mitigation for noise breakout from the workshops.</p> <p>I would suggest a couple of conditions for noise, one requiring that the workshop shall be ventilated by means of mechanical ventilation and have no opening windows, and one requiring an assessment of the mechanical ventilation system once installed to ensure this does not give rise to any noise issues at neighbouring residential.</p> <p>I suggest the attachment of following conditions.</p> <p>Section 5.0 of the Berkhamsted School Old Dairy Workshop Noise Assessment (Report No. 18-0086-2 R01) prediction of noise levels identifies the following</p>

	<p>"It is proposed that the workshop will be ventilated by an extract fan with the discharge ducted up to the roof level with relief air intake would be via the courtyard. General background ventilation would be via a mechanical system drawing air in and exhausting into the courtyard. No openable windows are proposed".</p> <p>The prediction of noise levels assumes that that extract fan has a discharge sound power level of up to 70dBA. Therefore in order to avoid the likelihood of adverse impact the extract fan serving the workshop shall have a sound power level not exceeding 70dBA. The extract fan shall not contain any tonal character.</p>
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
91	1	0	15	1

Neighbour Responses

Address	Comments
1 Chapel Street Berkhamsted HP4 2EA	<p>The application states 'The proposed building is of a scale and design that is appropriate to the location, taking account of the Conservation Area status, the amenity of neighbouring residents, and also comments raised at during the previous application.' I do not believe this to be the case even remotely!</p> <p>We are still concerned about the height of the building. On the new plans the new building is 110.317 as opposed to the previous submission where it was 111.819. Not really a significant reduction in overall height and still approx 1.5. higher than the existing building and higher in fact than our own two storey residential property. This is still MASSIVE! On the Planning statement it asks 'Can the site be seen from a public road, public footpath, bridleway or other public land?' to which it says NO. It can in fact be seen from the road in various places. I call to mind the old saying 'is it a small cow or a large cow seen at a distance!' Its all very well showing how this will look as seen from over the road but come to my back window or into my garden and imagine how it will be having that monstrosity looming over you every day!</p> <p>The 'staggering' of the building does reduce the 'mass' of the building slightly but it is still way to big. It still dramatically alters the aspect of our property and completely changes the look and feel of the surrounding area. We would still be looking at a great big modern building in the midst of period properties. In the Town Planning meeting</p>

I attended it was discussed that as this used to be an Old Dairy the proposed building should go at least some way to reflect its previous usage, this doesn't seem to have been taken into consideration at all. This is a conservation area, we are not allowed to put dormers on the rear of our properties as it changes the aspect of the rear of the house. How is it that Berkhamsted school can propose to build such a building in the middle of a protected residential area...or is it one rule for us and another for Berkhamsted School??

(There is still a discretion on the plans, even within one drawing. In plan 1812-P350 East elevation it has the roof height matching Castle Street and in the next drawing it is below the height of the roofs on Castle Street. Which is it??)

The flat area of the roof causes a security and privacy issue for us. If someone breaks into the building (there is no gate to the yard) it would be easy to drop down into the gardens of Chapel Street unseen, especially as there are 'demountable roof ladders' handily provided. Also there are doors out onto the flat roof that I'm sure workers would go out onto especially in the warm weather and would be looking directly into our garden and those in Bridge Street.

The flat roof has a huge roof light, in winter this would be lit up from early afternoon and would cause major light pollution for Chapel street and Bridge street residents. In the Planning statement it says that the roof light can be opened to allow the area to be cooled...this effectively would allow all the noise and dirt to come straight out of the roof!!

One of our main concerns is that the property butts right up to our boundary wall. Throughout the document it is not clear whether the wall will be demolished or not. One minute it says 'the exact extent of demolition - pending survey investigation' the next minute it shows some walls to be demolished (1812-P220), and on 1812-P360 it shows the retention of existing brickwork up to 24 Castle Street and 1 & 2 Chapels street with New Facing brickwork. The demolition of this wall is not acceptable.

The Planning statement asks 'Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character?' To which it says NO! If this wall is taken down it would completely destroy the look and feel of our garden. Killing off well established plants and destroying the biodiversity of the surrounding area. The plans show only one of two existing trees but not the hedge in my garden which would almost certainly be killed. The hedge and ivy provide a wealth of shelter to local wildlife. (This section seems to have been ignored)

If Yes to either or both of the above, you may need to provide a full Tree Survey, at the discretion of your local planning authority. If a Tree Survey is required, this and the accompanying plan should be submitted alongside your application. Your local planning authority should make clear on its website what the survey should contain, in accordance with the current BS5837: Trees in relation to design, demolition and construction - Recommendations'.)

	<p>The following activities in the workshop causes me concern on a number of levels.</p> <p>Activities within the workshop are noted to include the use of the following; band saw, chop saw, circular saw, wood planer, mitre saw, bench drills, metal cutter, spindle moulder and grinder. The use of these items will be within the workshop and would be used no more than 2 to 3 hours per day. 6.32 A dust extraction system will be installed to the saw machinery; this will extract dust out of the building and the vent will expel at the refuse area, away from nearby residential units.</p> <p>This will all be very noisy. It has said that the workshop noise will be contained within the buildings but the whole area is so enclosed any noise just ricochets around the walls of the neighbourhood. Someone needs to come and monitor the decibel level as I know from experience when the students are unloading in equipment in the yard it is ridiculously loud.</p> <p>I am also concerned about the dust extraction. As someone who suffers from asthma, to have dust blown up into the air from wood and metal is going to cause me breathing problems. It says this is going to be away from residents but this will not factor in the wind blowing stuff around.</p> <p>In the letter I received from Berkhamsted School it says there will be 14 full time staff and 4-6 part time staff but the application still states 16 full time and 8 part time people. Which ever way you look at it that is still in the region of 20 people going in and out of the yard daily. I can't see how the school can say 'the level of future movement will not give rise to any noticeable change' It will be totally different to how it currently is, it will be busier and noisier in every respect.</p> <p>It states it will only be accessed 08.00 - 17.00 Monday - Friday, 08.00 - 17.00 Saturday and 08.00 - 17.00 Sunday and bank holidays...that'll be all day every day then!</p> <p>I still have concerns about parking. It is nearly impossible to park a round this area. People are inherently lazy and will always try and park as close as possible to where they work.</p>
<p>4 Bridge Street Berkhamsted HP4 2EB</p>	<p>Whilst I appreciate that some improvements have been made, I would like to make the following objections which I feel have not been taken into account.</p> <p>Currently I overlook a lovely wall of green, which is not only appealing to the eye, but also provides a vital habitat for various species of fauna and flora. By removing this and not restoring this aspect, will mean that these vital species are being lost in this ecosystem. This wall of ivy provides a vital habitat for birds, insects and butterflies throughout the year and should not be destroyed. From my understanding, I believe that the developers will make every attempt to retain the wall but due to the delicate state of this, it might not be possible. With this in mind and in order to offset any carbon emissions that will be generated during the construction process I would propose that a 'green wall be constructed. This would demonstrate to the local community that not</p>

	<p>only do the school have generosity but also great community spirit.</p> <p>The wall also helps protect my privacy as well. Whilst some measures have been incorporated to elevate previous concerns and pitched structures have now been staggered, it still brings the structure to within 20m of the back walls of our buildings. The plans also shows that there are windows and doors on the facing walls, which means that people can look directly into our rear windows but staff who work on the site will also have access to the flat roof area via the proposed door, which means that privacy is all but lost.</p> <p>The plans also indicate a rather excessive sky light which, when the lights are on, will increase the light pollution in this area. This could increase when the building begins to get more regular usage. Whilst the school have suggested that this will be kept to about 2-3 hours a day and occasional weekends, how can this be monitored and guaranteed?</p> <p>In addition this there is also a concern over the noise pollution, both during construction and on completion and when in use. Currently we live a very peaceful residential area in the middle of a town. Given the location of the building and the very close proximity to the centre of town, this is extremely rare; the noise of the proposed building works and the proposed usage of the building will destroy this. Again the school have said that is will be kept to about 2-3 hours a day and occasional weekends, but once again I ask, how can this be monitored and guaranteed?</p> <p>Furthermore, I would like to bring up the subject of parking. The planning statement states that there will be two parking spaces within the site. A letter from the school clearly states that 14 full-time office staff and a 4-6 part time staff members will be working there, potentially meaning that 20 staff could be on the site at any given time. Two parking spaces do not seem sufficient to supply these members of staff with adequate parking spaces. It has been mentioned that the staff will continue to use available parking within the school campus, but frequently I find this not to be the case. There is already a short full of spaces within the area with residents having to compete for street parking on a daily basis with school pupils and staff.</p> <p>Finally, I would like to bring up the issue of health with particular reference to dust and potential harmful substances. There has been no mention that due diligence has been carried out on the materials of the existing building. During demolition this will create an enormous amount of dust clouds impacting on the environment and subsequently our health. If the planning did go ahead this could still continue with the amount of dust generated from the workshop.</p>
<p>7 Bridge Street Berkhamsted HP4 2EB</p>	<p>I am a resident of Bridge Street and do not want this industrial building sited behind my house and impacting my life negatively. I enjoy living in the conservation area and fully respect the essence of where I live.</p>

Observations and considerations - Berkhamsted School has options and choices, local residents do not. The school is fortunate to have significant funds available to it and access to professionals whom can best advise how and where to invest such monies. Given the position, land ownership and occupancy the school affords, there are a breadth of assets available to the school. There is a reasonable expectation that the school has a social and community responsibility towards the town and local residents. The school has a clear choice of where to develop such a building and should be considerate enough to do so with the local community in mind. The school should seek to minimise the negative impact on the community not maximise it.

The school has many options to site the proposed development elsewhere in the town - for example, Mill Street - an existing number of buildings owned by the school, this would only impacting industrial units or the school itself, or, the tennis courts behind the school building on Mill Street (there are additional sports facilities at Kitchener's Fields and the Kings Road campus), or, the girl's campus on Kings Road where there is plenty of unused land and not immediately surrounded by residential property, or, Kitchener's Fields - where the school has secured all of the public parking and has ample land to build a sympathetic structure away from residents.

The duration of the building will be a long time of noise/dirt/dust/security risk/unable to open windows and enjoy our gardens - it will change our daily lives to have an industrial unit of such a size and scale being developed at the end of our back gardens.

1. Loss of light or overshadowing - the building will cast a shadow and over residential properties immediately bordering it - Bridge/Chapel and Castle Street. Other properties will be in the shadow of the building at different times of the day.

2. Overlooking/loss of privacy - Bridge Street properties have lost all privacy due to the design of the building directly looking into bedrooms and gardens - this is not the case now. The aspect from the residential properties will change negatively and be obliterated because of this building. The pitched structures have been staggered - which does not 'breakup' the bulk of the building. The closest of the pitched roofs being within 20m of the houses. The windows and doors on the facing walls result in the people in the building being able to look directly into the bedrooms, kitchens and gardens of Bridge Street. This is a loss of privacy. In addition, the people in the building can walk out onto a flat roof area, have conversations, create litter, cigarette butts and create another noise nuisance for Bridge Street.

3. Light pollution - The proposed lighting to the rear of the building is a large skylight system. This will result in light pollution - example of the school doing this is the school canteen. This light pollution will result in all bedrooms being impacted by this unnecessary light source and affecting our standard of living in Bridge Street. The roof lights will also immediately impact the properties.

4. Adequacy of parking/turning - The building location will add to the parking problem. The planning statement (3.5) states that there will be

two parking spaces within the site and employees will "continue to use existing parking within the wider campus to supplement available parking within the site." A letter from the school to some residents' states that the facility will "provide a central workplace for 14 fulltime permanent office staff and a further 4-6 staff on a part-time basis". Two dedicated parking spaces for 18-20 staff is not adequate. The overflow, 16-18 people will compound the already difficult parking situation in the conservation area which sees school students daily, competing with local residents for on street parking. Given the sensitivity of the parking issue and the conflict this has caused between residents and the school already, Berkhamsted school should address this issue not compound it.

5. Noise and disturbance resulting from use - The proposed use of the building is offices and workshops - change of use to that currently used. The noise pollution and disturbance to residents is that of a band saw, chop saw, circular saw, wood planner, mitre saw, bench drills, mettle cutter, spindle moulder and grinder. The industrial extremely noisy machines will be in use 2-3 hours per day 7 days a week. How can the proposed use be acceptable within a residential area? Furthermore, extra curriculum activities for students will mean that the building will be in use during the evening and weekends - thus causing a nuisance to residents 7 days per week. The noise of the school can already be heard by residents and that is one street away on Castle Street. Siting this industrial unit within 10 metres of residential property is unacceptable. Harmful, hazardous emissions during the build and whilst the building is in use have been downgraded. Asbestos, dust emission, building material emissions and harmful particles will be released into the atmosphere. These harmful particles will be ingested by local residents. The dust extraction system and vent will ensure that all of the waste and harmful particles will be blown to residents - the school cannot control the way the wind is blowing. The presence of air conditioning units will also be unsightly and noisy and be directed to the residents.

6. Visual intrusion - the building overlooks my property and negatively changes the aspect. There is a large natural green habitat in existence currently. This eco system supports families of foxes, nesting birds, bats and other wildlife. The proposed building will destroy this habitat in its entirety. It is clear from the documents submitted that the architects have not conducted appropriate surveys and have no intention of doing so. Instead, the architects are using terms to 'mask' the wilful destruction of the habitat and any archaeological interest.

7. Design, appearance and type of materials - The design clearly impacts the outlook from the residences negatively. The rear of the building has a roof area with doors opening onto it. Windows facing directly with a view into bedrooms and gardens enables employees and students to walk on the roof and look into private dwellings. This does not happen now as the building does not allow for this and there is no window or foot access onto the roof. Privacy is important to residents and we have the right to expect privacy. The roof has a direct route through to our properties which is a security risk.

	<p>8. This is clearly a noisy, industrial, commercial unit which should be located with other, similar buildings.</p>
<p>24 Castle Street Berkhamsted HP4 2DW</p>	<p>I am the property owner of no ** Castle St which adjoins this application</p> <p>This is a revised Planning Submission for this property (previously May 2019 which was withdrawn)</p> <p>The proposed roof line has been very slightly lowered on this amended application but fails to have reduced the impact that the proposed plans and elevations will have on my property</p> <p>I am writing with my concern over this totally unreasonable application in the middle of a group of residential properties.</p> <p>The detail shows a very much larger and taller replacement building than the existing.</p> <p>The proposed Ridge height shown is much higher than my adjacent property and would be much closer to my boundary.</p> <p>The proposed new building wall is detailed right on my boundary and at a much higher level than the existing wall</p> <p>In fact, the existing boundary wall at the approx. position where the proposed building will be nearest to my house is 3.45 M high</p> <ul style="list-style-type: none"> - The new height to eaves at this point will be at least 6M - The new ridge height of the proposed roof would be a staggering 10.2m high, within approx.. 4m of my boundary <p>This is clearly shown on drawing 1612-P350</p> <p>I would have a new wall height of approx. 6M right along the full length of my boundary with No.25</p> <p>In addition, Section 1 on drawing 1812-P110, appears to have been deliberately drawn much further back in Chapel St, to not show the full effect of the new taller building on my property No 24 Castle St</p> <p>The proposed new building will be enormous and hugely imposing and cause:-</p> <ul style="list-style-type: none"> - Loss of light and overshadowing - to the whole of my property including my small outside space, as the new boundary wall and ridge heights are much greater than at present - Visual intrusion - ditto - Possible noise and disturbance resulting from use - the footprint and floor area is much greater than the existing. No doubt that will mean much greater personnel and possibly machinery activity than at present <p>As previously discussed, with you on the telephone you have agreed to allow me to show you the impact the proposed building would have on my property when you arrange your site visit</p>

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Berkhamsted
HP4 2EB

While some changes have been made from the initial proposal submitted back in May I do not feel that these have adequately addressed the concerns I registered at that time.

Privacy - Firstly the issue of privacy remains. While the pitched structures have been staggered to 'break up' the overall bulk of the structure, this brings the closest of them to within 20m of the back walls of our houses. Given there are windows and doors on the facing walls of the pitched structures this means they will look out directly into our rear windows. As someone who works from home I will be directly overlooked during work hours and this feels intrusive. I do not understand why an elevated window cannot be installed further up the wall of the pitched structures facing onto Bridge St so that we can retain our privacy while the structures themselves can still receive plenty of light. Why must there be doors granting access to the flat roof?

Light Pollution - While the handrail originally proposed for the rear edge of the flat roof has been removed, it has been replaced by an extensive skylight system, and the fact that roof access remains does not prohibit individuals from being able to walk over this skylight system to the very edge of the roof overlooking our gardens as I am sure it will be made of resilient, load bearing glass. Furthermore, the scale of this lighting system means that significant light pollution will result where the building lights are on, currently we enjoy a minimal level of such light pollution.

Noise Pollution - In addition to light pollution the planning statement (6.31) lists an array of extremely noisy tools which are to be located within the workshop, while their use is stated to be limited to no more than 2-3 hours a day, how is this going to be regulated? This is an unenforceable pledge that is subject to abuse with little or no consequence, and once those tools are in situ in that space they will represent a substantial source of noise pollution in the centre of what is currently, given its proximity to the centre of town, an unusually peaceful area. The intended usage of this building feels fundamentally at odds with its location in the middle of a residential conservation area, office, or storage space would be one thing but a workshop full of saws (band, chop, circular and mitre), grinders, and drills, actually feels wantonly antagonistic!

Parking - The planning statement (3.5) states that there will be two parking spaces within the site and employees will "continue to use existing parking within the wider campus to supplement available parking within the site". A letter from the school to resident's states that the facility will "provide a central workplace for 14 full-time permanent office staff and a further 4-6 staff on a part time basis". Two dedicated parking spaces for 18-20 staff does not feel at all sufficient which means the overflow will only compound the already difficult parking situation in the conservation area which sees school students frequently competing

	<p>with residents for on street parking. I feel that given the sensitivity of the parking issue and the amount of conflict this has caused between residents and the school already, that any new proposal from the Berkhamsted School should at least seek to alleviate, rather than further compound this issue.</p> <p>Outlook - Currently the face, and roof, of the existing structure are covered in a well established layer of flora, comprised of Ivy and wild flowers. As my home office faces out onto this wall I have noted, at various times of the year, it provides a habitat for nesting birds, butterflies, insects and even a family of foxes which occupied the Ivy on the roof for a period. I had heard from Briony, who took the time to meet with the residents, that there had been talk of the developers attempting to retain this wall, but clearly that is impossible given its already delicate state due to the Ivy largely binding it together. As soon as the roof is removed, the Ivy which covers the wall will drag it down as well. Being pragmatic about this I don't expect the original wall to be retained, but I would ask that the school at least consider residents' outlook in their plans by undertaking to install a green wall. This is a point I raised in my previous remarks on the first iteration of these plans and would go some way to offsetting the carbon emissions generated by construction, providing an outlook similar to that being removed, as well as a habitat for the birds and insects which enjoy the current flora on this wall. Here lies an opportunity for the school to do something positive for the local residential community in addition to garnering some good publicity for building in an innovative, and environmentally conscious manner.</p> <p>Health - Finally I see no evidence in the supporting documents that a material analysis of the existing structure has been done in such a way to definitively rule in, or out the presence of asbestos or other harmful substances which, when agitated, throw up carcinogenic dust, the ingestion of which leads to lung cancer and mesothelioma. This is of great concern and I would absolutely want to see due diligence in this area before approving of any demolition activities on that site.</p> <p>Locally Listed Buildings - Finally I note in the Constraints section that there are 3 recorded locally listed buildings but in actual fact the houses on Bridge St are also locally listed. I received a letter from the council some years ago informing me that my property had been locally listed, and I would assume that this goes for all the other houses on the street. This surely needs to be reflected in the constraints?</p>
<p>6 Bridge Street Berkhamsted HP4 2EB</p>	<p>As a resident of Bridge street directly affected by the new build who did get a notice of this work, I can't help but feel that there has been a tactical effort to keep these developments quiet from the large number of residents who's homes and private lives it's going to greatly disrupt.</p> <p>I know that letters have been given out to around 4 homes on Bridge street and the old persons home on the corner of castle street (that will hardly be directly affected) as well as some people on castle street, but I know that a large proportion of people on Bridge street (in particular) are TOTALLY UNAWARE OF THE PROPOSED DEMOLITION OF THE SHED AND THE SUBSEQUENT BUILDING WORK that will be</p>

being carried out for a significant amount of time right on their doorstep. This will mean that their back yards and one street away will become a noisy building site, spewing up dust for an undefined amount of time.

Many of the people that this will affect have simply NOT BEEN INFORMED, or do not have access or knowledge of how to use the technology required for viewing / objecting to these plans.

Having read the proposal documents, I believe that THE IMPACT ON THE RESIDENTS OF BRIDGE STREET AND THE SURROUNDING AREA HAS BEEN GREATLY DOWNPLAYED. This is illustrated in Section 2.1 of the planning statement, which neglects to even mention the residents on both Bridge Street and Castle Street that will be directly impacted by work / the new building quite literally 10m from their bedroom windows.

The existing plans do not seem to include HOW CLOSE THIS NEW BUILD WILL BE TO OUR HOMES. The supporting document titled 'Existing plans' leaves off the perimeter of our homes to the new build with any meaningful scale.

Aside from the aesthetic impact this new build will have, our homes are around 100 years old, and while currently structurally sound (with a few minor cracks from expected settling / heavy vehicles), I WORRY ABOUT THE AFFECTS THAT DISRUPTION TO SOIL AND GROUND SO CLOSE TO THESE VERY OLD BUILDINGS WILL HAVE ON THE FOUNDATIONS.

I would ask WHAT INDEMNITY INSURANCE THE BUILDERS / SCHOOL WILL HAVE for covering any damage to adjacent properties through destruction / construction / ongoing settling / use of the building.

Personally, the back of my home directly overlooks the current shed that does (contrary to what their planning application says) border trees and HOST SIGNIFICANT WILDLIFE. I have often seen birds nesting in the plants that cover the shed, and I'd be keen for a nature survey to be carried out before the building is significantly disturbed to be sure there are not bats (a frequent sight in my back yard) or nesting birds (inc. owls) inside of the structure.

As per section 4.12.1 states " demolition and development in Conservation Areas will be permitted provided they are carried out in a manner which preserved or enhances the established character of appearance of the area." this will certainly not be the case.

Despite the significant disruption to my home during the destruction and re-build, I can't even begin to imagine how they think it appropriate to place a part of the school that will regularly be using BAND SAWS, CHOP SAWS, CIRCULAR SAWS, WOOD PLANERS, MITRE SAWS, BENCH DRILLS, METAL CUTTERS, SPINDLE MOULDERS, AND GRINDERS AS WELL AS A DIST EXTRACTION SYSTEM, RIGHT SLAP BANG IN THE MIDDLE OF A TOTALLY RESIDENTIAL AREA.

The current equivalent building for these services is in a non-residential area on Mill Street - it's unclear as to why this area cannot be re-

developed as it is much bigger and also away from private residences (what with it backing the Tesco car park and delivery entrance. THE NOISE ALONE WILL CAUSE SIGNIFICANT DISRUPTION TO DAILY LIFE (especially for those of us who work from home) and in the planning permission it also details that this could happen at weekends too. As outlined in section 1.8 of the Planning Statement the area will almost certainly be used for extra curricular activities outside of regular working hours. No set times have been defined, with loose approximations used so it's very open for them to use this as a carte blanche without restriction or thought.

I would also expect that for safety reasons, as with many commercial buildings these days, lights will be left on when the building is not being used which will lead to AN INCREASE IN LIGHT POLLUTION for some of the houses even closer to mine.

With a whole roof of windows and heat producing machinery I do not accept that it will be a heat-controlled environment (in fact section 6.26 details that it will be made of 'efficient building fabric to minimise heat loss') and I can absolutely see extra ventilation needed, most likely meaning doors and windows left open (esp in summer) ADDING TO THE NOISE AND DUST POLLUTION OF OUR HOMES CREATED BY A WORKSHOP AND VEHICLE MAINTENANCE AREA.

While I can see that efforts have been made to reduce the privacy impact on our homes once the building is completed, with a buffer of skylight-style windows being added, visibility into our upstairs windows will still be possible. In addition to this, it's unclear as to how long construction will take and the INTRUSION OF PRIVACY this will have with a building site and scaffolding looking directly into bedroom windows, back gardens and kitchens. Not to mention the view that I will left with both during and after construction.

I also cannot tell the affect that the angle sun bouncing off these slanted skylights will have on my home from these plans.

The argument in section 6.2 - 6.4 that "The proposed use of workshop and associated facilities falls within use class B2 with storage elements within use class B8..." I believe to be invalid, as ONCE BUILT THE BUILDING WILL CLEARLY HAVE GONE THROUGH A CHANGE OF USE AND SIT QUITE FIRMLY IN 'D1 NON-RESIDENTIAL INSTITUTIONS' - Clinics, health centres, crèches, day nurseries, day centres, schools, art galleries (other than for sale or hire), museums, libraries, halls, places of worship, church halls, law court. Non residential education and training centres." - what with it containing offices, 16 permanent staff (room for a further 8 on a part-time basis), a workshop and also being an enclosed area being used by the school for administration purposes. This, in my view stops it from merely being and area classified as 'General industrial / Storage or distribution'.

Please understand that this is not just affecting buildings, but homes and people's private lives. I can't help but feel that this is a TOTALLY INAPPROPRIATE STRUCTURE AND USE OF A BUILDING TO BE ON THIS SITE when the school has the financial means and land to build/update these facilities elsewhere. PLEASE REMEMBER THAT

	THESE ARE OUR HOMES, THE SCHOOL HAS A VARIETY OF OPTIONS FOR THIS DEVELOPMENT, WE DO NOT.
6 Bridge Street Berkhamsted HP4 2EB	<p>I live on Bridge Street and strongly object to this proposal. How can such a large development be even considered in a residential area but also how can the proposed development be squeezed into an existing area which currently does not impact on neighbouring properties and has no detrimental effect to the area!</p> <p>The height of the development will sit above all adjacent properties marring the aspect of the road and will not be in keeping with residential properties. Windows, roof lights and similar will impose on all adjacent and rear residential properties. Our gardens would back onto this proposed development and the noise from the building would reverberate along all gardens. We can already hear noise from class rooms which are located on the opposite side of the road to this development. How can a development/ building which will be open 7 days a week, being used as a workshop where students will be using circular saws, wood planers and similar, dust extraction systems fitted to the exterior of the building be seriously considered ! On a summers day with windows open, roof lights open and back doors open the noise levels would be unacceptable. This is a residential area and we do not want this development ! It seems to me that no thought or consideration has been given to the residential community.</p>
14 Bridge Street Berkhamsted HP4 2EB	<p>I object to this revised proposal on the grounds that:</p> <p>The overall size together with the planned activities of the proposed development are still out of character with the Conservation area and will disturb residents.</p> <p>Although the proposed gable ends are now staggered the roof line is still far higher than the existing structure and surrounding buildings on Chapel and Bridge Streets, and the office windows still overlook Bridge Street residents' first floor bedrooms. One may be a kitchenette but that will still be in regular use by office workers.</p> <p>The workshops will be a source of regular noise and dust pollution for residents. The gardens in Bridge Street are small, so the storage buildings will be very close to the back of people's houses. It is not made clear where the dust extraction pipe from the workshop will be situated: given the small footprint of the site, the dust has the potential to be blown across residential properties according to the wind direction.</p> <p>While the roof light has been moved to remove the supposed need for railings around the flat roof, it is now situated over the rear storage areas backing immediately onto the party wall with Bridge Street gardens, and as such will be a new source of light pollution and disturbance to residents. Unless it is made to a particularly high specification, glass is also more likely to transmit sound waves than other materials, so this feature will increase noise pollution over the previous design.</p> <p>Removal of existing boundary wall:</p>

I have concerns that the proposal: "includes provision to remove and re-build the east boundary wall (adjoining rear access lane to Bridge street properties) which is more recent."

The existing party wall at the back of Bridge Street houses is a fragile wall of single brick width. If it were to collapse during excavations it could place residents, their pets and their garden structures at risk.

Change of use: the application argues that this new development is not a change of use, however it states that the existing building is used for "storage and general yard area associated with the support services of the school."

The new building includes a workshop with mechanical equipment, which I would argue is a substantial change of use and will dramatically increase the noise disturbance. Also the office is a change of use.

This is a largely residential area and this new combined office and workshop without provision for sufficient parking will cause additional strain on street parking. Parking is already a source of tension between the school and residents, as sixth formers already park in Bridge St, Chapel St and Castle Street, in competition with residents. There is no space on the surrounding streets for additional cars from workers who would be using this office, and it is disingenuous to suggest they will park at other sites on the various school campuses across the town: it's human nature to try and park as close as possible to your work place.

There are discrepancies in the proposal as to the amount of traffic from the maintenance vehicle to and from the site - in one part of the proposal it states that the vehicle will be travelling out and back once a day, whereas in item 3.6 in the supporting documents it states that ?:

?????"The project brief requires the new development to be able to frequently to move equipment and materials between the workshops and????? the rest of the school."

I have reservations about the removal of the existing structure - there is no satisfactory survey of the potential for hazardous materials to exist within the building. I do not agree that this design is "of far greater architectural merit than the existing and therefore provides a positive effect to the character of the conservation area". The proposal is patently a grossly oversized building, and it adds nothing of architectural value. The character of the Conservation area and all the cottages along Bridge Street have local listed status - if I were to apply for planning permission to build right up to the boundary wall it would be rejected as out of keeping with the area. This plan does little to address the objections to the original proposal.

If this application was for a modest, low height, two storey office building which didn't overlook existing residents' bedrooms and included decent parking provision, I would not be submitting an objection. It is the overall size of the development with structures adjacent to boundaries on such a small enclosed site together with the proposed mechanical workshop which is unacceptable. The existing workshop site at Mill Street is a

	<p>more suitable site for that part of the school's operation. I am frustrated that Berkhamsted School is persisting with this contentious scheme to the detriment of local residents.</p>
<p>1 Bridge Street Berkhamsted HP4 2EB</p>	<p>We at number *****still have serious concerns with this newly revised planning proposal.</p> <ol style="list-style-type: none"> 1. It seems we will still be overlooked directly into our rear windows from the structure. So giving us no privacy. 2. We at number ***** are particularly concerned about an opening/gap which is on the left hand side of the garden wall. It is approximately 4-5 metres lower than the rest of the wall. This could seriously stop light coming into our house/garden. As the sun goes down in the summer evenings it actually recedes in this gap. As we spend a lot of time enjoying sitting in our garden most evenings this proposed building will affect the light and our privacy. 3. Very worried about significant lights from the structure (in the winter especially) infringing on our privacy and creating light pollution. 4. Noise from very noisy tools in the workshop. You say 2-3 hours a day. But, will that really be kept to that amount? We are a residential peaceful area. It seems odd to build these workshops so close to private dwellings. 5. Very concerned about our flora back wall. It has taken many years to grow and establish several creepers and ivy. This will all be demolished or killed. Along with the wildlife. We do in fact also find it difficult to believe that the wall can be retained. 6. You say 20 staff, but 2 parking spaces. I have lived here 28 years and parking is a challenge. Adding to an already creaking system will only make matters worse. We have had an ongoing battle for many years with students from Berkhamsted school. Why can't all the students park their cars in an area that is already been allocated to them (Kitchener's Fields). 7. Asbestos removal, dust creation during the build and the emissions from the workshop will be discharged into the atmosphere in the vicinity of our property. This is a health hazard. 8. My ***** so also have several members of my family who visit us regularly in Bridge Street. This is very worrying. Also many children come to our house. 9. This development will undoubtedly affect the value of our house.
<p>Stonycroft 9 Shrublands Road Berkhamsted HP4 3HY</p>	<p>I write on behalf of the BCA Townscape Group of which I am Chairman. The Group considered some progress had been made towards improvement of the plans for the site but were mindful of the continuing concerns of the neighbours in Chapel Street, Bridge Street and Castle Street, which it would like to support. These are: the proposed buildings are still too tall and bulky; light pollution is probable from its large roof lights; noise and dust pollution, 7 days per week, is possible from the</p>

	<p>machines in the workshop; and on-street parking would be exacerbated. Should permission be granted, the Citizens recommends that curbs be placed on all these aspects of the development.</p>
<p>31 Bridge Street Berkhamsted HP4 2EB</p>	<p>I hope that all of these objections are taken seriously and that the impact of this application will be considered properly and with thought for neighbours and the area where we reside. Here are some of my objections.</p> <p>The proposed building is too big.</p> <p>The activities proposed within the new building will produce too much noise for the surrounding residential neighbourhood.</p> <p>This is a locally listed building within a conservation area. Whilst existing residents are unable to have a dormer windows on their property, how this sort of structure is even being considered is beyond me.</p> <p>There will be loss of light to all of the properties that back on to the proposed building. Their homes will be greatly impacted.</p> <p>Loss of privacy to all neighbours backing on to the proposed structure.</p> <p>Light pollution with the large sky light.</p> <p>Parking..? The parking situation in Bridge Street and the immediate surrounding area is already at an unmanageable level. The school currently turns a blind eye to constant traffic violations along Chapel Street and this proposed building has completely insufficient parking for the said usage.</p> <p>Noise disturbance 7 days a week in a residential area. The site of a workshop with saws, metal cutters will produce immense amounts of dust and pollution.</p> <p>The building currently houses quite a lot of wildlife and it would be nice if this could be considered in some way.</p> <p>I hope that these comments and others will make a difference to this application and it should be refused on many many levels. It is a shame that residents of Bridge Street have to deal with this and feel scared that this will be granted as most of the school applications are.</p> <p>I have not even been informed of the planning and am a Bridge Street resident on the opposite side of the road. This will affect our side of the street as well and I am concerned that we haven't been informed by letter by the case officer.</p>
<p>25 Bridge Street Berkhamsted HP4 2EB</p>	<p>I am concerned about the proposal to convert the old diary into a workshop in the middle of a quiet conservation area for a number of reasons:</p>

	<p>> The amount of dust and particulate substances that will be emitted from the proposed "workshop" space would likely dirty the neighbouring horticulture causing plants and local shrubs to be covered in higher levels of dust and particulates that will scare away locally nesting birds and wildlife.</p> <p>> The amount of noise created from a workshop filled with heavy construction machinery is alarm to say the least.</p> <p>> The transportation of large amounts of construction goods going to and from the site on a regular basis would be disruptive as I would expect the items being transported will be large and cumbersome and the pavements nearby do not need more heavy vehicles to add to their strain.</p> <p>> There isn't sufficient parking already in the neighbouring streets with most residents fighting against local school students to get a parking space in the morning. Having an extra building worth of staff without providing appropriate parking spaces for them would cause greater strain on the streets nearby, Chapel Street, Bridge Street in particular.</p>
<p>25 Bridge Street Berkhamsted HP4 2EB</p>	<p>I object to the planning permission for the following reasons:</p> <ul style="list-style-type: none"> - Noise disturbance to nearby residents. School pupils moving to and from the facility each hour will without doubt cause disturbance to nearby residents. - Pupils regularly crossing a busy road. An accident is bound to happen, with pupils darting across the road to get to their next class. Risk of life asides, it'll also disrupt the flow of traffic on Castle street. - Invasion of privacy. Currently the houses overlook shrubbery, inhabited by birds and other fauna. 20m is not enough distance to by any stretch - it's merely shoehorning a building into an awkward space. If you have to force it, it's probably... not worth it. - Pollution. Dust extracted near to resident's gardens will make the once-peaceful homes feel like they've landed on a building site. - The building is out-of-character with the conservation area. By definition, one should 'conserve' - not remove, rebuild and restructure, taking inspiration from tetris (again, to fit a building into an awkward shape). - Parking. Thankfully, I don't have a car, but I've witnessed the drama of pupils parking up the road, annoying residents. Parking is a mission as it is - with more people trying to park, it'll be mission impossible! - House values. All of the above will affect the value of our homes. Long-term residents have lived here for several years, and have key roles within the Berkhamsted community - they help to make Berkhamsted friendly and true to its roots. This will drive away valuable residents, and may have a butterfly affect on the town overall.

	<p>I'm surprised the school thought it would be a good idea to choose this location to build a workshop. It's caused a huge stir in the community - not only for directly-neighbouring residents, but for those on surrounding streets, too. There will be a huge commotion if the work goes ahead, and I thoroughly hope they reconsider.</p>
<p>28 Castle Street Berkhamsted HP4 2DW</p>	<p>I would like to object to this planning application.</p> <p>We have two children and the noise and dust created by this workshop once operational will have a negative impact on their ability to play in the garden given the likelihood of dust being expelled into the air and the noise created as well as potentially disturbing their day time sleep. In addition, this is a conservation area and I am concerned about the impact major works could have on the structure of my home.</p> <p>I also note that the site will only provide two parking spaces for the staff present. As I'm sure the council will be aware there is a significant parking issue on Castle Street and the surrounding roads that has not been addressed. This is exacerbated by the school who clearly do not provide enough parking for their staff and students given the number of them who park on the roads in the area on a daily basis. I am concerned that by providing only two parking spaces on this site residents will have even less chance of being able to park their cars, creating not just inconvenience in terms of having to park a long walk from our homes (particularly difficult for those of us with children) but also having an economic impact when we have to park in paid for car parks.</p>
<p>2 Bridge Street Berkhamsted HP4 2EB</p>	<p>As a Bridge Street resident I must, once again, register my strongest possible objections to the revised proposal 4/02119/19/FUL. Despite a number of minor alterations to the design, the modifications do not address many of the major concerns of the residents previously made. In fact, the modifications actually pose additional problems themselves.</p> <p>The fundamental question still remains however, as to why the school would even consider putting a noisy workshop in the middle of a quiet residential area an appropriate action to take.</p> <p>The extensive list of machinery to be used in the workshop is frightening. It has the potential to dramatically increase the noise levels for the surrounding residents. The revised plans for the skylight to stretch across the entire back section of this workshop will only serve to raise this noise pollution still further. There is no mention in the documents as to any kind of soundproofing to counteract this effect. There is also no detail in the plans as to the location of the machinery in regards to the layout of the building. This could potentially leave the residents of 1-4 Bridge Street with industrial machinery attached to the wall directly backing onto the gardens. There is a reference to a dust extraction system for the machinery. This would also generate noise and presumably need fans for operation when the machinery is in use. No mention either of air conditioning units, which I would assume to be part of a new build and mounted externally increasing the noise levels further.</p>

The skylight was increased in length as a solution to concerns from residents about overlooking and safety. The problem still remains however as there is still access to the flat roof. This negates any benefits of the staggered recessed gables. The privacy-arc and minimum separation distance would still be encroached. In a letter from the school dated 3rd September to only a few residents it states that this access 'would be restricted to routine maintenance activities.' Is roof access really required? If this were to be true why are two doors necessary? Assurances would need to be given that the flat roof area would not simply turn into a roof terrace. Surely one would be sufficient and could be placed on the smaller wall of the kitchen area to avoid overlooking. The windows on the gables overlooking Bridge Street could also be placed higher up in the gables. This would still allow light into the building without overlooking the residents and invading privacy. The skylight also has light pollution issues if not controlled and monitored properly.

The loss of light issue has been assessed by way of a 'Daylight and Shadow Analysis' (Document 44844847 Section 3.7). This survey does not cover the entire year (being taken from 22nd September/20th March and from 8am through 5pm). Surely a more detailed all year round survey would be required to assess how the surrounding buildings would be impacted throughout the summer months and also later in the day.

There is also reference to Dacorum Council's pre-app response (Section 3.1 - Bidwells document) to retain older boundary walls on the site where possible. In response (Document 44844846 Section 3.6) 'At this stage it is not possible to gain full access to them to ascertain either their age or condition and therefore would intend further inspection as and when fuller access can be achieved.' To the best of my knowledge the residents of Bridge Street have never been approached and would happily invite such an inspection. The survey team could then see for themselves the full extent of the natural flora and wildlife that reside there. Removal of these boundary walls would have a significant impact and a detailed assessment would need to be conducted to reassure the residents regarding safety concerns. There is no mention of a green wall to provide a similar or equivalent replacement if the boundary wall had to be removed. Again, this just shows a lack of concern and feelings towards the residents.

Full assessment of potentially hazardous existing building materials removal seems to be of little consideration. How would they intend to remove this safely and also how would new materials be brought on-site?

No indication is given as to the duration of the build. This will have a huge impact on the quality of life for all the surrounding residents and is already costing me sleepless nights. Traffic is a major concern with lorries clogging up the already congested surrounding roads adding to the daily parking nightmare.

The school has offered a contact by means of a letter to selected residents who objected last time on the proposal. This is totally inadequate especially as the letter contradicts the planning application

	<p>submitted. It reassured residents that the Estates Hub would now be smaller with 14 full-time permanent office staff and a further 4-6 staff on a part-time basis. Staff would be relocating 'from existing Estate Management Buildings'. The planning application clearly states under 'proposed employees' 16 full-time and 8 part-time. This does not exactly fill me with any confidence that the school is being entirely honest with the residents or council.</p> <p>There is absolutely NO benefit for the surrounding residents. Simple, better solutions do not appear to have been a consideration but the BEST solution would be not to build it at all.</p> <p>I can only hope that the council will act in the best interests of the residents and the conservation area and reject the proposal outright.</p>
<p>27 castle street berkhamsted hp4 3db</p>	<p>The revised scheme no longer has an adverse affect on our property at 27 Castle street.</p> <p>The school is a great asset to our town creating employment and educating our children and for these reasons I fully support the revised scheme.</p>

5c. 19/02993/FUL - Redevelopment of site to provide 6 no. dwellings with associated parking, landscaping and hardstanding (amended scheme)

Land R/O 12 Trowley Hill Road, Flamstead, St Albans



Proposed Site Context Plan



Typical Elevations - Units 3 and 4

ITEM NUMBER: 5c

19/02993/FUL	Redevelopment of site to provide 6 no. dwellings with associated parking, landscaping and hardstanding (amended scheme)	
Site Address:	Land R/O 12 Trowley Hill Road Flamstead St Albans Hertfordshire AL3 8EE	
Applicant/Agent:	Founthill Ltd	
Case Officer:	Simon Dunn-Lwin	
Parish/Ward:	Flamstead Parish Council	Watling
Referral to Committee:	Due to the contrary views of Flamstead Parish Council.	

1. RECOMMENDATION

1.1 That planning permission be **DELEGATED TO THE GROUP MANAGER DEVELOPMENT MANAGEMENT WITH A VIEW TO APPROVAL**, subject to:-

- A) The completion of a S106 Agreement for the provision of open space on the adjacent blue land which is to be landscaped and maintained as an orchard in perpetuity; and
- B) The planning conditions set out at the end of the report.

2. SUMMARY

2.1 The proposal constitutes the redevelopment of previously developed land (PDL) or brownfield land in Flamstead village to accord with the NPPF and Policies NP1, CS1, CS5 and CS6 of the Core Strategy.

2.2 The proposed scheme is considered acceptable in terms of scale and design in the context of the site and its surroundings. It would not harm the character and appearance of the village or the Flamstead Conservation Area to accord with Policies CS11, CS12 and CS27 of the Core Strategy and Saved Policy 120 and Appendix 3 of the saved Local Plan 2004.

2.3 The proposed access and parking arrangements are considered satisfactory and would not adversely impact on highway safety to accord with Policies CS8 and CS12 of the Core Strategy and Saved Policies 51, 54 and 58 and Appendix 5 of the saved Local Plan 2004.

3. SITE DESCRIPTION

3.1 The application site comprises an inverted L-shaped with a site area of approximately 0.27 hectares, including the access road from Trowley Hill Road. It lies beyond the western edge of the village of Flamstead. The site is generally unkempt and occupied by open storage of building materials and structures associated with a builders yard. The existing builders yard, with a site area of approximately 0.65 hectares, was granted a lawful use certificate in 2018 (Ref: 4/01299/18/LDE) and extends further to the west. Additional land to the west within the blue line site boundary comprises approximately 300 sq.m and remains unused.

3.2 There are several single-storey structures (sheds, storage containers and workshops) primarily along the northern and southern boundary of the site. It is bordered to the east by a single storey building occupied by a separate business. It forms part of a larger site, which extends further to the west and includes the unused open land which is the remnants of a former orchard, as described above. The larger site is marked with the blue boundary line on the submitted site context plan. The entrance to the existing access road to the site is located between nos. 12 and 14 Trowley Hill Road.

3.3 The site is located within the designated Green Belt. It is also located within the designated Flamstead Conservation Area. Frontage buildings in a row at nos.6, 8, 12 and no.16 on the south side of the site entrance on Trowley Hill Road are designated Grade 2 Statutory Listed Buildings. The site is partially located within an Area of Archaeological Significance to the east. The western boundary of the larger site to the west (blue line boundary) abuts the boundary of the Chilterns AONB. A Public Right of Way (PROW Flamstead 033) also extends along the western edge and continues to the north and connects with PROW 034, which traverses the field diagonally to the northwest of the site to connect with PROW 031. The latter runs along the rear of the properties on Friendless Lane, terminating at Chapel Road in the village core to the east.

4. PROPOSAL

4.1 Redevelopment of the site to provide 6 new dwellings with associated parking, landscaping and associated hardstanding.

4.2 The application has been amended since the original submission to address design concerns and full reconsultation undertaken with statutory consultees and the local community.

5. PLANNING HISTORY

Planning Applications (If Any):

4/00306/19/FUL - Construction of 6 new dwellings with associated parking, landscaping and hardstanding

REF - 5th September 2019

4/00136/19/LDP - Construction of building for storage of building materials

GRA - 18th March 2019

4/02585/18/LDP - Construction of buildings for the storage of building materials

WDN - 16th January 2019

4/01299/18/LDE - Storage of building materials

GRA - 27th July 2018

Appeals (If Any):

6. CONSTRAINTS

Parking Accessibility Zone (DBLP): 4

Special Control for Advertisements: Advert Spec Contr

Area of Archaeological Significance: 18

CIL Zone: CIL2

Conservation Area: FLAMSTED

Former Land Use (Risk Zone): Pumping Station, Hollybush Lane, Flamstead

Former Land Use (Risk Zone): Former Smithy, Trowley Hill Road, Flamstead

Former Land Use (Risk Zone): Graveyard, High Street, Flamstead

Green Belt: Policy: CS5

Grade: II,

Parish: Flamstead CP

RAF Halton and Chenies Zone: Green (15.2m)

Small Village: 2

EA Source Protection Zone: 3

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (February 2019)
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

Core Strategy

NP1 - Supporting Development

CS1 - Distribution of Development

CS5 – Green Belt

CS6 – Small Village in the Green Belt

CS8 – Sustainable Transport

CS10 - Quality of Settlement Design

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

CS13 – Quality of Public Realm

CS17 – New Housing

CS18 – Mix of Housing

CS26 – Green Infrastructure

CS27 – Quality of Historic Environment

CS29 - Sustainable Design and Construction

CS31 – Water Management

CS32 – Air, Soil and Water Quality

CS35 – Infrastructure and Developer Contributions

Local Plan

Policy 10 – Optimising the Use of Urban Land

Policy 13 – Planning Conditions and Planning Obligations

Policy 18 – The size of New Dwellings

Policy 51 – Development and Transport Impacts

Policy 21 – Density of Residential Development

Policy 51 – Development and Transport Impacts

Policy 54 – Highway Design

Policy 58 – Private Parking Provision

Policy 99 – Preservation of Trees, Hedgerows and Woodlands

Policy 100 – Tree and Woodland Planting

Policy 111 – Height of Buildings

Policy 118 – Important Archaeological remains

Policy 119 – Development affecting Listed Buildings

Policy 120 – Development in Conservation Areas

Appendix 3 – Layout of Residential Development

Appendix 5 – Car Parking Standards

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2002)
Planning Obligations (2011)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal;
Impact on openness of the Green Belt
The quality of design and impact on visual amenity;
The impact on residential amenity; and
The impact on highway safety and car parking.

Principle of Development

9.2 The site is located within the Green Belt wherein Adopted Core Strategy Policies CS5 and CS6 apply. CS5 e) defers to the NPPF wherein the redevelopment of previously developed sites, defined in the NPPF as previously developed land or brownfield land is permitted provided:-

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

9.3 In this instance, the proposal is not considered to significantly impact on the character and appearance of the countryside to satisfy caveat i). This is considered further below in terms of the Green Belt. The restoration of the adjacent orchard and economic benefits brought about by new housing developments in the countryside that supports the local economy is considered to satisfy caveat ii).

9.4 Policy CS6 a) also permits the replacement of existing buildings within selected small villages in the Green Belt, including Flamstead. Policy CS6 b) relating to limited infilling does not apply because the site sits outside, but on the boundary of the defined village boundary, as designated within the saved Local Plan 2004. The permitted development under Policy CS6 a) is subject to the following:-

“Each development must:

- i. Be sympathetic to its surroundings, including the adjoining countryside, in terms of local character, design, scale, landscaping and visual impact; and*
- ii. Retain the protected features essential to the character and appearance of the village.”*

9.5 The NPPF 2019 is less restrictive. Paragraph 145g) of the NPPF allows for the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development which is considered below.

9.6 In view of the above, the proposal is considered to accord with the requirements of the development plan and the NPPF on the principle of the development proposed.

Impact on Openness of the Green Belt

9.7 The principle of the proposal is justified on the basis of the exceptions test under Paragraph 145 g), which the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) as appropriate development within the Green Belt.

9.8 However, compliance with the test in the first indent of Paragraph 145 g) should be demonstrated. The test requires that partial or complete redevelopment should not have a greater impact on the openness of the Green Belt (GB) than the existing development.

9.9 The Courts have acknowledged that the assessment of impact on the GB is a matter for the decision maker. It has a spatial and visual dimension. The former is a statistical comparison of existing floorspace and site coverage of buildings, including volume, compared to the proposed buildings.

9.10 The proposal would reduce the overall site coverage of the builders yard by approximately 58%, providing compact cluster buildings closer to the village edge and retain/restore the remaining area to the west (including the unused former orchard) comprising 0.4 hectares of land within the blue boundary. The restoration and maintenance of the open land to the west as an orchard is secured by a S106 agreement.

9.11 The reduction in the overall site coverage of the existing buildings and structures is - 21% within a corresponding reduction in hardstanding of -67%. The overall volume compared to the existing buildings/structure would increase by approximately 7%, because the houses are predominantly two storeys in height.

9.12 In spatial terms the proposal would decrease in site coverage but would marginally increase in volume but condensed in to a smaller area, which is balanced against the increase in green space of the orchard land. The comparative analysis of the spatial dimension proposed is therefore considered acceptable.

9.13 In terms of the visual dimension, the latest Supreme Court ruling in *R (Samuel Smith Old Brewery (Tadcaster) and others) (Respondents) v North Yorkshire County Council* on 5th February 2020 indicates that the visual quality of a landscape is not in itself an essential part of the openness for which the green belt is protected. The Court decision clarifies that the reference to "openness" in paragraph 146 of NPPF, "*does not imply freedom from any form of development*" and "*is not necessarily a statement about the visual qualities of the land*". Although visual impact may, in some cases, be relevant to the question of whether openness will be preserved, the weight to be given to it was "a matter of planning judgment, not law". The visual impact is nevertheless considered relevant in this case.

9.14 In views into the village from the AONB and public receptors (PROWS) to the west, the proposal would impact on openness, but this would be set against the backdrop of the village edge, and off-set by the restoration of the orchard land and green spaces buffering the site, with gardens surrounding the new houses. Built form would appear conspicuous from the village edge from the east, given the height and cluster of buildings in the proposal as described.

9.15 However, by removing the eye-sore of the builders yard, and balanced against a much larger portion of the site to the west (approximately 0.38 ha) restored to green space, and consequently returned to the Green Belt, the overall visual impact is considered proportionate and acceptable.

9.16 In view of the above the proposal is considered acceptable in terms of the spatial and visual impacts on the openness of the Green Belt and complaint with NPPF paragraph 145g). By default it is compliant with Core Strategy Policy CS5 and CS6.

Quality of Design / Impact on Visual Amenity

9.17 High quality design is required in the context of the site and neighbouring properties to comply with Policies CS11, CS12 and CS13 of the Core Strategy and Saved Appendices 3 and 5 of the Dacorum Borough Local Plan. Since the refusal of the last application, the applicant has worked with the Council to devise a suitable scale and style of architecture appropriate to the site and surroundings. The density of the proposal is 22 dwellings per hectare (dph), which is less than the prevailing density of properties fronting Trowley hill Road (nos. 2 to 18) at approximately 35 dph.

9.18 The proposed development is for an L-shaped range of 1 ½ storey brick / flint built properties and 2 further semi-detached 'barn-like' dwellings to the west, together forming a U-shaped courtyard style development. The courtyard would be used for car parking and would incorporate some landscaping/soft planting. The development is confined to the east part of the site and is reasonably compact. All dwellings are provided with private gardens to the rear.

9.19 The car parking area is located within the central courtyard. The layout utilises the existing access point from Trowley Hill Road. The access is shared with an existing business located in a single storey building on the eastern boundary of the site. The layout of the dwellings, landscaping, amenity space and access is considered satisfactory.

9.20 The scale, height and design of the buildings in a traditional 'cottage' style is appropriate to the rural setting. The current application has been amended and a significant amount of advice provided in terms of layout, scale and design, both at the pre-app stage and during the assessment process. It has undergone a several iterations to satisfy the Council's Design and Conservation Officer. The final scheme is considered acceptable and preserves the character and appearance of the Flamstead Conservation Area and the significance of statutory listed buildings in the vicinity. The proposal accords with relevant conservation based policies within the NPPF and policy CS27.

9.21 Regard has been had to the statutory tests of preserving or enhancing the character and appearance of Conservation Areas and the setting of Listed Buildings under S.66 and S72 of The Planning (Listed Building and Conservation Areas) Act 1990, which is accepted is a higher duty. It is concluded that no harm would arise on the setting of the adjacent listed buildings and the character and appearance of the Conservation Area, which is preserved.

9.22 For the above reasons the design and appearance of the proposal is considered acceptable. No harm would arise on heritage assets. The proposal is considered to accord with Paragraphs 127 and 192 of the NPPF, Policies CS11, CS12 and CS27 of the Core Strategy and saved Policy 120 of the saved Local Plan 2004.

Impact on Residential Amenity

9.23 The development is one and half storeys in height at approximately 6.2m in maximum height to ridge on Plots 1 to 4. Plots 5 and 6 are approximately 5.5m from ground to ridge. Garden depths

are approximately 11.5m or more. The privacy distances within the scheme respects the minimum standard of 23m between Plots 1-2 and 5-6.

9.24 The separation with the nearest neighbours in a back to back arrangements for Plots 1 and 2 with the first floor rear of the houses on Trowley Hill Road is a minimum distance of approximately 42m. Given the above the proposal would not give rise to adverse amenity impacts in terms of loss of light, overlooking or loss of privacy with neighbouring properties on Trowley Hill Road.

9.25 With respect to amenity impacts for future occupants the design and layout of the proposal comply with Appendix 3 of the saved Local Plan. Generous gardens are provided for the proposed dwellings. For these reasons, it is considered that the amenity impacts on neighbours and of future occupants are acceptable and comply with Core Strategy Policy CS12.

Impact on Highway Safety and Parking

9.26 No objections are raised by the highway authority with respect to traffic generation, highway safety or access arrangements. The Fire and Rescue Service has also confirmed the existing access on Trowley Hill Road is adequate which addresses local concerns on this issue.

9.27 It should be noted that the removal of the builders yard will also eliminate the commercial vehicle movement to the site, including JCBs, which has given rise to access issues on Trowley hill Road where the entrance between nos. 12 and 14 is relatively narrow at approximately 4m and insufficient to allow two way traffic. Movement predominantly by cars via this access is considered preferable to ease the issues surrounding damage to properties at the mouth of the access reported by neighbours. A Construction Management Plan is recommended by condition to address site access and traffic management issues during the construction phase.

9.28 The site layout accommodates parking within the central courtyard for 13 parking spaces, including one disabled space. The Council's maximum requirement for accessibility Zone 4 for the proposed dwelling mix of 2 x 2 bed and 4 x 3 bed dwellings is 12. Parking spaces are marked out on the block layout plan. The proposal meets Council standards under Appendix 5 of the Local Plan for the dwelling mix proposed.

9.29 No objections are raised on access, parking and highway safety which is considered to comply with saved Policies 51, 54 and 58 of the saved Local Plan and Core Strategy Policy CS8.

Other Material Planning Considerations

Impact on Trees and Landscaping

9.30 Concern has been raised by neighbours with respect to the potential loss of trees and hedges particularly along the northern boundary of the site, which is the established landscape character of this verdant and rural part of the conservation area on the edge of the AONB. The perimeter hedges to the north and west are retained and no trees are likely to be affected given the proposed building footprint.

9.31 The restoration of the orchard land to the west which is the subject to further approval under the terms of the S106 agreement, and details of landscaping conditioned for further approval will secure the appropriate landscaping of the site to preserve and enhance the verdant character and green spaces and enhance the ecological habitat.

Waste Management

9.32 The application is supported by details of a private waste management scheme for the proposed dwellings which utilises smaller waste collection vehicles. Details of bin storage is reserved

within the recommended landscaping condition for further approval. Waste management is considered acceptable.

Ecology

9.33 Concerns have also been expressed about the impact on local ecology. A Preliminary Ecological Appraisal has been submitted in support of the application, which has been considered by the Ecologist at Herts County Council and comments are contained in Appendix A to the report. The recommendation for an Ecological Management Plan is reserved by condition for further approval. It should be noted that the return of nearly 60% of the land to orchard via the S106 agreement will significantly enhance the ecological value of the builder's yard.

Archaeology

9.34 The County Archaeologist has confirmed that with appropriate conditions, heritage assets can be safeguarded.

Ground Contamination

9.35 The Council's Contamination Officer also confirms that appropriate conditions can be applied to address this issue for further detailed investigations to safeguard the health and wellbeing of future occupants.

Noise

9.36 The aircraft noise impact condition suggested by the Environmental Health Officer is not considered reasonable or necessary given the existing village and rural context, together with insulation requirements under separate legislation. i.e. the Building Regulations.

Response to Neighbour Comments

9.37 These points have been addressed above.

Community Infrastructure Levy (CIL)

9.38 The development would be CIL liable in Zone 2 where the adopted CIL Charging Schedule specify a payment of £150 per square metre for all new residential development to address community infrastructure provision. A CIL form has been submitted.

Planning Obligations

9.39 The applicant has submitted a draft S106 Unilateral Undertaking to restore 58% of the existing builder's yard to an orchard and amalgamated with the neglected parcel of land to the west (all within the blue line site boundary), amounting to approximately 0.41 hectares in total land area. Details of how this area of land will be landscaped and restored is reserved by provisions within the S106 agreement, and subject to further approval. The restored orchard land will be retained in perpetuity by the agreement.

10. CONCLUSION

10.1 In view of the above the proposal is considered to be sustainable development in accordance with the development plan and the NPPF.

11. RECOMMENDATION

11.1 That planning permission be granted in accordance with the terms set out under paragraph 1.1 above at the beginning of the report.

Case Officer Check List	Officer Check/Comments
Has the consultation letter/site notice/advert period expired?	Y
Was a site notice posted and if so, was the date entered into Uniform?	Y
Is the Article 35 Statement included?	Y
Is the CIL box ticked/un-ticked in Uniform?	Y
Are all plans, documents, site photographs and emails saved to DMS?	Y
If applicable, please give the reason why the application is overtime.	Negotiate amendments, & reconsult. Committee cycle.
Does the application involve the demolition of any buildings that are currently in use?	Y – Minor structures.
Is there a Legal Agreement?	Y
Has the Uniform Legal Agreement box been filled in?	Y
Is a copy of the agreement on DMS (both redacted and non-redacted versions)? Has the agreement been published on the website?	On completion.

Condition(s) and Reason(s):

1. The development hereby permitted shall begin 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:

FLA - P01 rev A	Existing Location Plan
C4T5/FOU/FLA4 - S03/1 rev H	Proposed Site Plan (inc. Fire Hydrant)
FLA - S05 rev F	Proposed Site Context Plan
C4T5/CIV/FLA004-P04 rev F	Proposed Plots One and Two
C4T5/CIV/FLA004-P05 rev G	Proposed Plots Three and Four
C4T5/CIV/FLA004-P06 rev F	Proposed Plots Five and Six

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

3. No development (excluding demolition/ground investigations) shall take place until details of the materials to be used in the construction of the external surfaces of the development, including window and door details, hereby permitted have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the Council offices. Materials should be kept on site and arrangements made with the Planning Officer for inspection.

Reason: To ensure satisfactory appearance to the development and to safeguard the visual character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

4. No construction of the superstructure shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- o all external hard surfaces within the site;
- o other surfacing materials;
- o means of enclosure/boundary treatment;
- o soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;
- o minor artefacts and structures (e.g. signs, refuse or other storage units, etc.); and
- o retained historic landscape features and proposals for restoration, where relevant.

The planting must be carried out within one planting season of completing the development.

Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity.

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS12 (e) of the Dacorum Borough Council Core Strategy (2013).

5. No development (excluding ground investigations or archaeological investigations) shall take place until a scheme for the enhancement of the site for biodiversity purposes, to include timescales for implementation and future management, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of enhancements shall be implemented in accordance with the approved details and thereafter so retained.

Reason: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to Policy CS26 of the Dacorum Borough Core Strategy and Section 15 of the National Planning Policy Framework (2019).

6. No construction of the superstructure shall commence until an Archaeological 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:

- (a) The programme and methodology of site investigation and recording.
- (b) The programme for post investigation assessment.
- (c) Provision to be made for analysis of the site investigation and recording.
- (d) Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- (e) Provision to be made for archive deposition of the analysis and records of the site investigation.
- (f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with saved Policy 118 of the Dacorum Borough Local Plan (2004), Policy CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 189 of the National Planning Policy Framework (2019).

7. i) Development shall take place in accordance with the Written Scheme of Investigation approved under Condition 6.

ii) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 6 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with saved Policy 118 of the Dacorum Borough Local Plan (2004), Policy CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 189 of the National Planning Policy Framework (2019).

8. No development, shall take place until a Phase I Report to assess the actual or potential contamination at the site has been 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:

(i) 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.

(ii) 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.

(iii) 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 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 off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 178 and 180 of the National Planning Policy Framework (2019).

9. All remediation or protection measures identified in the Remediation Statement referred to in Condition 8 above shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any part of the development hereby permitted.

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

Reason: To ensure that 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 off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 178 and 180 of the National Planning Policy Framework (2019).

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the Local Planning Authority:

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

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality within the Green Belt and Flamstead Conservation Area in accordance with Policy CS5, CS12 and CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 127 of the National Planning Policy Framework (2019).

11. Details for the provision of cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the first occupation of the relevant part of the development to which they relate and retained thereafter.

Reason: To provide for alternative modes of transport, having regard to Policy CS8 of the Dacorum Borough Core Strategy (2013) and Paragraph 104 (d) of the National Planning Policy Framework (2019).

12. Prior to the first occupation of the development hereby permitted the proposed access, on-site car parking and turning area shall be laid out, demarcated, surfaced and drained in accordance with the approved plan and retained thereafter for that specific use.

Reason: In accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013), Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and Section 9 of the National Planning Policy Framework (2019).

13. Prior to the commencement of any below ground construction works including the erection of any foundations a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan should consider all phases (excluding demolition) of the development. The construction of the development shall only be carried out in accordance with the approved Construction Management Plan which shall include details of:

- o construction vehicle numbers, type and routing;
- o traffic management requirements;
- o construction and storage compounds (including areas designated for car parking);
- o siting and details of wheel washing facilities;
- o cleaning of site entrances, site tracks and the adjacent public highway;
- o timing of construction activities (to avoid school pick up/drop off times);
- o provision of sufficient on-site parking prior to commencement of construction activities;
- o post construction restoration/reinstatement of the working areas and temporary access to the public highway;

- o construction or demolition hours of operation; and
- o dust and noise control measures.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with Policies 51 and 54 of the Dacorum Borough Local Plan (2004), Policy CS8 of the Dacorum Borough Core Strategy (2013) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2. The above contamination conditions are considered to be in line with paragraphs 170 (e) & (f) and 178 and 179 of the NPPF 2019. The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.dacorum.gov.uk by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.
3. Construction Hours of Working - (Plant & Machinery) Informative

In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0730hrs to 1730hrs on Monday to Friday, 08:00hrs to 1300hrs Saturday, and no noisy works permitted at any time on Sundays or bank holidays.

Construction Dust Informative

Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.

Noise on Construction/Demolition Sites Informative

The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments

<p>Hertfordshire Highways (HCC)</p>	<p>Proposal Redevelopment of site to provide 6 dwellings with associated parking, landscaping and hardstanding (amended scheme)</p> <p>Amendment Swept Path Analysis drawings for vehicles submitted</p> <p>Decision Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <p>1. No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority to illustrate the following: a. Provision of a suitable level of safe, secure and convenient cycle parking. Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <p>2. Provision of Parking & Servicing Areas Prior to the first occupation of the development hereby permitted the proposed access, on-site car parking and turning area shall be laid out, demarcated, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use. Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <p>3. Construction Management No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of: a. Construction vehicle numbers, type, routing; b. Access arrangements to the site; c. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas); d. Siting and details of wheel washing facilities; e. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times; f. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements. Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <p>COMMENTS / ANALYSIS:</p>
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The proposal comprises of the redevelopment of an existing builders yard to provide six dwellings with associated works at land to the rear of 12 Trowley Hill Road, Flamstead. Trowley Hill Road is designated as an unclassified local access road, subject to a speed limit of 30mph and is highway maintainable at public expense.

ACCESS:

The site has an existing access and private access road from Trowley Hill Road into the site. The proposals utilize this existing access. The general access arrangements are considered to be acceptable by HCC as Highway Authority and following consideration of the size and nature of the proposals, the access onto Trowley Hill Road is acceptable.

The proposed dwellings are approximately 70 to 100m from the nearest highway. Following recommendations from HCC as Highway Authority and Herts Fire & Rescue, the applicant has submitted a swept path analysis plan to illustrate that a fire tender would be able to enter the site, turn around and egress to the highway in forward gear. Whilst the area is tight, the arrangements are considered to be acceptable by HCC as Highway Authority. Herts Fire and Rescue have also stated that the provision and details are adequate (13/01/2020).

The applicant has confirmed that a private waste collection company would be used to collect waste. Any bin storage areas would need to be provided within 30m of each dwelling in order to be acceptable. A swept path analysis for a small refuse collection vehicle is shown on submitted drawing no. SK03 B, the details of which are considered to be acceptable.

CAR PARKING

The proposal includes the provision of fourteen car parking spaces, the layout of which is shown on plan no. C4t5/FOU/FLA4-S03/1 D. The size and layout of the parking area is acceptable and in accordance with MfS and Roads in Hertfordshire: Highway Design Guide. Nevertheless consideration would need to be made to ensure that the turning area for emergency and refuse vehicles is kept clear of parked cars.

Dacorum Borough Council (DBC) is the parking authority for the district and therefore should ultimately be satisfied with the level of parking.

CONCLUSION:

HCC as Highway Authority considers that the proposal would not have an unreasonable impact on the safety and operation of the surrounding highway. The development is unlikely to result in a significant increase of vehicles using the surrounding highway network. Therefore HCC has

	no objections on highway grounds to the application, subject to the inclusion of the above planning conditions.
Hertfordshire Fire & Rescue	<p>Thank you for your letter dated 31/12/19, enclosing a copy of the planning application 19/02993/FUL.</p> <p>We have examined the drawings and note that the access for fire appliances appears to be adequate.</p>
Archaeology Unit (HCC)	<p>Thank you for consulting us on the above application. Please note that the following advice is based on the policies contained in the National Planning Policy Framework.</p> <p>As previously notified, with regard to an earlier development proposal for this site (4/00306/19/FUL), the proposed development is in Area of Archaeological Significance no. 18, as identified in the Local Plan. This covers the historic core of the village of Flamstead, which has Late Saxon origins.</p> <p>Flamstead, meaning 'place of refuge', is first documented in AD 990, and it is believed that it grew up in the Late Saxon and early medieval period as a place of safe accommodation for travellers along Watling Street (Historic Environment Record no. 2637). The parish church of St Leonard has a Norman tower and nave, and Roman brick was reused and incorporated into the former (HER nos. 864 & 1372). It is Grade I listed and contains, according to the list description, the 'second most important wall paintings in the county' after St Albans Abbey.</p> <p>The church and accompanying medieval settlement were situated on a hilltop overlooking Watling Street. The proposed development site is on the same hilltop, circa 80m to the west of the church, and may be within the extent of the Saxon/medieval settlement. There is therefore potential at this location for encountering and negatively impacting on buried heritage assets dating to those periods.</p> <p>I believe that the position and details of the proposed development are such that it should be regarded as likely to have an impact on significant heritage assets with archaeological interest. I recommend that the following provisions be made, should you be minded to grant consent:</p> <ol style="list-style-type: none"> 1. The archaeological evaluation, via trial trenching, of the development area, prior to any development taking place; 2. such appropriate mitigation measures indicated as necessary by the evaluation. These may include:

a) the preservation of any archaeological remains in situ, if warranted, by amendment(s) to the design of the development if this is feasible;

b) the appropriate archaeological excavation of any remains before any development commences on the site;

c) the archaeological monitoring and recording of the ground works of the development, including foundations, services, landscaping, access, etc.

and also including a contingency for the preservation or further investigation of any remains then encountered);

3. the analysis of the results of the archaeological work with provisions for the subsequent production of a report and an archive and if appropriate, a publication of these results

4. such other provisions as may be necessary to protect the archaeological interest of the site.

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow para. 199, etc. of the National Planning Policy Framework, and the relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

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

Condition A

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

1. The programme and methodology of site investigation and recording

2. The programme and methodology of site investigation and recording as suggested by the evaluation

3. The programme for post investigation assessment

4. Provision to be made for analysis of the site investigation and recording

5. Provision to be made for publication and dissemination of the analysis and records of the site investigation

	<p>6. Provision to be made for archive deposition of the analysis and records of the site investigation</p> <p>7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.</p> <p>Condition B</p> <p>i) Any demolition/development shall take place in accordance with the Written Scheme of Investigation approved under Condition A.</p> <p>ii) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.</p> <p>If planning consent is granted, then this office can provide details of the requirements for the investigation and information on archaeological contractors who may be able to carry out the work.</p>
<p>Environmental And Community Protection (DBC)</p>	<p>My comments remain unchanged from earlier applications on this site (condition for noise and construction informative).</p> <p>Suggested Condition - noise</p> <p>Prior to development commencing the applicant shall submit to the LPA an assessment of noise on each habitable room due to its exposure to air transportation noise. Where the assessment identifies that mitigation measures are required to protect likely future occupiers from noise, the assessment shall provide an outline mitigation statement having regard to the principles of good acoustic design. Any scheme of mitigation shall also be subject to approval by the LPA, and once approved, shall be implemented in accordance with the approval prior to first occupation and retained thereafter.</p> <p>Reason: Policy CS32 - any development proposals which could cause harm from a significant increase in pollution (into the air, soil or any water body) by virtue of the emissions of fumes, particles, effluent, radiation, smell light, noise or noxious substances, will not be permitted.</p> <p>Construction Hours of Working - (Plant & Machinery) Informative</p> <p>In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0730hrs to 1730hrs on Monday to Friday, 08:00hrs to 1300hrs Saturday, and no noisy works permitted at any time on Sundays or bank holidays.</p>

Construction Dust Informative

Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.

Noise on Construction/Demolition Sites Informative

The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.

DBC Contamination Response 24.12.19

Having reviewed the documentation submitted with the above planning application and having considered the information held by the Environmental Health Department I have the following advice and recommendations in relation to land contamination.

There is no objection to the proposed development, but it will be necessary for the developer to demonstrate that potential for land contamination to affect the proposed development has been considered and where it is present that it will be remediated.

This is considered necessary because the application site has been under a commercial land use since the mid-1900s which will have had the potential to result in ground contamination. This combined with the vulnerability of the proposed end use to the presence of any contamination means that the following planning conditions should be included if permission is granted.

Contaminated Land Conditions:

Condition 1:

(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.

(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;

(ii) The results from the application of an appropriate risk assessment methodology.

(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

(d) This site shall not be occupied, or brought into use, until:

(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

Condition 2:

Any contamination, other than that reported by virtue of Condition 1 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.

	<p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Informatives: The above conditions are considered to be in line with paragraphs 170 (e) & (f) and 178 and 179 of the NPPF 2019.</p> <p>The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.dacorum.gov.uk by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.</p>
Local Parish	<p>The PC objects to this application for the following reason:</p> <p>Access: Despite the assurance that Highways has performed a traffic flow study which raised no issue with this egress, the PC is quite clear that this increase in vehicle movements will undoubtedly put lives at risk, in particular those of children. Any assessment of the traffic flow much be done at peak times when families are walking to and from school. The pavements on Trowley Hill Road are narrow and in places non existent and there are always cars parked between the egress point and the junction of Trowley Hill Road with the High Street making visibility very poor. The standard 45 metre splay cannot work here. The PC would invite Highways to reassess the egress with Councillors present. The development could generate up to 10 children plus dogs making the exit very dangerous.</p> <p>The 2 storey houses may impact on the rural scene towards the church from the footpath at the back of the site.</p> <p>Parking is inadequate as it is not possible for all the cars to leave in a forward gear if all the spaces are occupied. There are supposed to be 12.7 spaces, and there are only 12, so the site does not meet the brief.</p> <p>There is no provision for visitors to park and there is no spare capacity for parking on Trowley Hill Road.</p> <p>It is not clear how the refuse lorries will collect the household rubbish and how bin storage will be managed effectively.</p>

<p>Hertfordshire Property Services (HCC)</p>	<p>Hertfordshire County Council's Growth & Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within Dacorum's CIL Zone and does not fall within any of the CIL Reg123 exclusions. Notwithstanding this, 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.</p> <p>I trust the above is of assistance if you require any further information please contact me or the planning obligations team (growth@hertfordshire.gov.uk).</p>
<p>Hertfordshire Highways (HCC)</p>	<p>Decision</p> <p>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:</p> <ol style="list-style-type: none"> 1. No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority to illustrate the following: a. Provision of a suitable level of safe, secure and convenient cycle parking. b. Approval that the access arrangements are acceptable to Herts Fire & Rescue. Details have been forwarded to them. c. Illustrate that the largest anticipated vehicle to access the site can turn around safely and egress to the highway in forward gear. Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018). 2. Provision of Parking & Servicing Areas Prior to the first occupation of the development hereby permitted the proposed access, on-site car parking and turning area shall be laid out, demarcated, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use. Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018). 3. Construction Management No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of: a. Construction vehicle numbers, type, routing; b. Access arrangements to the site; c. Construction and storage compounds (including areas designated for car parking, loading / unloading and

turning areas); d. Siting and details of wheel washing facilities; e. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times; f. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements. Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

COMMENTS / ANALYSIS: The proposal comprises of the redevelopment of an existing builders yard to provide six dwellings with associated works at land to the rear of 12 Trowley Hill Road, Flamstead. Trowley Hill Road is designated as an unclassified local access road, subject to a speed limit of 30mph and is highway maintainable at public expense.

ACCESS: The site has an existing access and private access road from Trowley Hill Road into the site. The proposals utilize this existing access. The general access arrangements are considered to be acceptable by HCC as Highway Authority and following consideration of the size and nature of the proposals, the access onto Trowley Hill Road is acceptable.

Nevertheless the proposed dwellings are approximately 70 to 100m from the nearest highway and therefore HCC as Highway Authority considers that the application would benefit from input from Herts Fire & Rescue. Details have therefore been forwarded to them for their attention and any comments or recommendations, which they may have and the access arrangements would need to be approved as acceptable by Fire and Rescue.

PARKING & MANOEUVRABILITY The proposal includes the provision of fourteen car parking spaces, the layout of which is shown on plan no. C4t5/FOU/FLA4-S03/1 D . The size and layout of the parking area is acceptable and in accordance with MfS and Roads in Hertfordshire: Highway Design Guide. Dacorum Borough Council (DBC) is the parking authority for the district and therefore should ultimately be satisfied with the parking provision.

In order for the proposals to be acceptable, HCC as Highway Authority would recommend that the proposals demonstrate that the largest anticipated vehicle(s) to access the site (e.g. service, delivery vehicles) have the ability to turn around on site and egress to the highway in forward gear.

SURFACE WATER DRAINAGE: The proposed development would need to make adequate provision for drainage on site to ensure that

	<p>surface water is disposed of on site and does not discharge onto the highway.</p> <p>REFUSE / WASTE COLLECTION: The submitted planning statement states that a private waste collection company would be used to collect waste. Any bin storage areas would need to be provided within 30m of each dwelling in order to be acceptable.</p> <p>CONCLUSION: HCC as Highway Authority considers that the proposal would not have an unreasonable impact on the safety and operation of the surrounding highway. The development is unlikely to result in a significant increase of vehicles using the surrounding highway network. Therefore HCC has no objections on highway grounds to the application, subject to the inclusion of the above planning conditions and informative.</p>
<p>Crime Prevention Design Advisor</p>	<p>Thank you for sight of planning application 19/02993/FUL, Redevelopment of site to provide No. 6 dwellings with associated parking, landscaping and hardstanding (amended scheme) Address: Land R/O 12 Trowley Hill Road Flamstead St Albans Hertfordshire AL3 8EE .</p> <p>I have looked at this carefully , my comments are made from a crime prevention perspective only, owing to the location of the proposed dwellings I would ask that they are built to the police minimum security standard Secured by Design .</p> <p>Physical Security (SBD)</p> <p>Layout / Boundary Secure boundary gates/fences required to the side and rear of the properties .</p> <p>Front entrance doors Certificated to BS PAS 24:2016</p> <p>Windows: Ground floor windows and those easily accessible certificated to BS PAS 24:2016 or LPS 1175 , including French doors.</p> <p>Security lighting : Individual dwellings.. (Dusk to dawn lighting).</p> <p>Car Park: It is great to see that car parking has been allocated for this development and it provided at the front of the houses . Please do not</p>

	<p>use bollard lighting anywhere on the site as it is not fit for purpose and is easily damaged.</p>
<p>Conservation & Design (DBC)</p>	<p>At this stage the plans are not sufficiently well designed or detailed to demonstrate the proposals will respect local architectural detailing/style or preserve the character/appearance of the Conservation Area which is essential.</p> <p>My thoughts on the issues that need addressing area as follows:</p> <p>Dormers - I continue to maintain there are too many of them, I appreciate they have been added to provide more space and windows within the roof as the overall volume of development has decreased but they need to look balanced within the roof slopes. The dormers should all be set back within the roof rather than flush with the walls, even if by only a small amount. This would make guttering etc work better and reduce need for downpipes. Dormers need to be properly drawn with traditionally pitched clay tile roofs and details of their cladding - ie lead/timber board/tile/other material detailed.</p> <p>Windows - the windows all need to be casements, preferably with horizontal glazing bars (this is shown on some windows but not all). They should be appropriate in scale on the elevation and appear balanced. Windows in the dormer should not be bigger than the windows below. Plot 1 - there should be a window at first floor level within the roadside gable end. The single arch headed window looks out of place on the front gable of plot 1 although I appreciate this has been added to create a 'feature'.</p> <p>Plot 3 and 4 don't need to be a mirrored pair and their design / front elevation needs further work - they just don't look like 'traditional cottages' which I understand to be the aim. The floor plan shows an additional window adjacent to the front door but this is not shown on the elevations.</p> <p>Materials / detailing - brick soldier coursing above / below windows should be removed. Curved brick arches or flat brick arches above windows should be considered. Brick feature soldier courses should be omitted, brick string courses may be an option. The plans should detail the brick will be laid in a traditional bond (ie Flemish, not plain stretcher) bond and that good quality clay tiles will be used for roofing (for the cottages).</p> <p>Details such as chimney stacks should be added to the 'cottages'.</p> <p>I still have concerns regarding the 'barn-style' bungalows in terms of their low roof pitch and design. As the focal point of the development as</p>

	<p>you enter the site along the access road these 2 dwellings are disappointing in my view.</p> <p>The placing of services such as external meter boxes should be considered.</p>
<p>Conservation & Design (DBC)</p>	<p>The application site lies largely within the Flamstead Conservation Area. Conservation areas are areas that have been designated as being of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. The Planning (Listed Building and Conservation Areas) Act 1990 creates special controls for areas designated as conservation areas.</p> <p>The land to the rear of 12 Trowley Hill Road is currently in use as a builders' yard (and has been used as a builders yard for a number of years) with various sheds / stores / piles of building materials - it is not an attractive site and as such is considered to detract from the character and appearance of the Conservation Area. The site is accessed from Trowley Hill via a narrow track and is not visible within the street scene.</p> <p>There are several listed buildings to the east of the site (fronting Trowley Hill Road) and others, including the grade I St Leonards Church which forms a focal point within the village. The rear plots of listed buildings fronting Trowley Hill Road back on to an existing outbuilding which is not part of the application site so they are not immediately adjacent to the new development. Whilst the new development will be seen in context with the rear of these listed buildings and in views of the tower of St Leonards Church from the public footpath to the west of the application site it is considered that the significance of these designated heritage assets (through development within their setting) will not be harmed under the current proposals.</p> <p>The current application has been amended and a significant amount of advice provided in terms of layout, scale and design, both at the pre-app stage and within the previous (refused) application.</p> <p>The current proposal is for an L-shaped range of 1 ½ storey brick / flint built properties and 2 further semi-detached 'barn-like' dwellings to the west, together forming a U-shaped courtyard style development. The courtyard would be used for car parking and would incorporate some landscaping / soft planting. The development is confined to the east part of the site and is reasonably compact.</p> <p>The design and detailing of units 1 - 4 is now considered acceptable, the number of dormers has been rationalised and the level of detailing improved.</p>

Units 5 and 6 do not have the appearance of traditional farm buildings due to their deep span and low pitch roof, efforts have been made to improve their appearance (the roof pitch has been slightly increased and the design detailing improved) and as they are single storey they will be less intrusive in this position adjacent to the proposed orchard. As such the proposed dwellings are considered to be of an acceptable scale and design.

It should be noted that the 'artists impressions' of the development are now 'out-of-date' as the design / detailing has been improved since they were submitted.

The application proposes returning the western part of the builders yard to an orchard, this is welcomed and should be secured by condition.

Details of landscaping / fencing / boundary treatment should be provided as a condition of any consent. The introduction of tall closeboard fence to the west boundary of the site (adjacent to the orchard) should be avoided as it would be overly suburban in this rural location. All landscaping / boundary treatment should be sympathetic to the semi-rural location of the site and should be a condition of any consent.

The proposed development has undergone a great deal of amendment since its original submission, In their present form the proposals are considered to preserve the character and appearance of the Flamstead Conservation Area and preserve the significance of statutory listed buildings in the vicinity.

The proposal accords with relevant conservation based policies within the NPPF and policy CS27. Recommend approval.

If approved it is recommended the following conditions:

Submission of details of all external construction materials / details of windows / doors (some information on materials / design details was provided on the plans but this is somewhat 'indicative').

Submission of details of landscaping / boundary treatment / surfacing

A s.106 agreement requiring the land to the west of the site to be turned into an orchard

<p>Environmental And Community Protection (DBC)</p>	<p>NOISE/AIR QUALITY No change from earlier comments.</p> <p>CONTAMINATION Having reviewed the planning application I am able to confirm that there is no objection to the proposed development, but that it will be necessary for the developer to demonstrate that the potential for land contamination to affect the proposed development has been considered and where it is present will be remediated.</p> <p>This is considered necessary because the application site has been under a commercial land use since the mid-1900s which will have had the potential to result in ground contamination. This combined with the vulnerability of the proposed end use to the presence of any contamination means that the following planning conditions should be included if permission is granted.</p> <p>Contaminated Land Conditions:</p> <p>Condition 1:</p> <p>(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.</p> <p>(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:</p> <p>(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;</p> <p>(ii) The results from the application of an appropriate risk assessment methodology.</p> <p>(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.</p>
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	<p>(d) This site shall not be occupied, or brought into use, until:</p> <p>(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.</p> <p>(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Condition 2: Any contamination, other than that reported by virtue of Condition 1 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Informative: The above conditions are considered to be in line with paragraphs 170 (e) & (f) and 178 and 179 of the NPPF 2019.</p> <p>The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.dacorum.gov.uk by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.</p>
Archaeology Unit (HCC)	The amendments to the proposed plans do not change the archaeological implications of the scheme. We therefore continue to

	advise (as per our letter of 8 January 2020) that archaeological conditions be placed on planning consent.
Hertfordshire Property Services (HCC)	Hertfordshire County Council's Growth & Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within Dacorum's CIL Zone and does not fall within any of the CIL Reg123 exclusions. Notwithstanding this, 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.
Hertfordshire Highways (HCC)	<p>Proposal Redevelopment of site to provide 6 dwellings with associated parking, landscaping and hardstanding (amended scheme)</p> <p>Amendment Amended site plan to include a turning area https://planning.dacorum.gov.uk/publicaccess/</p> <p>Decision Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <p>1. No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority to illustrate the following: a. Provision of a suitable level of safe, secure and convenient cycle parking.</p> <p>Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <p>2. Provision of Parking & Servicing Areas Prior to the first occupation of the development hereby permitted the proposed access, on-site car parking and turning area shall be laid out, demarcated, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.</p> <p>Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <p>3. Construction Management No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of</p>

the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- d. Siting and details of wheel washing facilities;
- e. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- f. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

COMMENTS / ANALYSIS: The proposal comprises of the redevelopment of an existing builders yard to provide six dwellings with associated works at land to the rear of 12 Trowley Hill Road, Flamstead. Trowley Hill Road is designated as an unclassified local access road, subject to a speed limit of 30mph and is highway maintainable at public expense.

ACCESS: The site has an existing access and private access road from Trowley Hill Road into the site. The proposals utilize this existing access. The general access arrangements are considered to be acceptable by HCC as Highway Authority and following consideration of the size and nature of the proposals, the access onto Trowley Hill Road is acceptable.

The proposed dwellings are approximately 70 to 100m from the nearest highway. Following recommendations from HCC as Highway Authority and Herts Fire & Rescue, the applicant has submitted a swept path analysis plan to illustrate that a fire tender would be able to enter the site, turn around and egress to the highway in forward gear. Whilst the area is tight, the arrangements are considered to be acceptable by HCC as Highway Authority. Herts Fire and Rescue have also stated that the provision and details are adequate (13/01/2020).

The applicant has confirmed that a private waste collection company would be used to collect waste. Any bin storage areas would need to be provided within 30m of each dwelling in order to be acceptable. A swept path analysis for a small refuse collection vehicle is shown on

	<p>submitted drawing no. SK03 B, the details of which are considered to be acceptable.</p> <p>CAR PARKING The amended proposal includes the provision of 13 car parking spaces, the layout of which is shown on plan no. C4t5/FOU/FLA4-S03/1 rev H. The size and layout of the parking area is acceptable and in accordance with MfS and Roads in Hertfordshire: Highway Design Guide. The reduction of parking provision from 14 to 13 is considered to be acceptable by HCC as Highway Authority and necessary to ensure that the turning area for emergency and refuse vehicles is kept clear of parked cars, as indicated on the submitted amended site plan.</p> <p>Dacorum Borough Council (DBC) is the parking authority for the district and therefore should ultimately be satisfied with the level of parking.</p> <p>CONCLUSION: HCC as Highway Authority considers that the proposal would not have an unreasonable impact on the safety and operation of the surrounding highway. The development is unlikely to result in a significant increase of vehicles using the surrounding highway network. Therefore HCC has no objections on highway grounds to the application, subject to the inclusion of the above planning conditions.</p>
Hertfordshire Ecology	<p>Thank you for consulting Hertfordshire Ecology on the above, for which I have the following comments:</p> <p>The application is supported by a Preliminary Ecological Appraisal (PEA) by Skilled Ecology consultancy Ltd (report date January 2020).</p> <p>This entailed an extended phase 1 survey to establish the presence, absence or potential for protected species and habitats and species of principle or conservational importance. The surveys were informed by a data records from the Hertfordshire Environmental Records Centre (HERC) for a 2km a radius around the site location. Surveys included a Preliminary Roost Assessment of buildings and trees and surveys for evidence of protected reptile, amphibian, mammal and bird species. The surveys were carried out on the, 30 December 2019 and appropriate survey effort and methodologies were used. However the timing of the survey is sub optimal timing for botanical surveys.</p> <p>Habitats The only significant habitats found on site were the boundary hedgerows which were assessed to qualify as NERC 2006 section 41 priority habitats, but did not meet the criteria for "important hedgerows</p>

" under the hedgerow regulations 1997. I am pleased to see that the hedgerows are proposed for retention.

The remaining habits were hard landscaping, areas of rough improve grassland, and ruderal plants for which a species list is included and where assessed as being of low ecological value. Despite the suboptimal timing of the survey given the nature of the site, I have no reason to doubt this conclusion.

Protected species and species of conservation importance.

The buildings and trees were found to have negligible potential for roosting bats. Based on this bats are not a constraint to the proposals and the precautionary measures suggested for bats, relating to the demolition of the buildings should be considered optional.

I support the finding, that the likelihood of other protected species on site is low, the impact avoidance measures listed in section 5.1 for Amphibians, reptiles, hedgehogs and nesting birds should be included as Informatives with any consent given.

Ecological enhancements

Modern buildings although providing benefits in build quality and energy efficiency provide little opportunity for species, that in the absence of natural habitats, have become dependent on buildings as nesting and roosting sites.. Opportunities for these species should be built in to the proposals of any well considered design. The ecological report provides a list of such measures detailing type and number which should be adopted in full.

In addition landscaping plans should provide green spaces that provide good connectivity for wildlife and planting plans that enhance the resources for pollinators. This could include native tree, shrub and hedgerow planting. The plans do include a new orchard as part of the proposal which is particularly appropriate given evidence of historical orchards in this area.

The enhancements suggested in the Preliminary Ecological Appraisal by Skilled Ecology consultancy Ltd (report date January 2020) and any other proposed ecological enhancements, not including those element being secured by an S106 agreement, should be incorporated into a Landscape and Ecological Management Plan and submitted to the LPA for consideration as a Condition of approval.

Biodiversity gain

The planning system should aim to deliver overall net gains for biodiversity where possible as laid out in the National Planning Policy Framework and other planning policy documents. The plans include, as

	<p>noted above include regenerating 63% of the site as an orchard and will deliver a biodiversity gain to the site. It is proposed in the accompanying planning document that this is done via a 106 agreement. In which case this will need to be submitted as part of the application and prior to determination.</p>
<p>Crime Prevention Design Advisor</p>	<p>Thank you for sight of planning application 19/02993/FUL, Redevelopment of site to provide No. 6 dwellings with associated parking, landscaping and hardstanding (amended scheme) Address: Land R/O 12 Trowley Hill Road Flamstead St Albans Hertfordshire AL3 8EE.</p> <p>In relation to crime prevention and security I have no further comments regarding this application.</p>
<p>Local Parish</p>	<p>The PC objects to this application by a majority:</p> <p>The access to the site is being seriously misjudged. It is narrow and wonky and a fire appliance could not enter the site quickly without further damage to the properties on either side.</p> <p>There is no safe passage for children and dogs to reach the road. Pulling out onto Trowley Hill Road involves driving out into the middle of the road to ascertain whether any vehicles are approaching due to parked cars on the side of the road which reduces the road to one lane.</p> <p>At peak times with children walking to school, there would be serious safety implications with the increase vehicle movements from the site at peak times - as the pavement provision is inadequate.</p> <p>The Highways splay surveys do not represent a realistic picture of what will happen on the ground.</p> <p>The decision to use 20 mph criterion for the visibility is flawed as it is in a 30 mph zone, so those speeds could be attained which would render the reduced visibility splay to be inadequate.</p> <p>Car parking provision on the site does not allow for large cars, nor give sufficient space to put children into car seats and the tight turning circle could mean that cars will reverse out of the site.</p> <p>There is no visitor parking (although this is as per the planning policy), but there is no spare capacity on the road either - so where do visitors park?</p>

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
22	4	0	4	0

Neighbour Responses

Address	Comments
14 Trowley Hill Road Flamstead St Albans Hertfordshire AL3 8EE	<p>We wish to make you aware of a number of strong objections that we have with regard to the proposed development of 6 new dwellings on the land at the rear of no. 12 Trowley Hill road, application number referenced above. We are the owners of 14 Trowley Hill Road and have lived here for over twenty years. Our home is sited immediately adjacent to the proposed access, the northern wall of our home is the boundary. This development will be detrimental to both our home and standard of living; it will also have a significant negative impact on the immediate local area (which is a Conservation Area) and existing residents. Our specific objections are as follows:</p> <p>Dacorum Adopted Core Strategy states:</p> <p>POLICY CS12: Quality of Site Design (extract) On each site development should:</p> <ul style="list-style-type: none"> a) provide a safe and satisfactory means of access for all users; b) provide sufficient parking and sufficient space for servicing; <p>POLICY CS27: Quality of the Historic Environment All development will favour the conservation of heritage assets.</p> <p>This application does not fulfil either policy CS12a or 12b. It will be further detrimental to the conservation of heritage assets. There will be an increase in traffic which will turn a small access passage for old cottages into a main exit for six dwellings and all associated vehicles seven days a week. The site access proposals are not in accordance with acceptable standards and would lead to further potential safety hazards.</p> <p>Contrary to the assertions of the application docs this proposal will significantly impact the amenity of the local residents and have a negative impact on the Conservation area.</p> <p>Access safety CS 12a) provide a safe and satisfactory means of access for all users;</p> <p>The latest Planning statement submitted with this application states in section 6.5, Highways Parking and Access that:</p> <p>"The current access is considered sub-standard for the use as a storage and distribution hub. The results of this survey conclude that 31m visibility splays are required to serve the development. These 'vis-</p>

splays' can be achieved, further supporting the residential use of the development. "

This statement is correct in that the passage access is not suitable. The development with its current proposed access would further prejudice highway safety:

- o The exit from the passage is onto a narrow road with very narrow pavement on the west side only (about 2ft wide) with very limited visibility- to the right, there is a blind bend. Visibility (with no parked cars) is approx. 20 metres- significantly less than the 31-metre visibility splay requirement calculated by the applicant's traffic survey. Parked cars further reduce visibility to zero. - when turning left it is usually necessary to turn into the opposite side of roadway as left side usually blocked with residents' cars/vans. In short it is highly dangerous exit., I fail to see how building six dwellings will enhance the safety of the exit. The exit is on to Trowley Hill Road which is the main road through the lower half of the village. There is significant traffic during parts of the day including huge farm traffic

- o The proposed site does not provide a safe and satisfactory means of access for all users and furthermore it will be detrimental to the amenity of the current residents. The narrow passage has historically& still does serves as pedestrian access for properties,6,8,12,14. The deeds of these properties specify this right. It is not a road. It allows residents of aforementioned properties to unload. The rear entrances to 8,12,14 open directly onto small yard, there is no pavement. Sometimes children play there, especially at evenings/weekends when the builder's yard is closed. Six properties probably mean 12 additional vehicles as a minimum with 24/7 access seven days a week. Many families with young adult children have 3/4 cars. This is necessitated by the poor public transport service available to Flamstead residents- there is no bus service in the evening & services are hourly during the day.

- o Six new dwellings will generate a higher volume of traffic accessing the passage: with the huge increase in online shopping supermarket deliveries, maintenance workers, gardeners etc.

- o Currently there is no traffic along the passage during the evenings and weekends except for current residents. The builders operate from Monday to Friday during normal working hours. The builders yard generates minimal traffic. There are occasional deliveries of materials. There are around three workers vehicles at the yard there is no consideration of the loss of parking of 5 current residents' vehicles & the subsequent impact on on- street parking, which is already at capacity.

- o The wall of our house is the southern boundary to this narrow access passage (3 metres wide). Our house has repeatedly sustained damage from vehicles currently using this narrow passage, either as an access or as a turning point. On a couple of occasions, the damage has been significant & part of the wall has had to be rebuilt. I have attached some photos as evidence of the damage sustained. Number 12, listed building has also been damaged. +The building of six houses with all the associated vehicles (significantly more than at present) will not

ameliorate this, it will increase the probability of these houses sustaining further damage.

o The results of the traffic survey commissioned by the applicant (included in the previous planning application) conclude that 31m visibility splays are required, & that these "vis-splays" can be achieved. As already stated, visibility is 20m max with no parked vehicles- can be as low as zero visibility so I fail to see how the visibility will suddenly improve.

o The proposed site does not provide a safe and satisfactory means of access for all users and furthermore it will be detrimental to the amenity of the current residents. The narrow passage has historically & still does serve as pedestrian access for properties, 6, 8, 12, 14. The deeds of these properties specify this right. It is not a road. It allows residents of aforementioned properties to unload. The rear entrances to 8, 12, 14 open directly onto small yard, there is no pavement. Sometimes children play there, especially at evenings/weekends when the builder's yard is closed. Six properties probably mean 12 additional vehicles as a minimum with 24/7 access seven days a week. Many families with young adult children have 3/4 cars. This is necessitated by the poor public transport service available to Flamstead residents- there is no bus service in the evening & services are hourly during the day.

o Six new dwellings will generate a higher volume of traffic accessing the passage: with the huge increase in online shopping supermarket deliveries, maintenance workers, gardeners etc.

o Currently there is no traffic along the passage during the evenings and weekends except for current residents. The builders operate from Monday to Friday during normal working hours. The builders yard generates minimal traffic. There are occasional deliveries of materials. There are around three workers vehicles at the yard

o Larger vehicles are only able to access the passage by slowly reversing. If cars are parked to capacity around the entrance, then it is impossible for a large vehicle to access. Larger vehicles are unable to simply exit turn onto the carriageway - if vehicles are parked in the opposite layby (which is most of the time), then exiting vehicles need to do a few manoeuvres before departing on the road. This danger is further compounded by vehicles turning left from the High Street without stopping at the junction.

o There has been no confirmation that the existing employment at the rear of 12 Trowley Hill Road will in fact discontinue if the new houses are built. This would mean the existing residents would then have the impact of existing traffic plus new traffic from 6 new houses.

Refuse collection.

Currently Dacorum operate a weekly kerbside collection. The passage is too narrow for a refuse lorry (or two on alternate weeks) to enter. The 6 properties will generate an extra 12 bins (on recycling days) & 6 additional slop buckets. This means that there will be at least eighteen bins out for collection on the pavement, collection takes place around 8am on Monday mornings when Trowley Hill Road is already very busy with commuters, school traffic & parked cars & children walking to

school. The application makes a vague statement about private refuse collection but gives no detail as to when/how this will function.

Development in the Green Belt

POLICY CS6: Selected Small Villages in the Green Belt, of which Flamstead is one states that the following will be permitted:

- (a) the replacement of existing buildings;
- (b) limited infilling with affordable housing for local people;
- (c) conversion of houses into flats;
- (d) house extensions;
- (e) development for uses closely related to agriculture, forestry and open air recreation, which cannot reasonably be accommodated elsewhere; and
- (f) local facilities to meet the needs of the village.

The application is contrary to Dacorum Core strategy Policy CS6. The proposed site is in the Green Belt & a significant proportion of the site is within Flamstead Conservation Area. The application is for six homes at market value, not "limited infilling ". The application documents (prepared by planners) fail to even mention policy CS 6. The six dwellings are not affordable housing for local people.

Conservation and Wildlife

On a separate note, you should be made aware that there are abundant bats in the area & I regularly see them flying over our garden and beyond. Currently there are a few ramshackle buildings/sheds on the application site, possible roosting sites. Given this information it is probably best practice for the applicant to commission a bat survey as in Britain all bat species and their roosts are legally protected, by both domestic and international legislation. The site in question is home to many wildflowers, foxes, possibly newts, toads, frog & possibly slow worms. (I have them in my garden which is directly adjacent).

It might seem unlikely at first glance but the site is home to abundant wildlife. (much of it lies undisturbed), ironically, more abundant than the adjacent fields. Again, it would be best practice to commission a full ecological survey.

We would be grateful if the council would take our objections into consideration when deciding this application. We would welcome the opportunity to meet with a representative of the planning department at our home to illustrate our objections at first hand.

Comments received on 11.02.2020 on Amended scheme:

Further to your recent letter regarding additional documents received in respect of the above application, we wish to make the following comments. (These are in addition to our comments submitted previously.)

1 Swept path analysis. I have looked at the swept path analysis sketch & would ask you to note that firstly, there are no measurements included (width of road etc.) and also that the pavement is not

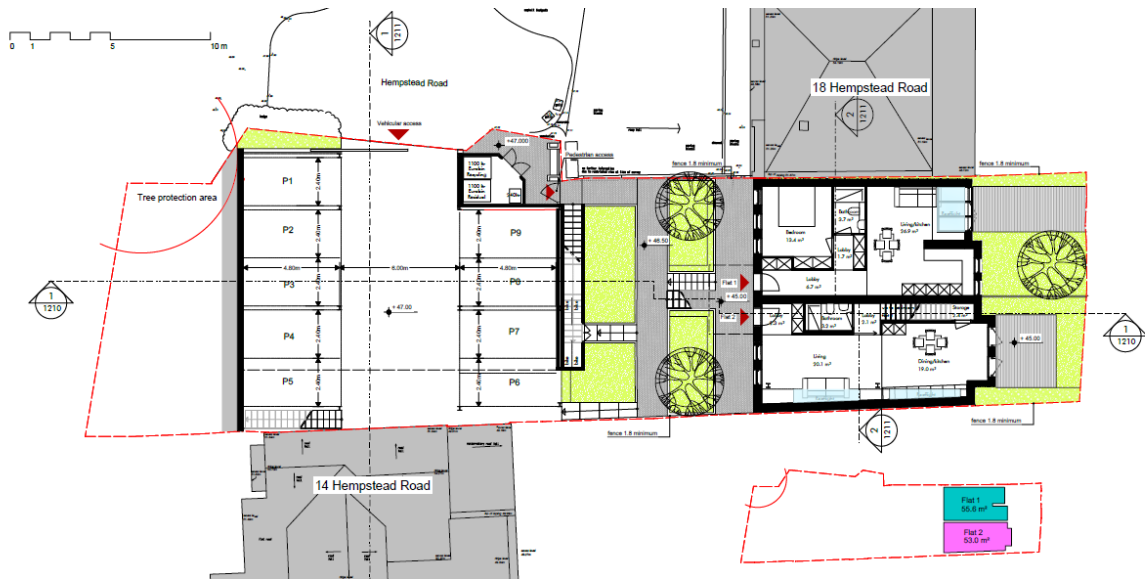
	<p>shown/accounted for on the sketch; cars are shown parked directly adjacent to buildings which is not true, they park adjacent to the pavement. Quite often, there are cars or large vans parked in both the layby and also in front of all the houses on the Western side (including ours, No 14). This drastically narrows the road width available and makes the swept path submitted by the applicant impossible. When cars are parked like this, there is only room for one lane of traffic- the swept path diagram shows ample space for two cars to pass when cars are parked, this is not the case. The other point is that nowhere has any consideration been given to pedestrians & their safety.</p> <p>2. Access for fire service. The consultee, Hert's Fire and Rescue have responded that "access for fire appliances appears to be adequate". This is completely at odds with the comments given by the Fire Officer who visited the site with a fire engine: "On both entry and exit we had to take a wider angle and manoeuvre into a layby/parking space opposite the entrance. (the layby is shown in picture IMG_ 0088) if a vehicle is parked up in this space then it is in my opinion that it would be extremely difficult, even impossible to gain access to the houses planned to be built...."</p> <p>3. Herts Highways also maintain that the access (from Trowley Hill Road) is not a problem & is acceptable. Interestingly, Herts County Council (Highways) have just launched a video featuring the emergency services which highlights the problems & potential loss of life which could arise due to vehicle access problems caused by parked vehicles. I maintain that the access is not suitable - it cannot be suitable if existing properties directly adjacent to the passage regularly sustain damage from vehicles; it cannot be suitable if large vehicles (unable to gain access) have to unload on Trowley Hill road & goods carried through the passage either by smaller vehicle or by hand. It cannot be suitable as there is no room for provision for pedestrians.</p>
<p>8 Trowley Hill Road Flamstead St Albans Hertfordshire AL3 8EE</p>	<p>Dear Sirs</p> <p>I am writing to object to the proposed development of land to the rear of 12 Trowley Hill Rd for the following reasons:-</p> <p>1 - The proposed entrance to this site is too narrow to allow the safe passage of construction traffic without causing considerable safety issues on Trowley Hill Road.</p> <p>This road is already experiencing considerable increase in traffic and the constant flow of construction traffic would add to that. In addition the proposed exit from the site is too close to a busy t junction comprising Trowley Hill Rd, High Street & chapel road, which is NOT show on the plan. The traffic generation from the six homes is a further issue and the approach to this is somewhat blind when approaching past owing to the kink in the road.</p> <p>The access is a right of way to number 4, 6, 8 & 12 already and clear access is to be maintained at all times to these properties. It is a right of way on my deeds of my property - number 8 and I am looking in to who legally owns this land and the legal rights concerning a joint right of way and this proposed development.</p>

	<p>2 - The noise disturbance from this proposed site would cause considerable issues for number 4, 6 & 8 Trowley Hill road and further along the road. The pollution from at least two cars per household would be a further factor.</p> <p>3 - This proposed development would set a dangerous precedence for development as an orchard and a builders yard adjoin the site and if this application was approved it is almost a certainty that the development would be back to add more houses to these sites which would be a gross over development and completely out of keepig with a small village.</p> <p>4 - These houses would over look the rear gardens of number 4, 6,8 & 12 Trowley hill road and present a loss of privacy.</p> <p>5- The homes nearby are listed buildings and this development is in a conservation area and in no way reflects any archtectual merit in enhancing the area.</p> <p>For these reasons I would ask the planning department to decline to approve this application.</p>
<p>1B Singlets Lane Flamstead St Albans Hertfordshire AL3 8EN</p>	<p>The development is too dense. There is insufficient visitor parking which would cause congestion in Trowley Hill Road. The entrance between existing housing is very narrow and vehicles accessing or leaving the development would cause danger to other road users and pedestrians on Trowley Hill Road.</p>
<p>127 Trowley Hill Road Flamstead St Albans Hertfordshire AL3 8DS</p>	<p>Flamstead Parish Council comments are under consultee response. The PC objects to this application by a majority: The access to the site is being seriously misjudged. It is narrow and wonky and a fire appliance could not enter the site quickly without further damage to the properties on either side. There is no safe passage for children and dogs to reach the road. Pulling out onto Trowley Hill Road involves driving out into the middle of the road to ascertain whether any vehicles are approaching due to parked cars on the side of the road which reduces the road to one lane.</p> <p>At peak times with children walking to school, there would be serious safety implications with the increase vehicle movements from the site at peak times - as the pavement provision is inadequate. The Highways splay surveys do not represent a realistic picture of what will happen on the ground. The decision to use 20 mph criterion for the visibility is flawed as it is in a 30 mph zone, so those speeds could be attained which would render the reduced visibility splay to be inadequate. Car parking provision on the site does not allow for large cars, nor give sufficient space to put children into car seats and the tight turning circle could mean that cars will reverse out of the site. There is no visitor parking (although this is as per the planning policy), but there is no spare capacity on the road either - so where do visitors park?</p>

Agenda Item 5d

5d. 4/00222/19/FUL Demolition of existing building and construction of 7 flats in two buildings with undercroft parking provision for 9 cars and landscaping. (Amended Scheme).

16 Hempstead Road, Kings Langley



ITEM NUMBER: 5d

4/02222/19/FUL	Demolition of existing building and construction of 7 flats in two buildings with undercroft parking provision for 9 cars and landscaping. (Amended Scheme).	
Site Address:	16 Hempstead Road Kings Langley WD4 8AD	
Applicant/Agent:	Finleyharrison Ltd/Avalon Construction & Design	
Case Officer:	Simon Dunn-Lwin	
Parish/Ward:	Kings Langley Parish Council	Kings Langley
Referral to Committee:	Due to the contrary views of Kings Langley Parish Council	

1. RECOMMENDATION

That planning permission be granted subject to conditions set out at the end of the report.

2. SUMMARY

2.1 The proposal represents the sustainable development of a brownfield site in an accessible location close to the centre of Kings Langley Village and accords with the NPPF and Policies NP1, CS1 and CS4 of the Core Strategy.

2.2 The scheme proposed is considered acceptable in terms of scale and design in the context of the site and surroundings. It would complement the character and appearance of the site and surroundings without harm to residential amenity and accords with Policies CS11 and CS12 of the Core Strategy and Saved Policies 15, 18, 21 and 111, and Appendix 3 of the saved Local Plan 2004.

2.3 The proposed access and parking arrangements are considered satisfactory and would not adversely impact on highway safety to accord with Policies CS8 and CS12 of the Core Strategy and Saved Policies 51, 54 and 58 and Appendix 5 of the saved Local Plan 2004.

3. SITE DESCRIPTION

3.1 The existing property is a two storey vacant dwelling which appears as a bungalow on the main road frontage to the west with a basement level to the rear garden. The plot slopes steeply to the rear of the site. The rear garden has three out buildings with trees adjacent to the rear boundary. The property backs on to commercial premises.

3.2 The front of the existing house facing Hempstead Road has its entrance into the upper floor of the property at road level, whilst the entrance to the rear of the property is at basement level and accessed from the cul-de-sac off Hempstead Road. The existing house has windows at both ground and first floors on all sides of the property. The front and rear elevation also has a window in the roof space. The roof is steeply pitched.

4. PROPOSAL

4.1 Demolition of existing building and construction of 7 flats in two buildings with undercroft parking provision for 9 cars and landscaping.

4.2 The proposed scheme has been amended from the original submission comprising 9 flats in a continuous block across the site to address design and amenity concerns. Re-consultation has been undertaken with the local community and statutory consultees.

5. PLANNING HISTORY

Planning Applications (If Any):

Appeals (If Any):

6. CONSTRAINTS

A457 - 45.7m Air Dir Limit
CIL2 - Community Infrastructure Levy - Zone 2
FLU - Former Land Use (Risk Zone)
HWT - LHR Wind Turbine
LRGV - Large Village
SIRZ - SSSI Impact Risk Zones
SPZ - Source Protection Zone

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (February 2019)
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

Core Strategy
NP1 - Supporting Development
CS1 - Distribution of Development
CS4 – The Towns and Large Villages
CS8 – Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 – Quality of Public Realm
CS17 – New Housing
CS18 – Mix of Housing
CS29 - Sustainable Design and Construction
CS31 – Water Management
CS32 – Air, Soil and Water Quality
CS35 – Infrastructure and Developer Contributions

Local Plan

Policy 10 – Optimising the Use of Urban Land
Policy 13 – Planning Conditions and Planning Obligations

Policy 18 – The size of New Dwellings
Policy 51 – Development and Transport Impacts
Policy 21 – Density of Residential Development
Policy 51 – Development and Transport Impacts
Policy 54 – Highway Design
Policy 58 – Private Parking Provision
Policy 99 – Preservation of Trees, Hedgerows and Woodlands
Policy 111 – Height of Buildings
Appendix 3 – Layout of Residential Dev
Appendix 5 – Car Parking Standards

Supplementary Planning Guidance/Documents:
Accessibility Zones for the Application of Car Parking Standards (2002)
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal;
The quality of design and impact on visual amenity;
The impact on residential amenity; and
The impact on highway safety and car parking.

Principle of Development

9.2 The application site comprise previously developed land (PDL) within the built up area of Kings Langley Village, defined as a large village within the Dacorum Core Strategy, wherein Policies NP1, CS1 and CS4 apply. The NPPF also encourages the re-use of previously developed land.

9.3 The site is within an established residential area on the edge of the village centre. Core Strategy Policy CS4 encourages the provision of new housing in towns and large villages in a hierarchy of settlements. Saved Local Plan Policy 10 also seeks to optimise the use of available land within urban areas.

9.4 In view of the above, the principle of the proposal is considered to comply with the development plan and the NPPF.

Quality of Design / Impact on Visual Amenity

9.5 High quality design is required in the context of the site and surroundings to comply with Policies CS11, CS12 and CS13 of the Core Strategy, Policies 18, 21, 111 and Saved Appendices 3 and 5 of the Dacorum Borough Local Plan. The density of the proposal is 112 dwellings per hectare (dph) which exceeds the normal range of 30-50 dph set out in Policy 10 of the saved Local Plan.

9.6 However, Policy 10 accepts 'higher densities in urban areas at locations where services and/or work places can be reached without motorised travel or which are served well by passenger transport, for example at town and local centres'. It also stipulates that 'housing proposals will not be permitted if the density of the scheme would adversely affect the amenity and/or character of the surrounding area.

9.7 Paragraph 122 of the NPPF stipulates that planning policies and decisions should support development that makes efficient use of land. Paragraph 123 also encourages a significant uplift in the average density of town centres and other locations well served by public transport, unless there are strong reasons why this would be inappropriate. While it is accepted that the density is high, the location of the site in close proximity to local services and facilities is considered a mitigating factor and the proposed density is considered appropriate for the site for the reasons set out below.

9.8 The proposed development comprise the construction of two separate blocks. The front block, which replaces the existing dwelling is one and a half storeys in height into the roof space for 3 flats with basement parking for 9 cars. It is double fronted in that it addresses the main road and town centre to the front and the cul-de-sac to the side. The rear block is two storeys in height with attic space for 4 flats. The dwelling mix proposed is 6 x 1 bed and 1 x 2 bed starter homes appropriate to the location which would meet an acknowledged demand for smaller homes. The blocks align with the existing building line on the main road and the cul-de-sac to the rear. The blocks are separated by an intervening shared private amenity space. Additional private balconies and rear gardens are provided for flats 1, 2, 5 and 7. The amenity space provision is considered appropriate for the type of housing and location and considered compliant with Appendix 3 of the Local Plan.

9.9 The scale and design of the amended scheme respects the local character. The architectural treatment is neo-classical. The Council's Design Officer supports the amended scheme because the 'composition has been carefully considered and the detailing appear acceptable for the site without having a detrimental impact on the surrounding built environment. Full comments are set out in Appendix A of the report.

9.10 For the above reasons, the density, layout, design and scale of the proposal is considered acceptable and compliant with Policies CS11, CS12 and CS13 of the Core Strategy, Policies 18, 21, 111 and Saved Appendices 3, and the NPPF.

Impact on Residential Amenity

9.11 The footprint of the blocks is consistent with the building line on the main road and the cul-de-sac to the rear. The scale and projection to the rear has been tailored to mitigate the potential adverse impact on outlook of the immediate neighbours at nos.14 and 18. The scale and orientation of the amended scheme omits side windows to the rear block, previously overlooking the rear garden of no.14, and increases the gap between the two to 5m. Side windows to the front block at street (ground) level are screened by side fencing to mitigate potential loss of privacy to no.14. The scale, height and orientation of the blocks relative to the neighbours is not considered to cause any adverse loss of light, outlook or privacy.

9.12 Concern has been raised by the neighbour at no.18 on loss of light to solar panels on the side (south facing) roof slope, and potential water penetration/damp along the common boundary with the proposed rear block. The skyline available to the roof solar panels are not impeded by the roof line to the proposed rear block. Additional clarity has also been provided by the applicant on the proposed position of the guttering to the main roof of the rear block on the common boundary with no.18, notwithstanding that a party wall agreement will be required between adjoining land owners before the development starts. This is a private matter between land owners.

9.13 With respect to amenity considerations for future occupants, the design and layout of the proposal addresses amenity issues inherent within the scheme with regards to privacy and outlook. The gap between the front and rear block is narrow at approximately 10.3m, set against the standard for a minimum privacy distance at 23m in Appendix 3 of the Local Pan.

9.14 However, it is proposed that the rear east facing habitable room windows (living room) to Flat 5 are obscured glazed and fixed shut in mitigation from the west facing windows of Flats 3 and 4 in the rear block. The living room to Flat 5 benefits from glazed patio doors onto the balcony from the same living room overlooking the cul-de-sac to the north. Additional kitchen windows to the rear from Flat 5 are screened by fencing. The elevated rear staircase landing to Flat 5 is screened, and the elevated entrance to Flats 3 and 4 in the rear block, which is approximately 1.15m above ground level, is also enclosed to avoid overlooking and loss of privacy to neighbours.

9.15 The spacing and orientation of the two proposed blocks and positioning of window and door openings, together with amenity spaces and dwelling size would provide a good standard of accommodation for non-family starter homes in a central location.

9.16 For these reasons, it is considered that the amenity impacts on neighbours and of future occupants are acceptable and compliant with Core Strategy Policy CS12.

Impact on Highway Safety and Parking

9.17 No objections are raised by the highway authority with respect to traffic generation, highway safety or access arrangements. A Construction Management Plan is recommended by condition to address site access and traffic management issues during the construction phase.

9.18 The proposed layout accommodates undercroft (basement) parking within the front block for 9 parking spaces with direct access from the cul-de-sac to the side. Cycle storage is provided below the staircase to the front block with access from the private courtyard/central shared amenity space. The Council's maximum requirement for accessibility Zone 4 for the proposed dwelling mix of 6 x 1 bed and 1 x 2 bed dwellings is 9 spaces. Parking spaces are marked out on the layout plan (Level 0). The proposal meets Council standards under Appendix 5 of the Local Plan.

9.19 No objections are raised on access, parking and highway safety. The proposal is considered to comply with saved Policies 51, 54 and 58 of the saved Local Plan and Core Strategy Policy CS8.

Other Material Planning Considerations

Impact on Trees and Landscaping

9.20 The existing trees around the site to the northwest and to the rear are not within the site boundary but very close to it. While the building footprint do not appear to impact the root zone of existing boundary trees on neighbouring land, the trees should nevertheless be safeguarded during the construction phase and a condition is recommended. Landscaping within the site is reserved by condition for further approval.

Waste Management

9.21 The application is supported by details of refuse storage for domestic and recycling waste in accordance with the advice received from the Council's Waste Department which is satisfactory. The refuse storage areas are shown with satisfactory means of access for collection from the main road frontage and from the cul-de-sac to the rear.

Ecology

9.22 The County Ecologist has considered the application and comments are provided in Appendix A. No concerns are raised on ecology subject to a recommended informative.

Ground Contamination

9.23 The Council's Contamination Officer also confirms that appropriate conditions can be applied to address this issue for further detailed investigations to safeguard the health and wellbeing of

future occupants. The recommended conditions, in addition to the Thames Water recommended condition relating to piling, also address comments from the Environment Agency regarding the Ground Water Source Protection Zone.

Noise

9.24 The Environmental Health Officer considers that further details for acoustic insulation is required to safeguard future occupants from traffic noise on the main road to the front and this is treated by condition.

Response to Neighbour Comments

9.25 These points have been addressed above.

Community Infrastructure Levy (CIL)

9.26 The development would be CIL liable in Zone 2 where the adopted CIL Charging Schedule specify a payment of £150 per square metre for all new residential development to address community infrastructure provision. A CIL form has been submitted.

10. CONCLUSION

10.1 In view of the above, the proposal is considered, on balance, to be sustainable development in accordance with the development plan and the NPPF.

11. RECOMMENDATION

11.1 That planning permission be granted subject to conditions set out below.

Condition(s) and Reason(s):

1. The development hereby permitted shall begin 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:

ACD 1118 KL C 500 Location Plan
ACD 1118 KL C 501 Access
ACD 1118 KL C 1024 Site constraint REV C
ACD 1118 KL C 1025 Amenity spaces REV C
ACD 1118 KL C 1020 Level 0 as proposed REV C1
ACD 1118 KL C 1021 Level 1 as proposed REV C3
ACD 1118 KL C 1022 Level 2 as proposed REV C3
ACD 1118 KL C 1023 Roof plan as proposed REV C2
ACD 1118 KL C 1030 GIA and National standard REV C1
ACD 1118 KL C 1151 Views 01 and 02 REV C2
ACD 1118 KL C 1152 Views 03 and 04 REV C2
ACD 1118 KL C 1210 Long Section REV C2
ACD 1118 KL C 1211 Cross section REV C3
ACD 1118 KL C 1561 South elevation REV C2
ACD 1118 KL C 1562 North Elevation REV C2

ACD 1118 KL C 1563 West elevations REV C3
ACD 1118 KL C 1564 East elevations REV C3

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

3. No development (excluding demolition/site clearance/ground investigations and below ground works) shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the Council offices. Materials should be kept on site and arrangements made with the Planning Officer for inspection.

Reason: To ensure satisfactory appearance to the development and to safeguard the visual character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

4. No development (excluding demolition/site clearance/ground investigations and below ground works) shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - o all external hard surfaces within the site;
 - o other surfacing materials;
 - o means of enclosure; and
 - o soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs.

The planting must be carried out within one planting season of completing the development.

Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity.

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS12 (e) of the Dacorum Borough Council Core Strategy (2013).

5. No development, shall take place until a Phase I Report to assess the actual or potential contamination at the site has been 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:

(i) 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.

(ii) 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.

(iii) 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 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 off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 178 and 180 of the National Planning Policy Framework (2019).

6. All remediation or protection measures identified in the Remediation Statement referred to in Condition 5 above shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any part of the development hereby permitted.

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

Reason: To ensure that 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 off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 178 and 180 of the National Planning Policy Framework (2019).

7. Prior to commencement of the development (except for demolition and site clearance) an overheating and alternative ventilation scheme shall be submitted for the approval of the LPA from exposure to road transportation noise. Such a scheme shall be compiled by appropriately experienced and competent persons. The approved scheme of noise protection measures shall be implemented prior to first occupation and retained thereafter.

Reason: To safeguard the amenity of future occupants to comply with Policy CS12 and CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 170 of the National Planning Policy Framework (2019).

8. Prior to the commencement of any below ground construction works including the erection of any foundations a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan should consider all phases (excluding demolition) of the development. The construction of the development shall only be carried out in accordance with the approved Construction Management Plan which shall include details of:

- o construction vehicle numbers, type and routing;

- o traffic management requirements;
- o construction and storage compounds (including areas designated for car parking);
- o siting and details of wheel washing facilities;
- o cleaning of site entrances, site tracks and the adjacent public highway;
- o timing of construction activities (to avoid school pick up/drop off times);
- o provision of sufficient on-site parking prior to commencement of construction activities;
- o post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- o construction or demolition hours of operation; and
- o dust and noise control measures.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with Policies 51 and 54 of the Dacorum Borough Local Plan (2004), Policy CS8 of the Dacorum Borough Core Strategy (2013) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

9. Prior to the first occupation of the development hereby permitted the proposed access /on-site car and cycle parking and turning areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking /manoeuvring area in the interests of highway safety.

10. The development shall not be brought into use until the vehicle and pedestrian access has been altered to the current specification of the Highway Authority and to the Local Planning Authority's satisfaction.

Reason: In the interest of highway safety and amenity and to ensure the development makes adequate provision for on-site parking and manoeuvring of vehicles likely to be associated with its use.

11. Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

12. Prior to the first occupation of the development hereby permitted any access gate(s), bollard, chain or other means of obstruction shall be hung to open inwards.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises

13. Prior to the commencement of development hereby approved, a Tree Protection Plan prepared in accordance with BS5837:2012 (Trees in relation to design, demolition and construction) setting out how trees close the site boundary shall be protected during the construction process, shall be submitted to and approved by the Local Planning Authority. No equipment, machinery or materials for the development shall be taken onto the site until these details have been approved. The works must then be carried out according to the approved details and thereafter retained until completion of the development.

Reason: In order to ensure that damage does not occur to trees and hedges during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 170 of the National Planning Policy Framework (2019).

14. No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

15. The two windows at level 1 in the east elevation of Flat 5 and marked on drawing no. ACD 1118 KL C 1564 REV C3 hereby permitted shall be non-opening to a height of 1.7m above internal floor level and permanently fitted with obscured glass for the lifetime of the development.

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy CS12 (c) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 127 (f) of the National Planning Policy Framework (2019).

Informatives:

1. 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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2. The above contamination conditions are considered to be in line with paragraphs 170 (e) & (f) and 178 and 179 of the NPPF 2019. The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.dacorum.gov.uk by searching for contaminated land.
3. Construction Hours of Working - (Plant & Machinery) Informative

In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0730hrs to 1730hrs on Monday to Friday, 08:00 - 13:00 Saturday and no works are permitted at any time on Sundays or bank holidays.

Construction Dust Informative

Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.

Noise on Construction/Demolition Sites Informative

The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.

4. Highway Informatives:

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

2. 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.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047

3. 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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-and-developer-information.aspx>.

4. The Highway Authority requires the alterations to or the construction of the vehicle crossovers to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.), the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:- <https://www.hertfordshire.gov.uk/droppedkerbs/>

5. If bats, or evidence for them, are discovered during the course of roof works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England, to avoid an offence being committed.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Kings Langley Parish Council	<p>The Council OBJECTS to this application for the following reasons:</p> <p>It is an unattractive design, out-of-keeping with the village setting Its density - also out-of-keeping with the village setting It will be overbearing on neighbouring properties</p>
Hertfordshire Highways (HCC)	<p>Decision</p> <p>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:</p> <p>CONDITIONS</p> <p>1. Construction of the development hereby approved shall not commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:</p> <ul style="list-style-type: none"> a. Construction vehicle numbers, type, routing; b. Traffic management requirements; c. Construction and storage compounds (including areas designated for car parking); d. Siting and details of wheel washing facilities; e. Cleaning of site entrances, site tracks and the adjacent public highway; f. Timing of construction activities to avoid school pick up/drop off times; g. Provision of sufficient on-site parking prior to commencement of construction activities; h. Post construction restoration/reinstatement of the working areas and temporary access to the public highway. <p>Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way</p> <p>2. Prior to the first occupation of the development hereby permitted the proposed access /on-site car and cycle parking / servicing / loading, unloading / turning /waiting area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.</p> <p>Reason: To ensure the permanent availability of the parking /manoeuvring area, in the interests of highway safety.</p>

3. The development shall not be brought into use until the vehicle and pedestrian access has been altered to the current specification of the Highway Authority and to the Local Planning Authority's satisfaction.

Reason: In the interest of highway safety and amenity and to ensure the development makes adequate provision for on-site parking and manoeuvring of vehicles likely to be associated with its use.

4. Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

5. Access Gates - Configuration Prior to the first occupation of the development hereby permitted any access gate(s), bollard, chain or other means of obstruction shall be hung to open inwards.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises. The Highway Authority would ask that the following note to the applicant be appended to any consent issued by the local planning authority:-

INFORMATIVES:

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

2. 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.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047

3. 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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-and-developer-information.aspx>.

4. The Highway Authority requires the alterations to or the construction of the vehicle crossovers to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.), the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:- <https://www.hertfordshire.gov.uk/droppedkerbs/> COMMENTS

This application is for Demolition of existing building and construction of 8 residential dwellings.

The site is located on Hempstead Road, Kings Langley, which is an "A" classified principal road, the A4251. There have been two accidents resulting in personal injury in the vicinity of the site in the last 3 years. There is currently an access from a section of Hempstead Road which is a local access road with a 30mph speed limit and is at the closed end of this cul-de-sac.

PARKING

The proposed development includes eight off-street parking spaces (including a disabled parking space), in a gated underground communal parking area. Secured and covered cycle storage is also to be provided on site, allowing for two bike spaces per flat.

ACCESS

There is a current vehicular access on the northern aspect of the site, which is on a section of Hempstead Road which is a local access road with a 30mph speed limit. This will need to be altered to allow vehicles and pedestrians access onto the site. Pedestrian and vehicular accesses are kept separate.

	<p>An additional pedestrian access is proposed onto the main Hempstead Road.</p> <p>All site accesses are to be gated, which must be installed to open inwards so as not to inconvenience users of the adjacent highway.</p> <p>WASTE COLLECTION Arrangements have been made for the collection and storage of waste.</p> <p>CONCLUSION HCC as highway authority considers that the proposals would not have a severe residual impact upon highway safety or capacity, subject to the conditions and informative notes above.</p>
Rights Of Way (DBC)	No PRow affected.
Contaminated Land (DBC)	<p>Having reviewed the documentation submitted with the above planning application, in particular the S-A-S Phase I Environmental Report (Sept 2019), and having considered the information held by the Environmental Health Department I am recommending the inclusion of the following land contamination conditions should permission be granted.</p> <p>This reflects the possibility for the residential development to be impacted by on and off-site sources of land contamination as identified within the Sept 2019 Phase I report.</p> <p>Contaminated Land Conditions:</p> <p>Condition 1: No development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes: A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and; The results from the application of an appropriate risk assessment methodology.</p> <p>No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (a), above; has been submitted to and approved by the Local Planning Authority.</p>

	<p>This site shall not be occupied, or brought into use, until:</p> <p>All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.</p> <p>A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Condition 2: Any contamination, other than that reported by virtue of Condition 1 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Informatives: The above conditions are considered to be in line with paragraphs 170 (e) & (f) and 178 and 179 of the NPPF 2019. The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on 'Development on Potentially Contaminated Land and/or for a Sensitive Land Use' in use across Hertfordshire and Bedfordshire. This can be found on www.dacorum.gov.uk by searching for contaminated land.</p>
Environment Agency	<p>We are currently operating with a significantly reduced resource in our Groundwater and Contaminated Land Team in Hertfordshire and North London Area. This has regrettably affected our ability to respond to Local Planning Authorities for some planning consultations. We are not providing specific advice on the risks to controlled waters for this site as</p>

we need to concentrate our local resources on the highest risk proposals.

We recommend, however, that the requirements of the National Planning Policy Framework and National Planning Policy Guidance (NPPG) are still followed. This means that all risks to groundwater and surface waters from contamination need to be identified so that appropriate remedial action can be taken. This should be in addition to the risk to human health that your Environmental Health Department will be looking at.

We expect reports and Risk Assessments to be prepared in line with our Groundwater Protection guidance (previously covered by the GP3) and CLR11 (Model Procedures for the Management of Land Contamination).

In order to protect groundwater quality from further deterioration:

- No infiltration-based sustainable drainage systems should be constructed on land affected by contamination, as contaminants can remobilise and cause groundwater pollution.
- Piling, or any other foundation designs using penetrative methods, should not cause preferential pathways for contaminants to migrate to groundwater and cause pollution.
- Decommission of investigative boreholes to ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies, in line with paragraph 170 of the National Planning Policy Framework.

The applicant should refer to the following sources of information and advice in dealing with land affected by contamination, especially with respect to protection of the groundwater beneath the site:

- From www.gov.uk:
- The Environment Agency's approach to groundwater protection (2017)
- Our Technical Guidance Pages, which includes links to CLR11 (Model Procedures for the Management of Land Contamination) and GPLC (Environment Agency's Guiding Principles for Land Contamination) in the 'overarching documents' section
- Use MCERTS accredited methods for testing contaminated soils at the site
- From the National Planning Practice Guidance:
 - Land affected by contamination
 - British Standards when investigating potentially contaminated sites and groundwater:
 - BS 5930:2015 Code of practice for site investigations;
 - BS 10175:2011+A2:2017 Code of practice for investigation of potentially contaminated sites

	<p>- BS ISO 5667-22:2010 Water quality. Sampling. Guidance on the design and installation of groundwater monitoring points</p> <p>- BS ISO 5667-11:2009 Water quality. Sampling. Guidance on sampling of groundwater (A minimum of 3 groundwater monitoring boreholes are required to establish the groundwater levels, flow patterns and groundwater quality.)</p> <p>All investigations of land potentially affected by contamination should be carried out by or under the direction of a suitably qualified competent person. The competent person would normally be expected to be a chartered member of an appropriate body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.</p> <p>You may wish to consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed.</p>
Affinity Water - Three Valleys Water PLC	<p>Thank you for notification of the above planning application. Planning applications are referred to us where our input on issues relating to water quality or quantity may be required.</p> <p>You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to Hunton Bridge Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.</p> <p>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.</p> <p>For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".</p>
Noise Pollution & Housing (DBC)	<p>As the development proposes demolition of existing housing and replacement with flats noise should be a consideration due to the nearby Hempstead Road. I believe this can be dealt with by condition, see below.</p>

I would also advise an informative for noise and dust which should be considerations during the demolition and construction phase.

Suggested Condition - internal noise

Prior to commencement of the development an overheating and alternative ventilation scheme shall be submitted for the approval of the LPA for the protection of likely future occupiers from exposure to road transportation noise. Such a scheme shall be compiled by appropriately experienced and competent persons.

The approved scheme of noise protection measures shall be implemented prior to first occupation and retained thereafter.

Reason

Policy CS32 - any development proposals which could cause harm from a significant increase in pollution (into the air, soil or any water body) by virtue of the emissions of fumes, particles, effluent, radiation, smell light, noise or noxious substances, will not be permitted.

Construction Hours of Working - (Plant & Machinery) Informative

In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0730hrs to 1730hrs on Monday to Friday, 08:00 - 13:00 Saturday and no works are permitted at any time on Sundays or bank holidays.

Construction Dust Informative

Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.

Noise on Construction/Demolition Sites Informative

The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.

Waste Services (DBC)	<p>The bin storage area for the 5 flats will require 1 x 1100ltr eurobin for residual waste and the same again for recycling and 1 x 240ltr wheeled bin for food waste. the other 3 flats using a different area will require 2 x 240ltr wheeled bins for residual waste and 1 x 770ltr eurobin for recycling and a 240ltr wheeled bin for food waste. There should be no steps between the storage area and the collection vehicle. If all the residents could use one storage area then there should be space to store 2 x 770ltr eurobins for residual waste, the same again for recycling and 1 x 240ltr wheeled bin for food waste.</p>
Hertfordshire Ecology	<p>Thank you for consulting Hertfordshire Ecology on the above, for which I have the following comments:</p> <p>The dwelling to be demolished is located within a residential area of Kings Langley. Hertfordshire Environmental Records Centre (HERC) has no species or habitat information for this property and there are no records of bats in the near vicinity. Available photos appear to show that the roof is well sealed.</p> <p>Given the location and nature of the site, lack of associated records and apparent characteristics of the building, on this occasion I do not consider there is sufficient likelihood of bats being present and affected for the LPA to require a formal survey. However, in the unlikely event that bats are found, given the proposal will involve demolition, I advise a precautionary approach to the works is taken and recommend the following Informative is added to any permission granted.</p> <p>'If bats, or evidence for them, are discovered during the course of roof works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England, to avoid an offence being committed.'</p> <p>I do not consider there to be any other ecological issues with this proposal.</p>
Noise Pollution & Housing (DBC)	<p>No change from previous comments.</p>
Conservation & Design (DBC)	<p>The existing bungalow dates from the second half of the 20th century and does not have a particular architectural interest. As such we would not object to its demolition.</p> <p>The proposed revised block of flats would sit comfortably within the surrounding built environment. The composition has been carefully considered and the scale, mass and architectural style and detailing appear acceptable for the site. We believe that the proposals would therefore provide additional housing whilst not having a detrimental</p>

	<p>impact on the surrounding built environment and therefore would support the scheme.</p> <p>It would be recommended that materials and details are conditioned to ensure that the finish is acceptable and in keeping.</p> <p>Recommendation We believe that the proposals are acceptable. External materials, finishes and landscaping subject to approval.</p>
Environment Agency	<p>Thank you for re-consulting us following the submission of further information. We have no comments to make further to our letter dated 27 September 2019.</p> <p>Final comments</p> <p>Thank you for contacting us regarding the above application. Our comments are based on our available records and the information submitted to us. Please quote our reference number in any future correspondence. Please provide us with a copy of the decision notice for our records. This would be greatly appreciated.</p>
Hertfordshire Highways (HCC)	<p>Amendment</p> <p>Amendment to proposal: Demolition of existing building and construction of 7 flats in two buildings with undercroft parking provision for 9 cars and landscaping. (Amended Scheme). https://planning.dacorum.gov.uk/publicaccess/</p> <p>Decision</p> <p>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:</p> <p>CONDITIONS</p> <p>1. Construction of the development hereby approved shall not commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:</p> <ul style="list-style-type: none"> a. Construction vehicle numbers, type, routing; b. Traffic management requirements; c. Construction and storage compounds (including areas designated for car parking); d. Siting and details of wheel washing facilities; e. Cleaning of site entrances, site tracks and the adjacent public highway;

f. Timing of construction activities to avoid school pick up/drop off times;
h. Provision of sufficient on-site parking prior to commencement of construction activities; i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway.

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

2. Prior to the first occupation of the development hereby permitted the proposed access /on-site car and cycle parking / servicing / loading, unloading / turning /waiting area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking /manoeuvring area, in the interests of highway safety.

3. The development shall not be brought into use until the vehicle and pedestrian access has been altered to the current specification of the Highway Authority and to the Local Planning Authority's satisfaction.

Reason: In the interest of highway safety and amenity and to ensure the development makes adequate provision for on-site parking and manoeuvring of vehicles likely to be associated with its use.

4. Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

5. Access Gates - Configuration Prior to the first occupation of the development hereby permitted any access gate(s), bollard, chain or other means of obstruction shall be hung to open inwards.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

The Highway Authority would ask that the following note to the applicant be appended to any consent issued by the local planning authority:-

INFORMATIVES:

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

2. 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.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047

3. 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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-and-developer-information.aspx>.

4. The Highway Authority requires the alterations to or the construction of the vehicle crossovers to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.), the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:- <https://www.hertfordshire.gov.uk/droppedkerbs/>

	<p>COMMENTS</p> <p>This application is for Demolition of existing building and construction of 8 residential dwellings.</p> <p>This amendment has reduced the number of flats proposed to 7 with an additional parking space.</p> <p>The site is located on Hempstead Road, Kings Langley, which is an "A" classified principal road, the A4251. There have been two accidents resulting in personal injury in the vicinity of the site in the last 3 years. There is currently an access from a section of Hempstead Road which is a local access road with a 30mph speed limit and is at the closed end of this cul-de-sac.</p> <p>PARKING</p> <p>The proposed development includes nine off-street parking spaces (including a disabled parking space), in a gated underground communal parking area. Secured and covered cycle storage is also to be provided on site, allowing for two bike spaces per flat.</p> <p>ACCESS</p> <p>There is a current vehicular access on the northern aspect of the site, which is on a section of Hempstead Road which is a local access road with a 30mph speed limit. This will need to be altered to allow vehicles and pedestrians access onto the site. Pedestrian and vehicular accesses are kept separate.</p> <p>An additional pedestrian access is proposed onto the main Hempstead Road.</p> <p>All site accesses are to be gated, which must be installed to open inwards so as not to inconvenience users of the adjacent highway.</p> <p>WASTE COLLECTION</p> <p>Arrangements have been made for the collection and storage of waste.</p> <p>CONCLUSION</p> <p>HCC as highway authority considers that the proposals would not have a severe residual impact upon highway safety or capacity, subject to the conditions and informative notes above</p>
Kings Langley Parish Council	OBJECTION - The Council feels this would be overdevelopment and cramping of the site.
Thames Water	Waste Comments

The proposed development is located within 15 metres of a strategic sewer. Thames Water requests the following condition to be added to any planning permission. "No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement." Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to

minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

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.
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
62	8	1	14	0

Neighbour Responses

Address	Comments
14 Hempstead Road Kings Langley WD4 8AD	<p>I would like to strongly object to the above planning application.</p> <p>My property is next door, No 14, and the plans are showing there would be a two story brick wall, with windows, running the complete length of the property. At the moment, this brick wall appears to be on my actual boundary, against a window into my sitting room, which is needed to light the room, and continues the complete length of my garden which would take away all light, sun and privacy which would completely destroy my current private garden.</p> <p>No 14 is the smallest property in the area. Built approximately 1922 it is built on a hill - the entrance and living rooms, kitchen, etc single story with a cellar underneath and stairs leading down to bedrooms etc. I would not be happy to have deep excavations for a underground car park near the cellar.</p> <p>Should the development go ahead it would complete devalue number 14 as a private residence.</p> <p>I also object on the grounds that the proposed building is ugly and completely out of keeping in historic Kings Langley. This whole area has detached houses with front and back gardens - no brick built flats. Also even more traffic entering a very busy road. The building of 70 houses on Rectory Farm will add even more congestion.</p>
18 Hempstead Road Kings Langley WD4 8AD	<p>This application is totally out of character with the other properties 2 – 36 Hempstead Road. These are all detached houses or bungalows with gardens.</p> <p>This application will involve building on virtually the whole of the plot of land. It would fill the space with red bricks and windows. Like a huge wall next to neighbours houses.</p> <p>The vast size of the 8 Dwelling properties will dwarf the surrounding properties. It will cut out our natural light(No.18) , and our solar panels</p>

	<p>would become ineffective. We would be overlooked by many windows and our privacy intruded upon at the front of our house.</p> <p>The 'Telegraph' on 30th September 2019 headlined that Residents to get rights to fight Ugly buildings, in the search for a quality and sensitive design. We consider this proposal to be very ugly, and everybody I have talked to and shown plans to have totally agreed with us. It is so out line with other houses in this neighbourhood.</p> <p>The slip road, which at present is used by 16 – 36 Hempstead Road is only just adequate for the present occupiers. Sometimes it is a problem with double parking and blocking in by trades, visitors, shoppers and shop workers using the road to park.</p> <p>This proposed development would put unreasonable strain on an already busy slip road. Many more cars will be trying to use the road, the turn around areas and probably the grass. It may become completely congested.</p> <p>The slip road will be the only access if building commenced. This would bring huge more heavy, building traffic all on this small road. All of this would come in at the top of our drive(No.18) and we would have to endure Possibly a year plus of misery, inconvenience, noise, mud, lorries, heavy traffic and so much upheaval.</p> <p>If this proposal were to be built, the use of roller shutter at the only road entrance just above our house would possibly mean noise day and night, as shutters (as used in the building yard) become noisy in time. This would add to the total new noise pollution.</p> <p>We are horrified at the size of this proposal, and it's effect it will have on our lives, if it were to go ahead. We would pray for our health and sanity.</p>
<p>25 Hempstead Road Kings Langley WD4 8BR</p>	<p>The proposed scheme fills the site and is out of keeping with the surrounding area, which is domestic dwellings with gardens.</p> <p>Our biggest objection however is the total lack of any parking on site. Where are owners or visitors going to park? There is no parking on Hempstead Road or The Nap and the spur leading to the development has limited parking in front of existing houses. The nearest is therefore in Rectory Lane, which is already well used by its own residents.</p> <p>We are also likely to have a large development of houses on rectory farm, which will increase traffic and parking issues in the immediate area. This development is therefore not needed or appropriate for the location.</p>
<p>25 Hempstead Road Kings Langley WD4 8BR</p>	<p>I object to this development as it totally fills the site, is out of keeping with adjacent houses and has no provision for 9 occupier's or visitors parking. There is no available parking in the cul de sac, Hempstead Road or The Nap, so where will their cars go, especially as Rectory Farm just down the road is also shortly to be developed for housing?</p>

<p>32 Hempstead Road Kings Langley WD4 8AD</p>	<p>We write in objection to the development of 16 Hempstead Road, Kings Langley.</p> <p>We understand that the project has already received advice and support, pre-application and consequently has reduced the number of units from 9 to 8. Surely it would have been prudent to advise the neighbours and request comments from the residents of this cul-de-sac before any proposal was discussed by the Council.</p> <p>Even with the reduced provision of 8 units, we consider this to be an over development of the land available and will have a detrimental impact on the surrounding dwellings, encroaching on their privacy, access, noise and natural light.</p> <p>The proposed elevation drawings for the new proposal are not in keeping with the look of surrounding properties and the building is overbearing in relation to the two storey houses already located in the cul-de-sac.</p> <p>Increased traffic in the cul-de-sac will prove dangerous to the children and pets living there. The existing access road is already a difficult one to enter/exit from the main Hempstead Road. There are plans to provide additional housing in the village by building on the Rectory Road site which will increase the traffic usage on Hempstead Road and further hamper access to the cul-de-sac.</p> <p>The new residents and their visitors may choose to park on Common Lane for ease of access to their properties, which will prove hazardous and impede access in that road especially for the Fire Station.</p> <p>Difficulties will be experienced by the current occupants of the cul-de-sac during the construction process. Where will construction workers park and how do they intend to accommodate the large construction vehicles that will be needed for excavation/delivery/collection etc? The present parking availability within the cul-de-sac is already limited and appropriate access for emergency service and other regular large amenity vehicles (refuse collection) that service this area must be maintained at all times. Any additional parking within the cul-de-sac will undermine the safety of those living here.</p> <p>The overall provision and accessibility for parking on the development has been underestimated along with the provision of adequate refuse and recycling areas.</p> <p>Do the proposed plans conform to the residential parking provision regulations stipulated by the Council? I believe this to be 1.75 spaces per dwelling, which would result in the provision of 14 spaces for this development.</p> <p>An exclusion zone for parking in both left- and right-hand side turning circles along with protection from parking on the grassed area in front of the houses to ensure that safety is maintained, and our small greenbelt preserved.</p>
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	<p>The plans shown on the website do not include the tree survey suggested. Protection for the trees that separate the cul-de-sac from the main Hempstead Road must be considered.</p>
<p>26 Hempstead Road Kings Langley WD4 8AD</p>	<p>This proposal would be totally out of keeping with the rest of the village.</p> <p>Such a development would devalue our surrounding properties and will add parking problems within our CUL DE SAC and surrounding areas due to inadequate proposed parking spaces within this new site.</p> <p>The proposal is totally over developed to try and cram in all these dwellings in such a small piece of land is unacceptable.</p> <p>The adjoining properties will be totally engulfed and the construction will block out natural sun light and effect existing solar panels on neighbors roof.</p> <p>Also our road will be disrupted with construction lorries, plant and vans etc for the duration of this project and will be dangerous for children, pets and will obstruct the turning point adjacent to the site.</p> <p>If a proposal like this is allowed then it will set a precedent for anyone in the future to carry out such developments on what is a standard sized plot of land.</p> <p>With the proposed Rectory farm development already in progress a 100 mtrs away we are being imprisoned by unwanted housing forced onto this village by weak councils and greedy developers.</p> <p>We will oppose this by any means possible including by the ballot box.</p> <p>Regards S Mitchell</p>
<p>Glenwood, Harthall Lane WD4 8JN</p>	<p>I have the following concerns with the above application:</p> <p>The measurement for P1 is taken from the longest side, if one measures 4.8m from the shortest side then the vehicle would stick out and partially block P2.</p> <p>The measurement of 5m in P2 extends beyond the property boundary into 14 Hempstead Road. The line stating it is 5m is also shorter than the other lines on the plan which are 4.8m, assuming all of the other measurements are correct then the distance which claims to be 5m is in fact 4.7m of which only 4.55m is within the property. Therefore, I would not rely on any of the given measurements in the plan and ensure you check them with your own software. The plan does not show any kind of wall on the boundary with 14 Hempstead Road, I do not believe it would be possible to build without such a wall, which presumably would reduce the available space by approximately 300mm.</p> <p>The lengths of spaces P3 to P7 are all less than the minimum requirement of 4.8m, in the case of P7 it is only about 4m. Even if one allows the spaces to be the old standard of 4.8m in length then this would not leave the aisle width of 6m required by the Manual for Streets. The total width including P2 is 10.7m falling to less than 10.1m for P7 (these figures assume there is no retaining wall on the site, which as stated above seems unlikely meaning the actual space available will be reduced further)</p>

	<p>P8 is restricted on both sides, which essentially means it is a garage, the local and national parking standards for a garage require a width of 3m to allow a vehicle to feasibly be parked and doors opened.</p> <p>Several applications I have seen recently determined in the Borough have used the emerging parking standards which require spaces to be 2.5x5m.</p> <p>Given many modern cars are around 5m in length (and some such as Range Rovers exceed this) I do not believe this to be unreasonable. When spaces are restricted to one side (such as P2 and P7) it is also normal to require extra width (Hertfordshire Highways suggest these bays should be 2.7m wide). This means P2 to P7 would require a minimum total width of 15.4m, however, the total according to the plan is 15.02m.</p> <p>Given the highly constrained parking arrangements I would expect swept path analysis to be provided to ensure vehicles do not have to reverse through the gates right next to the pedestrian entrance, steps and bin store. It would be particularly interesting to see how the analysis for P2 works when the spaces P1 and P3 are occupied with modern sized cars.</p> <p>The proposal appears to be totally lacking in any analysis to demonstrate that the 45-degree rule is followed in relation to the neighbouring properties, and it is questionable as to whether the scheme can possibly comply with this requirement given the bulk of the proposal.</p> <p>I hope you will look into these concerns and ensure they are addressed before the application is determined.</p>
<p>19 Great Whites Road Hemel Hempstead HP3 9LH</p>	<p>As a local resident, who grew up in and around Kings Langley, I find it very depressing that every chance is taken to replace original buildings with brand new and out of character money generating opportunities.</p> <p>Not to mention the residents thoughts, either side, who when purchasing their own homes would think that they would be flanked by flats towering over their own properties and gardens. The size is intimidating.</p> <p>The proposed building is out of character for the rest of the village and would set a precedent for more construction of this type.</p> <p>The junction on which it is situated is already hazardous.</p>
<p>28 Hempstead Road Kings Langley Hertfordshire WD4 8AD</p>	<p>I completely object to this development for a number of reasons</p> <ol style="list-style-type: none"> 1) it is not in keeping with the surrounding areas, the 7 flats and the look of the property is not in keeping with the houses around it 2) There is already insufficient park along Hempstead Road cul de sac and building 7 properties - with 9 spaces is completely inadequate

	<p>3) Building underground parking will be affect the properties next to it</p> <p>4) there are a significant amount of bats in the back gardens of properties on Hempstead road and the building work would completely unsettle any colony</p> <p>I request the parish not to back such development that is not in keeping with the village</p> <p>This proposal is not in keeping with the properties in surrounding area, there is already significant parking issues for the residents along Hempstead road and building 7 flats with completed insufficient parking is unacceptable.</p> <p>This property is not about enhancing the village merely the owner looking to line their pockets.</p>
<p>17 Hempstead Road Kings Langley Hertfordshire WD4 8BR</p>	<p>This development proposes 7 units, therefore it must have 14 parking spaces at minimum.</p> <p>The simple fact is that you need two parking spaces at minimum per property. Failure to do so results in what has happened down by the Red Lion in Nash Mills where it is now impossible to walk a buggy down the pavement because cars are parked all over the place.</p> <p>Theis development requires two parking spaces per unit that are being sold, nothing less.</p> <p>Parking is already dangerous on Common Lane as it is. Cars regularly flout the parking restrictions and cause blockage to the fire engines exiting the lane. Failure to provide sufficient parking for this development will mean a significant increase in cars being parked illegally, and will generally decrease the neighbouring residents quality of life. We regularly battle to get into our drive in the evenings upon returning from work because people are parked across our drive waiting for a space to become free in the layby. And that's if we're lucky enough for the person to still be in the car and not in the fish and chip shop.</p> <p>We absolutely cannot consent to this development which fails to take into consideration modern parking requirements.</p>
<p>20 Hempstead Road Kings Langley Hertfordshire WD4 8AD</p>	<p>I totally object to the new plans for 16 Hempstead Road, once again they are ugly and overwhelming, too high too many windows and balconies ! is that so they can look into the neighbours property?? The size again is huge, looks like a prison, the large gate to the parking is overbearing and will more than likely be noisy opening and closing all day....</p> <p>The cul de sac to the development is small and over crowded already some days I'm blocked in my drive by people popping to the shops !! The grass verge is a mess the bin men struggle to get down to the end without backing up along the grass some days, where will the lorry's and trucks be able to turn or park the road will become so dangerous even before the build there's no way they can turn so they will have no option but to reverse. Where are the visitors, friends and family expecting to park for the flats there's not enough parking already underneath,The Nap is overflowing already the village is solid with</p>

	<p>vehicles especially Common Lane, with the fire engine struggling to get out some days, this will add to the problem not to mention if Rectory Lane goes ahead!</p> <p>Hempstead Road is already a busy road adding a site this size will make this area of the village even more dangerous, there's no safe crossing and there have been many accidents over the past few years.</p> <p>Let's not ruin this lovely village with theses ugly overbearing developments trying to squeeze In on it .</p>
<p>32 Hempstead Road Kings Langley Hertfordshire WD4 8AD</p>	<p>My husband and I write in objection to the development of 16 Hempstead Road, Kings Langley.</p> <p>Our reasons remain the same as our original objection to the first proposal made for development.</p> <p>Even with the reduced provision of 7 units i this revised proposal, we consider this to be an over development of the land available and will have a detrimental impact on the surrounding dwellings, encroaching on their privacy, access, noise and natural light.</p> <p>The proposed elevation drawings for the new proposal are not in keeping with the look of surrounding properties and the building is overbearing in relation to the two storey houses already located in the cul-de-sac. The greed of the developer shows complete disregard for the current occupants of this part of the village.</p> <p>Increased traffic in the cul-de-sac will prove dangerous to the children and pets living there. The existing access road is already a difficult one to enter/exit from the main Hempstead Road. There are plans to provide additional housing in the village by building on the Rectory Road site which will further increase the traffic usage on Hempstead Road and we feel that over development of this particular site is not necessary.</p> <p>Difficulties will be experienced by the current occupants of the cul-de-sac during the construction process. Where will construction workers park and how do they intend to accommodate the large construction vehicles that will be needed for excavation/delivery/collection etc? The present parking availability within the cul-de-sac is already limited and appropriate access for emergency service and other regular large amenity vehicles (refuse collection) that service this area must be maintained. Already the large Council refuse trucks have to mount the curb on the nature strip side to access both sides of the cul-de-sac and this will definitely be made even worse by this proposal. Any additional parking or usage within the cul-de-sac will undermine the safety of those living here.</p> <p>The overall provision and accessibility for parking on the development has been underestimated along with the provision of adequate refuse and recycling areas. If there is the provision of 7 flats there is likely to be a requirement for up to 14 cars and even further increased by visitors etc.</p>

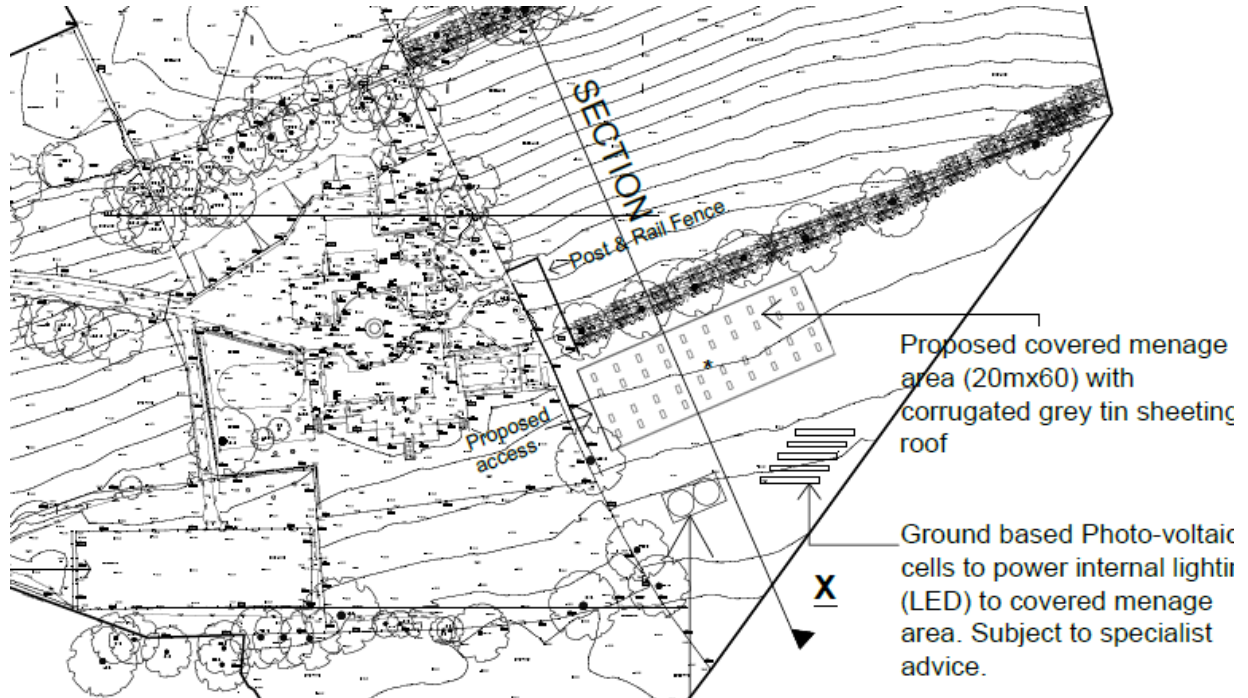
	<p>The new residents are likely to want to park in the cul-de-sac which is already overcrowded with people visiting the village shops parking outside our houses and others who leave their cars there for many hours.</p>
<p>18 Hempstead Road Kings Langley Hertfordshire WD4 8AD</p>	<p>Objection to Planning Ref. 4/02222/19/FUL</p> <p>1) This application is totally out of character with all other properties, 2 - 36 Hempstead Road. These are detached houses or bungalows all with gardens.</p> <p>2) The vast size of the 7 Dwelling properties and 9 garages will dwarf the surrounding properties. It will cut out the natural light(No.18), and our solar panels would become ineffective. The planting of trees will also cut the natural light coming from the South direction. Not environmentally friendly.</p> <p>3) The slip road, which at present is used by 16 - 36 Hempstead Road is only just adequate for the present occupiers. Sometimes it is a problem with double parking and blocking in by trades, visitors, shoppers and shop workers, all using the road to park. It would be essential that double yellow lines are put in the turn around area to stop blocking this area.</p> <p>4) This proposed development would put unreasonable strain on an already busy slip road. Many more cars will be using this road, and will park on the grass , as well as the turn around area.</p> <p>5) The slip road will become the only access if building commenced. This would bring in heavy lorries and building traffic. It could make us prisoners in our own home if lorries unload at the top of our drive blocking us in for long periods of time. If the slip road has cars parked in it, we can see that large lorries may try to park on our driveway, which is only suitable for domestic use. A great deal of damage could be caused to our drive. I have frequent hospital appointments at 'Mount Vernon' and worry that during any construction, I may be unable to get away from my house to keep my appointments.</p> <p>6) The slip road is the only entrance from a VERY busy High Street for houses 16 -24. There are at present 5 garages. The proposed development will increase the garages in this area to 13. The slip road is small, and increased traffic on this scale has inevitably got to cause problems for residents.</p> <p>7) In the event of an emergency vehicle needing to come into this end of the slip road, this would be virtually impossible, once any building was to commence.</p> <p>8) It appears from the plans that there will be a second wall next to my wall(No.18). Digging a second set of footings so close to the original could undermine my house footings and cause subsidence.</p>

	<p>9) From the drawings I cannot see if the gutter of the new build will protect my wall from water damage. The wall is so close it would almost certainly cause dampness to our walls.</p> <p>10) From the plans it appears that our house walls will have the proposed flats walls only inches from our house. Our detached house will appear to be semi detached. Noise from the flats will encroach on our house and occupants.</p> <p>11) On the land on No.16 between the rear of the garage and the fence to 'Skyline Roofing' there was a cesspit for many years. I think the waste has now been connected to mains drainage with Houses 14 plus. I think the cesspit is still in the ground. When it was in use it overflowed on a regular basis, it smelt and saturated the ground. The overflow ran through the fence into 'Skyline Roofing(Formerly 'Kings Langley Building Supplies') . I assume this area on No. 16 must be polluted?</p> <p>12) We remain horrified at the size of this proposal, and its effect on our lives, if it were to go ahead. We would be concerned for our health and sanity.</p>
<p>14 Hempstead Road Kings Langley Hertfordshire WD4 8AD</p>	<p>To my horror I find that I have missed the date for response for comments on the above proposed planning application. I do hope that my comments can be included.</p> <p>I strongly object to the proposed plans.</p> <p>A two story building down the complete border of my back garden would destroy my property. I would have no privacy and my conservatory and green house would be rendered useless through lack of sun.</p> <p>Visually I would be looking at a two story brick wall instead of the present trees and shrubs of neighbours gardens.</p> <p>I have a large window in my sitting room to give light to that area of the room which would be restricted by a brick building.</p> <p>Although my property is on a very busy main road there is very little noise owing to a large hedge in the front, and nothing can be heard in the back of the house and garden. I am sure this would not be so if there were many people living in such close proximity.</p> <p>MOST IMPORTANT: Hempstead Road is extremely busy and has a bend just where the proposed exit for the development would be. From my drive it is not possible to see the coming traffic. Although there is a 30 mile speed limit some people do not adhere to this and come round the bend at speed. I frequently have to wait to exit my drive and the added vehicles from further development would cause unnecessary</p>

	<p data-bbox="513 190 1461 280">danger. The future development of many houses on Rectory Farm is also going to add to this.</p> <p data-bbox="513 291 1461 403">The properties on Hempstead Road are all detached houses set in their own land and a block of red brick flats would be completely out of place - this is a village!</p> <p data-bbox="513 425 1461 515">I have been unable to find the detailed site drawings for this proposed development online.</p>
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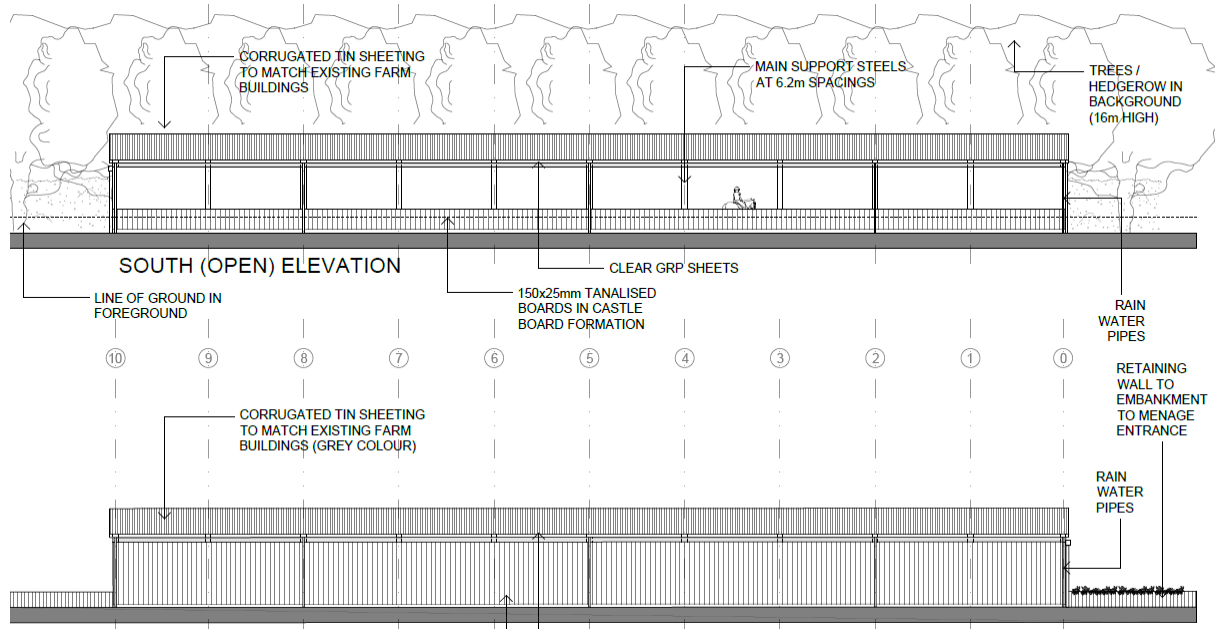
5e. 19/02790/FUL - Variation of Conditions 6 (Roof/Covered Structure) and 8 (Development usage) attached to planning permission 4/01793/19/MFA (Replacement covered menage (re-submission))

Top Common, The Common, Chipperfield, Kings Langley



5e. 19/02790/FUL - Variation of Conditions 6 (Roof/Covered Structure) and 8 (Development usage) attached to planning permission 4/01793/19/MFA (Replacement covered menage (re-submission))

Top Common, The Common, Chipperfield, Kings Langley



ITEM NUMBER: 5e

19/03052/ROC	Variation of Conditions 6 (Roof/Covered Structure) and 8 (Development usage) attached to planning permission 4/01793/19/MFA (Replacement covered ménage (re-submission))	
Site Address:	Top Common The Common Chipperfield Kings Langley Hertfordshire WD4 9BN	
Applicant/Agent:	Mr D Sattin	
Case Officer:	Joan Reid	
Parish/Ward:	Chipperfield Parish Council	Bovingdon/Flaunden/ Chipperfield
Referral to Committee:	Chipperfield Parish Council Support the application contrary to officers recommendation.	

1. RECOMMENDATION

- 1.1 That the s73 application for variation of conditions 6 and 8 be refused.

2. SUMMARY

- 2.1 The S73 application to vary conditions 6 and 8 of approved scheme 4/01793/19/MFA is not supported. Both conditions are considered to have been reasonable and necessary and meet the 6 tests set out in the NPPF. The proposed conditions put forward would diminish the special circumstances, which were given significant weight in granting permission for the inappropriate development in the Green Belt.

3. SITE DESCRIPTION

- 3.1 The application site comprises Top Common, which is a large residential property together with equestrian facilities, located to the south east of the village of Chipperfield. The site is located within the Green Belt, and is opposite a designated Conservation Area, Chipperfield Common. There is an existing open ménage located to the west of the site, which is on the right hand side when you approach the property from the road. Generally, the site is well screened by mature trees and hedging and there is PROW running on the northern boundary of the property. The site contains established residential and equestrian uses.

4. PROPOSAL

- 4.1 The application comprises a s73 application which seeks the variation of conditions 6 and 8 attached to planning permission 4/01793/19/MFA (Replacement covered ménage):

The approved scheme included the following Conditions:-

- 6 *The roof/covered Structure to the ménage hereby approved shall be removed within 6 months of its use ceasing for the purposes of training competition dressage horses by Mrs.Sattin or her staff, and the demolition materials shall be removed from the site and the land shall be made good to details approved in writing by the LPA.*
- 8 *The development hereby permitted shall be used for the purposes of training Competition dressage horses by Mrs Sattin or her staff and for no other purposes*

The applicant wishes to amend both conditions to the following:

- 6 *The roof/covered Structure to the ménage hereby approved shall be removed within 6 months of its use ceasing for the purposes of training competition dressage horses by the owners of Top Common or their staff and the demolition materials shall be removed from the site and the land shall be made good to details approved in writing by the LPA.*
- 8 *The development hereby permitted shall be used for the purposes of training competition dressage horses by the owners of Top Common or their staff and for no other purposes.”*

A copy of the officer's report for approved scheme 4/01793/mfa is contained at Appendix C.

5. PLANNING HISTORY

4/01793/19/MFA - Replacement covered ménage (re-submission)
GRA - 3rd October 2019

4/02084/18/MFA - Construction of a covered manage to replace the existing ménage
GRA - 13th December 2018

4/02136/15/AGD - Construction of a barn and tractor shed
PRQR - 27th July 2015

4/02135/15/FUL - Construction of an all-weather ménage
REF - 27th July 2015

4/02119/15/OUT - Outline application for replacement of existing detached residential property and associated outbuildings to form new detached residential property - all matters reserved except Access.
REF - 28th July 2015

4/02118/15/LDP - Relocation of existing stables. Construction of new detached Barn.
WRT - 27th October 2015

4/01196/09/FHA - Rear patio
GRA - 4th September 2009

4/01945/07/FHA - Replacement conservatory
GRA - 28th September 2007

4/00063/93/FUL - Formation of manege
GRA - 18th February 1993

6. CONSTRAINTS

Parking Accessibility Zone (DBLP): 4
Special Control for Advertisements: Advert Spec Contr
CIL Zone: CIL2
Conservation Area: CHIPPERFIELD
Green Belt: Policy: CS5
LHR Wind Turbine
Parish: Chipperfield CP
RAF Halton and Chenies Zone: Yellow (45.7m)
RAF Halton and Chenies Zone: Green (15.2m)
EA Source Protection Zone: 3

Wildlife Site: Chipperfield Common

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 None

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (February 2019)
National Planning Policy Guidance
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS5 – Green Belt
CS29 - Sustainable Design and Construction

9. CONSIDERATIONS

Background and Main Issues

- 9.1 Planning permission was granted for a large indoor ménage (extending to 22m by 60m) to the east of Top Common. This permission imposed two personal condition's which a) limit the use of the facility to the owner and her staff and b) requires the demolition of the covered ménage should the use cease by the named owner. This applicant now considers the disputed conditions to be unreasonable and unnecessary and seeks to amend these conditions to link these conditions to the owners of the main house, Top Common, instead of a named individual.
- 9.2 The Planning Practice Guidance (PPG Use) is clear that 'under s73 the LPA must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application.
- 9.3 Therefore, the main issues to consider are:
- Whether the imposition of the original conditions are reasonable and necessary, having regard to the site's location in the Green Belt;
 - Whether the proposed alternative conditions are reasonable and justified and meet all the tests outlined in the NPPF.
- 9.4 Paragraph 55 of the National Planning Policy Framework makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:

1. necessary;
2. relevant to planning;
3. relevant to the development to be permitted;
4. enforceable;
5. precise; and
6. reasonable in all other respects.

- 9.5 Of particular, relevance is the guidance set out in PPG (Use of Conditions) which asks, “*Is it appropriate to use conditions to limit the benefits of the planning permission to a particular person or group of people?*”

Planning permission usually runs with the land and it is rarely appropriate to provide otherwise. There may be exceptional occasions where development that would not normally be permitted may be justified on planning grounds because of who would benefit from the permission. For example, conditions limiting benefits to a particular class of people, such as new residential accommodation in the open countryside for agricultural or forestry workers, may be justified on the grounds that an applicant has successfully demonstrated an exceptional need”

- 9.6 The PPG (Use of conditions) also states, “Conditions which place unjustifiable and disproportionate financial burdens on an applicant will fail the test of reasonableness. In considering issues around viability, local planning authorities should consider policies in the National Planning Policy Framework and supporting guidance on viability”.

Planning Considerations of original conditions

- 9.7 Planning permission was granted for a curved sedum roof ménage in December 2018 (4/02084/18/MFA). The ménage had been carefully designed to integrate into the landscape, and whilst was considered to be inappropriate development in the Green Belt as a result of its and size and location, was granted due to very special circumstances.

The applicant then submitted a revised scheme, which was approved in October 2018 (4/01793/MFA). The basis of this revised scheme was to alter the design of the building insofar that it was less expensive for the owner to construct. In granting this permission, the council give significant weight to the very special circumstances put forward by the applicant similar to the original scheme. These very special circumstances were;

VSC No 1. The covered ménage relates to an existing equestrian centre, which is PDL
- The proposed covered ménage would relate to an existing equestrian centre, providing for its more efficient use, so avoiding the need for additional ménage facilities on this site or elsewhere to provide an all-weather use. Furthermore, the location of the ménage will help conceal it and contain the equestrian clutter associated with the use.

VSC No 2 The cover would provide facilities for dressage competitors at the international level: The ménage would allow the international dressage competitors who use Top Common to do so with certainty that they can train in all weathers and over a longer season, so increasing the efficiency of the equestrian centre.

- 9.8 Looking more closely at the information provided in support of the application, a number of letters were provided detailing the justification for a covered ménage. In particular, a letter was submitted by the owner, Mrs Sattin stating that “... *I am a committed judge and supporter of the sport spending many hours involved in the sport and furthering potential Olympic competitors. I am closely connected with the Olympic Dressage team namely Carl Hester*

and Charlotte Dujardin, a triple gold medallist.” “My horse, ... Rubini Royale and is kept at Top Common and at a Hughes dressage in Warwickshire. The other horses I own are kept at Top Common and are progressing through a similar journey but training is so often disrupted during Spring, Autumn and Winter months because of adverse weather conditions of torrential rain, frost, wind and a frozen arena. This is harmful to their training and development. It makes training very difficult and is very frustrating as we lose many days and weeks. This is detrimental to their progress and wellbeing. This causes a welfare issue as the horses are kept fit but everything else has to go on hold therefore making them more susceptible to injuring themselves, as they cannot be turned out in these conditions. My horses are ridden out at odd times of the day when their riders can fit it in round their working lives. This means they cannot be flexible and wait for the weather to be suitable. Also, it is impossible for them to ride in the winter months when it gets dark early. There is a continuous disruption to any planned exercise or training. Taking all the above into account a cover over the existing arena would be invaluable”.

- 9.9 Another letter that was submitted from Gareth Hughes (International dressage rider and trainer) stating amongst other points, that “ *I strongly feel that the building of an indoor arena at Top Common is vital for Lorraine’s (The applicant) horse’s progression as an elite athlete and as an international dressage horse and as a potential Olympic Team Horse*”.
- 9.10 Similarly, a Letter from Judy Harvey, Fellow of the British Horse Society, Coach, Rider and Judge stated that “*Mr and Mrs Sattin own an international Grand Prix horse, which could be of British Team material. At the moment during the winter months this horse has to be trained elsewhere so that his preparation can be interrupted*”.
- 9.11 Furthermore, in correspondence to the agent in December 2018 the case officer stated “*As I’m sure you can appreciate, I am very concerned whether this application should be granted on very special circumstances for a huge structure in the Green Belt. Such a structure is very harmful to the GB with long lasting impacts far beyond the active use. If mindful to approve, I would seek to condition the use to the named family for private use and would be grateful for a draft condition (as private use has been indicated by applicant at the site meetings). Secondly, I am wondering what would happen with this structure once the use is no longer needed and am considering a condition requiring removal (only of structure) if the nature of the use ceases within a certain period of time. I consider this to be justified given, that the only reason it could be supported would be on the very specific need put forward by the applicant. Only 3 years ago, it was the intention of the applicant to convert the equestrian floorspace to a dwelling and build more stables and I would seek reassurance that by granting this structure, that it would not lead to such a situation in the future*”.

In response, the agent suggested the named conditions and stated that the ambitions of Mr and Mrs Sattin have changed since 2015 and given the excellent standing of British equestrian competitors in the 2016 Olympics they have decided to continue their competition dressage training but to do so and to ensure continuity, require a covered all weather ménage.

- 9.12 In granting both schemes substantial weight was given to the specific case put forward by the applicant, Mrs Sattin, in finding that very special circumstances existed, in particular she put forward her own horse’s specific circumstances and needs. Since approving these applications, the LPA is now aware of a recently dismissed appeal decision dated 26th November 2019 for an indoor riding arena for private purposes at Brook Farm, Peeks Lane, Horley. Appeal reference: APP/I3625/w/19/3235566. This appeal decision is for very similar development whereby the appellant sought permission for a 40m long, 20m wide covered ménage in the Green Belt however the land was considered PDL by the Inspector. Similar, to the Top Common applicant, the appellant indicated that the ménage was required for his personal carer as an international showjumper and for the training of his

horses in the winter months when the outdoor arena is not useable. However, the appeal was dismissed on the basis that the Inspector considered that the weight to be afforded to these personal factors to be limited and such circumstances vary over time.

- 9.13 Nevertheless, the Council have granted permission for the ménage, having given substantial weight put forward by the applicant. In order to control the use of the ménage for the specified reasons given, the disputed condition (no.8) is therefore considered necessary and relevant, as without it, the justification for permitting the inappropriate development in the Green Belt would be significantly diminished.
- 9.14 Another relevant appeal to this point is that at New Acre Stable, Wolverhampton Road (Appeal Ref: APP/C3430/W/18/3214818 dated 29th March 2019) whereby an appeal was made to remove personal named conditions linking occupation of a traveller site to particular individuals. The Inspector considered that the personal circumstances of the named occupants, in particular need for the base and nearby medical resources, were given substantial weight in granting the development on the basis of very special circumstances and retained the personal named condition stating “this is necessary in view of the personal circumstances I have taken into account in varying this condition”.
- 9.15 Turning to the second condition, which asks for the roof/covered Structure to the ménage to be removed within 6 months of its use ceasing for the purposes of training competition dressage horses by Mrs.Sattin or her staff. The applicant indicates that the condition seeking demolition of the ménage should Mrs Sattin cease to use it in effect only grants temporary permission for the ménage and subsequently, effects the owner’s ability to sell the property or finance the erection of the ménage. The agent also argues that it is anticipated that this condition would severely limit the freedom of owners to dispose of their property in the future, given the uncertainty that any subsequent occupiers would be able to retain the facility. It is appreciated that whilst it is not recommended to seek demolition of a building intended to be permanent, given the substantial weight given to the specific requirements of the applicant, it was deemed necessary to require this condition in order to safeguard that the ménage would only be used for the intended purposes set out by the applicant and deemed as very special circumstances. It was considered that should the applicant no longer need the facility for the case put forward, there was no reason for it to remain.
- 9.16 As such it is considered that the LPA reasonably imposed the restrictive conditions having regard to the specific case put forward by the applicant instead of recommending refusal for the development. The case put forward that the conditions put unreasonable burdens on the applicant is not acceptable insofar that the case is exceptional. It cannot be judged against another development that is appropriate, as this scheme was only found acceptable due to the very special case put forward in granting the scheme. The financial implications of the building is not material to outweigh the need for these conditions. It is considered that had the points put forward now by the applicant come forward during the consideration of the scheme, the case officer would likely have recommended the application to be refused.
- 9.17 It is also noted that prior to final approval of the application, due to the size of the development the Green Belt, it was necessary to refer the application to the Secretary of State. The SoS considered the justification for the development and indeed the personal conditions, and did not call in the application, allowing the decision to be made by the LPA.

Planning Considerations of Proposed Conditions:

- 9.18 Despite the reasons put forward by the applicant indicating that the imposed conditions do not meet the tests, they seek to vary these conditions to limit the use and requirement to demolish the ménage to occupiers of Top Common rather than Mrs Sattin. The applicant indicates that altering the conditions to relate to the property rather than the owner would be reasonable because the site would only be purchased by someone who had high/level value competition dressage horses and who required a training facility.
- 9.19 It is considered that varying the conditions to limit the use of the facility to occupiers of Top Common would diminish the very special circumstances that were put forward in the first place to justify the harm to the Green Belt. Varying the conditions to allow occupation of the facility *for the purposes of training competition dressage horses by the owners of Top Common or their staff and for no other purposes, could result in a situation whereby this condition is considered unreasonable as it links the house to the facility meaning that only trainers/owners of competition dressage horses can live in Top Common. It is not demonstrated that this condition can be realised. Should a situation arise in the future, whereby an alternative occupier seeks to purchase the facility, the LPA could then look at their business and vary the condition then if acceptable, however, it is considered that to vary the conditions at this stage is premature.*
- 9.20 Finally, the applicant has submitted two appeals to argue the case. I consider that the grounds are fundamentally different to that being considered here. In particular, both appeals submitted where found to be appropriate development in the Green Belt unlike Top Common, which was justified on the grounds of very special circumstances. As such, the reasons for imposing the personal conditions are fundamentally different.

10. CONCLUSION

- 10.1 To conclude, it is not accepted that the application to vary conditions 6 and 8 of planning permission 4/01793/18/MFA should be granted as both the conditions are reasonable and necessary given the very special circumstances put forward by the applicant at the time. The suggested conditions put forward would diminish very special circumstances considered in granting permission and would not ensure the development amounted to very special circumstances in the Green Belt. As a result, granting the development with the suggested conditions would not sufficiently overcome the harm to the Green Belt.

11. RECOMMENDATION

- 11.1 That the application be refused. The proposed replacement conditions would not be reasonable, precise or relevant to the permission granted and would diminish the case put forward and accepted as very special circumstances which justified inappropriate development in the Green Belt. Therefore the proposals do not accord with the NPPF, NPPG (Use of Conditions) and policy CS5 of the Core Strategy.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Local Parish	CPC not only supports this application but goes further to recommend that the two conditions be widened to 'any equestrian use'. Top Common has been a long established equestrian property (pre-dating the occupation by Mr and Mrs Sattin). Previous owners pursued different equestrian disciplines and there is high likelihood that future

	owners would have equestrian interests but not necessarily only Dressage. The amendments to both conditions would substitute 'any equestrian use' in place of 'the purposes of training competition dressage horses'.
Natural England	Natural England currently has no comment to make on the variation of condition 6 and 8

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
2	0	0	0	0

APPENDIX C: OFFICERS REPORT

DEVELOPMENT CONTROL SERVICE UNIT



PLANNING CASEWORK DELEGATED REPORT

Application Number: 4/01793/19 / MFA
Application for Proposal: Major Full Application
Proposal: REPLACEMENT COVERED MENAGE (RE-SUBMISSION)
Location: TOP COMMON, THE COMMON, CHIPPERFIELD, KINGS LANGLEY, WD4 9BN

Expected Decision Level: Delegated
Case Officer: Simon Dunn Lwin
Registration Date: 26 July 2019
Expiry Date: 25 October 2019
Earliest Decision Date: 21 August 2019
Officer's Site Visit Date: 08 August 2019
Site Notice Date: 08 August 2019

Summary of representations:

Comments received from consultees:

Chipperfield Parish Council

CPC supports.

HCC - Dacorum Network Area (Highways)

Decision

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

CONDITIONS

1. Solar Panels Prior to the commencement of any development on site a 'Glint and Glare Report' should be provided with regard to the potential for adverse reflection from the solar panels. The applicant will need to demonstrate that no part of the nearby highway will be adversely affected by glaring from the solar panels. Subject to clarification, suitable measures may be required to mitigate against glint and glare.

Reason: In the interests of highway safety.

INFORMATIVES:

1. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact

the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

2. 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.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047

3. 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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-and-developer-information.aspx>

COMMENTS

This application is for: Replacement covered ménage (re-submission).

I notice from Drawing no 104 that the proposal includes the installation of ground-based photovoltaic cells to power the internal lighting for the ménage. This requires the application of Condition 1 above to ensure the safety of the local highway.

PARKING AND ACCESS

No changes are proposed to current parking levels. There is adequate room on site for vehicles to manoeuvre in order to leave and enter the highway in forward gear. No new or altered vxo is required and no works are required in the highway.

Vehicular access is via a private drive off The Common, which is an unnumbered "C" classified local access road, subject to a 40mph speed limit, with low pedestrian traffic. There have been no accidents involving personal injury in the vicinity of the site in the last 5 years.

No new or altered pedestrian or vehicular access is required and no changes are required in the highway.

CONCLUSION

Hertfordshire County Council as Highway Authority considers the proposal would not have a severe residual impact on the safety and operation of the adjoining highways, subject to the conditions and informative notes above.

HCC - Lead Local Flood Authority

Following a review of the additional information in support of the above application, we can confirm that we can confirm that we the Lead Local Flood Authority (LLFA) have no objection in principle on flood risk grounds and can advise the Local Planning Authority (LPA) that the proposed development site can be adequately drained and can mitigate any potential existing surface water flood risk if carried out in accordance with the submitted drainage strategy.

The proposed drainage strategy is based on infiltration into the ground via a infiltration basin. We note there are no watercourses or public sewers within the vicinity of the site. Infiltration tests have not yet been carried out to ensure the feasibility of the scheme.

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

Condition

No development shall take place until a 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 100 year plus 40% for climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall also include:

- Infiltration tests carried out in accordance with BRE Digest 365 at location of the infiltration basin.
- Detailed surface water calculations to reflect measured infiltration rate for all rainfall events up to and including the 1 in 100 year + climate change event.
- Detailed engineered drawings of the proposed SuDS features including their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
- Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

For further advice on what we expect to support an planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage

<http://www.hertfordshire.gov.uk/services/envplan/water/floods/surfacewaterdrainage/>

Please note if the LPA decides to grant planning permission we wish to be notified for our records should there be any subsequent surface water flooding that we may be required to investigate as a result of the new development.

HCC Ecology

Thank you for consulting Hertfordshire Ecology on the above, for which I have the following comments:

I previously commented on a former application for a ménage on this site. The new application raises the same ecological issues as before, which I reiterate below:

The hedgerow adjacent to the location of the proposed new covered ménage is well connected to Chipperfield Common. It represents a good foraging and commuting habitat for wildlife including bats. Some bat species are highly light-adverse and artificial light falling directly or indirectly on the hedge line can act as a barrier for their use of this habitat.

There are Great crested newt breeding ponds in close proximity, however the ponds will not be affected by the proposal. The most risk to Great crested newts is often during construction works, when they are terrestrially active and may take refuge under building materials and consequently become trapped or harmed.

As a precaution to avoid any potential impacts to these protected species I advise that the following **Informatives** are added to any permission granted

External lighting

Any external lighting scheme should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as

directing lighting away from potential roost sites.

Great crested newts

“Keep any areas of grass as short as possible up to, and including, the time when the building works take place so that it remains / becomes unsuitable for Great crested newts to cross. Stored materials (that might act as temporary resting places) are raised off the ground e.g. on pallets or batons; and any rubbish is cleared away to minimise the risk of Great crested newts using the piles for shelter. Any trenches or excavations are backfilled before nightfall or ramps provided to allow Great crested newts (and other animals) that may have become trapped to escape easily. In the event of Great crested newts being found, work must stop immediately and ecological advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England”

Natural England

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>.

Case officer's report:

Background

Site and surroundings

The application site comprises a field located within the Top Common estate, which is a large residential property with smaller dwellings and equestrian facilities set within 9.7 hectares of land. Located to the south east of the village of Chipperfield, the site is within situated within the Metropolitan Green Belt, and lies opposite but outside the designated Chipperfield Common Conservation Area boundary, which lies to the west.

There is an existing open ménage located to the southwest of the main house and to the right hand side on approach the cluster of buildings from the main road from the west. Generally, the site is well screened by mature trees and hedging with a verdant character. There is a PROW through the estate to the north of the cluster of buildings, which continues across the fields to the north of the ménage site in the next field which is lower down.

Proposal

Planning permission is sought for the erection of a covered ménage within the paddocks located to the rear of Top Common to the east in a field which slopes down from south to north by several metres.

The proposal is a rectangular barn-like structure with a footprint of 1,320sq.m (22m width by 60m length) and covered by a curved corrugated grey tin roof with a solar panel array, would mimic existing farm buildings in the surrounding countryside. It is sunken into the by 1m and enclosed on three sides with the south elevation open towards the field.

There would be vertical timber boarding to the north elevation and the roof apex would be 5.4m above the adjacent ground level to the south (at higher level on the slope) with a maximum internal height of 5.55m from FFL. An underground rain water harvesting system is also included in the plan. The application has indicated that this is entirely underground and located to the south.

The application is a resubmission of a similar ménage building was approved under reference 4/02084/18/MFA on 13/12/18. The main difference between the two is set out below:-

- The siting has been maintained in a similar location within the field, but the building is closer to the hedgerow on the northern boundary. The applicant states the rafter feet of the previous scheme are no longer necessary to facilitate this move and less prominent against the backdrop of the adjacent boundary hedge and tree line.
- The height above ground level at 5.4m is maintained but the building is of a much simpler design to emulate an agricultural character.
- The size of the ménage, at 20m by 60m and the covering building over at 22m wide by 62m deep are as previously approved.
- The rainwater harvesting and photo voltaic system are retained as approved.

Relevant history

Site History for DC.AID (including Related)

Address: [TOP COMMON, THE COMMON, CHIPPERFIELD, KINGS LANGLEY, WD4 9BN](#)

4/02084/18/MFA CONSTRUCTION OF A COVERED MANAGE TO REPLACE THE EXISTING MÉNAGE

Granted

13/12/2018

4/02119/15/OUT OUTLINE APPLICATION FOR REPLACEMENT OF EXISTING DETACHED RESIDENTIAL PROPERTY AND ASSOCIATED OUTBUILDINGS TO FORM NEW DETACHED RESIDENTIAL PROPERTY - ALL MATTERS RESERVED EXCEPT ACCESS.

Refused

28/07/2015

4/02135/15/FUL CONSTRUCTION OF AN ALL WEATHER MÉNAGE

Refused

27/07/2015

4/02136/15/AGD CONSTRUCTION OF A BARN AND TRACTOR SHED

Prior approval required and refused

27/07/2015

4/01196/09/FHA REAR PATIO
Granted
07/09/2009

4/01945/07/FHA REPLACEMENT CONSERVATORY
Granted
02/10/2007

4/00063/93/4 FORMATION OF MENAGE
Granted
18/02/1993

4/02118/15/LDP RELOCATION OF EXISTING STABLES. CONSTRUCTION OF NEW
DETACHED BARN.

27/10/2015

Comments received from consultees:

Chipperfield Parish Council

CPC supports

HCC - Dacorum Network Area (Highways)

Decision

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

CONDITIONS

1. Solar Panels Prior to the commencement of any development on site a 'Glint and Glare Report' should be provided with regard to the potential for adverse reflection from the solar panels. The applicant will need to demonstrate that no part of the nearby highway will be adversely affected by glaring from the solar panels. Subject to clarification, suitable measures may be required to mitigate against glint and glare.

Reason: In the interests of highway safety.

INFORMATIVES:

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

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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.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047

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COMMENTS

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PARKING AND ACCESS

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Vehicular access is via a private drive off The Common, which is an unnumbered "C" classified local access road, subject to a 40mph speed limit, with low pedestrian traffic. There have been no accidents involving personal injury in the vicinity of the site in the last 5 years.

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CONCLUSION

Hertfordshire County Council as Highway Authority considers the proposal would not have a severe residual impact on the safety and operation of the adjoining highways, subject to the conditions and informative notes above.

HCC - Lead Local Flood Authority

Following a review of the additional information in support of the above application, we can confirm that we can confirm that we the Lead Local Flood Authority (LLFA) have no objection in principle on flood risk grounds and can advise the Local Planning Authority (LPA) that the proposed development site can be adequately drained and can mitigate any potential existing surface water flood risk if carried out in accordance with the submitted drainage strategy.

The proposed drainage strategy is based on infiltration into the ground via a infiltration basin. We note there are no watercourses or public sewers within the vicinity of the site. Infiltration tests have not yet been carried out to ensure the feasibility of the scheme.

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

Condition

No development shall take place until a 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 100 year plus 40% for climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall also include:

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- Detailed engineered drawings of the proposed SuDS features including their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
- Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

For further advice on what we expect to support an planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage

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Please note if the LPA decides to grant planning permission we wish to be notified for our records should there be any subsequent surface water flooding that we may be required to investigate as a result of the new development.

Natural England

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Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

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We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>.

Summary of Representations

In Support	Against	Representations Received	Neighbours Notified
0	0	0	2

Constraints

Source Protection Zone
45.7m Air Dir Limit
15.2m Air Dir Limit
Green Belt
Right of Way
Wildlife Sites
Conservation Area

Consideration

Policy and Principle

The consideration for this application are similar to the previous case as there are no overriding change in material planning considerations.

The National Planning Policy Framework (NPPF) places great importance to protecting the Green Belt with the fundamental aim of preventing urban sprawl by keeping land permanently open. The NPPF states at paragraph 145 that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are: b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

All development within the Green Belt is inappropriate, and by definition under Paragraph 143, inappropriate development is harmful unless the works fall within the exceptions criteria under Paragraph 145 of the NPPF, or very special circumstances are demonstrated to outweigh the harm.

The acceptance of the approved development under very special circumstances has been demonstrated by the applicant and set out below, which is repeated in this application. The approved development under reference 4/02084/18/MFA establishes the principle of the development as acceptable. The extant permission is a material consideration and carries significant weight. there are no material changes to the planning circumstances surrounding the current application to come to a different view. The minor material changes to the design and materials of the proposed building are considered acceptable.

The very special circumstances that have been accepted are:

VSC No 1. The covered ménage relates to an existing equestrian centre which is PDL: The proposed covered ménage would relate to an existing equestrian centre, providing for its more efficient use, so avoiding the need for additional ménage facilities on this site or elsewhere to provide an all-weather use. Furthermore, the low eaves of the cover will help conceal and contain the equestrian clutter associated with the use.

VSC No 2 The cover would provide facilities for dressage competitors at the international level: The ménage would allow the international dressage competitors who use Top Common to do so with certainty that they can train in all weather conditions over a longer season, and therefore increase their chances of success on the international stage in the national interest.

Solar panels

The layout plan shows 4 arrays of solar panels, The use of the renewable energy source is encouraged and necessary to off-set its carbon footprint. They are considered acceptable, subject to the condition recommended by the Highway Authority to assess the potential impact on highway safety from glint and glare.

Ecology and biodiversity

The structure and works will result in disturbance to the natural habitat. Herts Ecology response is set out above. They do not object to the proposal subject to informatives on external lighting and safeguarding Great Crested Newts are included on any approval. This reflects the same advice provided on the previous application. It is included in the recommendation.

Lighting

A significant concern is how the ménage will be lit and how this could result in light pollution/spillage on the open countryside that could affect the natural habitat. Part of the justification for the covered ménage is to allow for use in the winter months with shorter days. While it is accepted that some lighting will be required, a condition is recommended to consider lighting details with appropriate mitigation to safeguard the amenity of the surrounding countryside and potential impact on the natural habitat.

Flooding

The Lead Local Flood Authority have been consulted on the application. Their comments are set out above. While there is no objection to the proposal a condition should be recommended by the LLFA to address surface water drainage, consistent with the approved scheme, to ensure the proposed development on this greenfield site is adequately drained.

Conclusion

The proposed development would be inappropriate development in the Green Belt, however, given the precedent set by the approved development, a refusal for this similar proposal would not be warranted. In view of the above approval is recommended subject to conditions.

Reason why application delegated/committee item	Within scheme of delegation
Reason(s) why application overtime in terms of 8/13 week deadline	N/A
Plans checked on Anite	Yes
All gateway, Anite, email, letter, consultee and neighbour rep screen comments checked and summarised above	Yes
CIL Additional Information Forms Checked and amended as necessary.	N/A

Officer: Simon Dunn-Lwin MRTPI

Date: 02.10.2019

Recommendation: Grant

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

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

- 2 **No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.**

Reason: To ensure a satisfactory appearance to the development in accordance with policy CS5 and the very special circumstances including visual impact in accordance with the NPPF.

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

- **hard surfacing materials;**
- **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 and hedges to be retained and measures for their protection during construction works;**
- **car parking layouts and other vehicle and pedestrian access and circulation areas;**
- **proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);**
- **Any above ground development in association with the rainwater harvesting tanks.**

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with policy CS5 and CS12 of the Core Strategy.

- 4 **Prior to the commencement of the use hereby approval, full details of external and internal lighting shall be submitted and approved. Details shall include full specification, siting of lighting and hours of use. The lighting shall be installed and operated in accordance with agreed details and there shall be no other lighting installed without the specific grant of planning permission.**

Reason: To avoid unnecessary and harmful light pollution within the open countryside in accordance with policy CS5 and the NPPF.

- 5 **No development shall take place until a 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 100 year plus 40% for climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event.**

The scheme shall also include:

- Infiltration tests carried out in accordance with BRE Digest 365 at location of the infiltration basin.
- Detailed surface water calculations to reflect measured infiltration rate for all rainfall events up to and including the 1 in 100 year + climate change event.
- Detailed engineered drawings of the proposed SuDS features including their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
- Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To prevent the increased risk of flooding, both on and off site in accordance with Core Strategy Policy CS29.

- 6 **The roof/covered Structure to the ménage hereby approved shall be removed within 6 months of its use ceasing for the purposes of training competition dressage horses by Mrs.Sattin or her staff, and the demolition materials shall be removed from the site and the land shall be made good to details approved in writing by the LPA.**

Reason: To ensure that the very special circumstances to justify the inappropriate development in the Green Belt remain valid, and if not the Green Belt shall return to the existing open condition in accordance with the NPPF.

- 7 **Prior to the first occupation of the ménage hereby approved, a scheme for the removal and replanting of the existing ménage shall be submitted and approved in writing by the LPA. The approved details shall then be implemented before the expiry of 6 months from the date of the first occupation of the ménage hereby approved and the use of the existing ménage shall cease and land returned to paddock. Details shall include specific planting plans.**

Reason: In order to protect the openness of the Green Belt and in accordance with the detailed very special circumstances for the new ménage in accordance with the NPPF.

- 8 **The development hereby permitted shall be used for the purposes of training competition dressage horses by Mrs Sattin or her staff and for no other purposes.**

Reason: In order to ensure that the very special circumstances to justify the inappropriate development in the Green Belt remains valid in accordance with policy CS5 and the NPPF.

- 9 **Prior to the commencement of any development on site a 'Glint and Glare Report' on the Solar Panels should be provided with regard to the potential for adverse reflection. The applicant will need to demonstrate that no part of the nearby highway will be adversely affected by glaring from the solar panels. Subject to clarification, suitable measures may be required to mitigate against glint and glare.**

Reason: In the interests of highway safety to comply with Core Strategy Policy CS9..

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

201 rev A
202
203
204 rev A
205 rev A
206 rev A
207 rev A
Planning Statement

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

Article 35

Planning permission has been granted for this proposal. The Council acted pro-actively through 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.

Informatives

Highways -

1. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website:

<http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

2. 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.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

3. 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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-and-developer-information.aspx>

Ecology –

External lighting

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

Great crested newts

5. Keep any areas of grass as short as possible up to, and including, the time when the building works take place so that it remains / becomes unsuitable for Great crested newts to cross. Stored materials (that might act as temporary resting places) are raised off the ground e.g. on pallets or batons; and any rubbish is cleared away to minimise the risk of Great crested newts using the piles for shelter. Any trenches or excavations are backfilled before nightfall or ramps provided to allow Great crested newts (and other animals) that may have become trapped to escape easily. In the event of Great crested newts being found, work must stop immediately and ecological advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England.

This application was supported by the following:

201 rev A
202
203
204 rev A
205 rev A
206 rev A
207 rev A
Planning Statement

Signed:

Dated:

Case Officer

Team Leader

Dated:

5f. 19/022895/ART - Article 4 Direction

Land North End Of Cupid Green Lane, Hemel Hempstead



Reference	19/02895/ART
Site Address	Land North End Of Cupid Green Lane, Hemel Hempstead
Land Owner	Various

1. Recommendation

1.1 That the Article 4 Direction made on 14th November 2019 be confirmed.

2. Summary

2.1 This Article 4 Direction was made by the Council, due to the advertised sale of some parcels on the land and the risk that changes/uses under permitted development and the physical sub-division of that land could cause very significant harm to this very sensitive rural / Green Belt landscape.

2.2 In November 2016, an Article 4 Direction was made on the same area of land following verbal reports from a potential purchaser that the land was being sold in 12 separate plots. The Council considered it was necessary at the time, to make the Direction due to the sensitive nature of the site. Following the service of the Direction, however, information was received through a submitted comment which provided important information, advising that the land was actually being sold as 6 plots, not the 12 originally thought. Furthermore, it was raised to the Council, that other pieces of land in the immediate area had been subdivided. Consequently, at the time, the Council did not consider that the area of land met the tests to be so exceptional that it warranted additional controls. Ultimately, therefore, the November 2016 Article 4 Direction was not confirmed.

2.3 More recently, there have been a number of changes to this land that has resulted in the need for an Article 4 Direction to be revisited. These include the further sub-division of one of the plots into eight, creating 13 plots across the overall field, and the erection of insensitive fencing, including subsequent to the serving of the current Article 4 Direction. Furthermore, four of the plots on the overall field are subject to current planning enforcement investigations regarding unauthorised development.

2.4 Therefore, it was concluded that a new Article 4 Direction was required to be made in order to protect this land.

3. Site Description

3.1 The site comprises a rectangular shaped field located on the north-eastern side of Cupid Green Lane, close to the junction with Gaddesden Row. The field contains three telegraph poles, as well as an electricity pylon at its south-eastern (rear) edge. The site is within the Metropolitan Green Belt, whilst the Chilterns Area of Outstanding Natural Beauty (AONB) is on the opposite side of Cupid Green Lane.

3.2 During 2017 and 2018, six 'plots' were sold to various new owners. Those plots have been defined using a mixture of fencing types including, post and rail fencing, post and wire fencing and close board fencing. The plots appear relatively equal in size. There are a number of unauthorised uses and development taking place within the individual plots, with 4 separate enforcement cases being set up to investigate

those uses/development. The uses include dog walking/training, keeping of animals (alpacas and goats) and erection of structures.

3.3 A number of other developments have taken place, which may benefit from permitted development – such as, laying of a hard surfaced track to serve the plots of land and the erection of sub dividing fencing/enclosures.

3.4 Further there are a number of planning permissions which relate to the site; namely 4/00563/17/FUL for - *Construction of stock wire fence with planted hedgerow to divide off an area of land. Installation of 5 bar gate to provide access;* 4/00145/18/FUL for – *construction of agricultural building;* 4/00144/18/FUL for - *construction of a polytunnel;* and 4/00143/18/FUL for - *creation of an access track and construction of a poly tunnel.*

3.5 It is understood that 4/00563/17/FUL has been fully implemented, 4/00143/18/FUL has been part implemented and the others have not yet been implemented.

3.6 The site is accessed off Cupid Green Lane via a seven-bar metal gate. This leads to a previously created hard surfaced 'holding area'. There is a secondary gate inside the first which serves as an access to a track and extends into the site and serves all 6 plots. A Public ROW also commences at the entrance to the site, which then continues on the other side of the field boundary hedge along the north-eastern field boundary. The area is very rural in its appearance, formed largely by medium to large-sized open fields with hedge or tree boundaries, and pockets of woodland.

3.7 There is a second seven-bar metal gate, set back from the highway, which appears to serve the plots at the bottom of the field. This metal gate has been installed to the south of the main gate further up the Lane.

4. Service of Order

4.1 The Article 4 Direction subject to this report was served on all interested parties including land owners on 14th November 2019. A total of 12 individuals/companies were served with a copy of the notice and relevant paperwork. The Direction has immediate effect and must be confirmed by 14th May 2020, which is 6 months from the Direction being made.

4.2 The Article 4 Direction sought to immediately remove the following permitted development rights;

- **The erection, construction, improvement or alteration of a gate, fence, wall or other means of enclosure** referred to in paragraph A.1 being development comprised within Class A of Part 2 of Schedule 2 to the Order and not being development within any other Class.
- **The formation, laying out and construction of a means of access to a highway** which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part) being development comprised within Class B of Part 2 of Schedule 2 to the Order and not being development within any other Class.

- **Temporary use of land** comprised within Class B of Part 4 of Schedule 2 to the Order and not being development within any other Class.

4.3 The effect of the Article 4(1) Direction is that development comprising the erection, construction, improvement or alteration of a gate, fence, wall or other means of enclosure; the formation, laying out and construction of a means of access to a highway; and temporary use of the land, will now require the formal determination through the submission of a planning application.

5. Legislation and Policies

5.1 Paragraph: 038 Reference ID: 13-038-20140306 of the National Planning Policy Guidance (NPPG).

5.2 Policies CS1, CS2, CS5, CS10, CS12 and CS25 of the Core Strategy.

5.3 National Planning Policy Framework (NPPF).

6. Representations

6.1 There were a total of nine formal comments submitted to the Local Authority:

- One comment received from Great Gaddesden Parish Council.
- Three comments were expressly objecting to the Article 4 Direction.
- Five comments were in support of the Direction.

6.2 Great Gaddesden Parish Council commented as follows:

The development of the land was brought to our attention by local residents who were concerned of developments there. Thankfully the enforcement team were already aware and dealing.

The land was sold off into small individual plots with good intentions of the owner. The plots have been bought by individuals. Some of which appear not to have the relevant experience or knowledge of rural, agricultural or planning issues. Some of the plots have caused concern through potential noise issues, inappropriate development, and sadly, deliberate flouting of regulations. This has also hampered other plot holders who have not caused any issues.

The Parish Council requests that the article 4 direction to remain in place at the discretion of the planning enforcement dept at DBC to give effective control over this complicated area to assist the local residents. To ensure that any development has a proportionate impact to the surroundings.

6.3 Comments in support of the Direction can be seen at [Appendix A](#). A total of five comments were received in support of the Article 4 Direction, which made the following summarised comments:

- Commercialisation of the land is wrong and should be used for agricultural purposes;
- Additional traffic generated would substantially increase the dangers posed by the nearby junction;

- Removal of the Direction would open the flood gates of use of the fields in this Area of Outstanding Natural Beauty, thus destroying the landscape forever;
- The activities in the field are damaging and destructive and is becoming a major eyesore.
- There will be a problem regarding sewerage and water.

6.4 In total, three comments were received in objection to the Article 4 Direction. These comments can be seen in full at [Appendix A](#). Comments from Mr and Mrs MacDonald were accompanied with photos and maps; these can be seen at [Appendix B](#). The comments are summarised below:

Comments from Ms Woodbridge and Mr Yemm (Plot 2)

6.5 The comments from the owners of Plot 2 are largely focused on their current use of the plot. They explain that they are using it for grazing and have subdivided it into two paddocks. They state that the need for immediate replacement of fencing (when damaged) and overnight stays during lambing etc, would mean that planning permission could not be sought in every instance and that the requirement to go through the planning process could introduce un-due risk and hazards to the livestock.

Comments from Ms Chapman (Plot 3)

6.6 The comments from Ms Chapman relate to the placing of the Article 4 Direction on her specific plot of land. She explains that her plot and her neighbouring plot (Plot 6) should not give rise to any concerns over the use of the land. She states that those plots are to be considered 'separate' as they have their own access. She requests that the Article 4 Direction is made smaller to omit her plot and Plot 6.

Comments from Mr and Mrs MacDonald (Plot 6)

6.7 Mr and Mrs MacDonald made a number of important comments in their submission. They are summarised below:

6.8 **Site description;** It is noted in the comments submitted, that the site description in the report is incorrect in that it doesn't correctly state the number of pylons in the field(s) and that there are other omissions/errors, such as gates, access points and types of fencing.

6.9 **Other subdivision of land in the surrounding area;** The comments submitted reference the subdivision of other fields in the wider, surrounding area. The comments were accompanied with a map. There are a number of areas where the subdivision of fields have been denoted with coloured lines and of these areas, two appear to be more concentrated (to the north of Gaddesden Row and to the south east of the site).

6.10 **Views of plots 3 and 6 from surrounding areas;** The comments submitted by Mr and Mrs MacDonald mention that plots 3 and 6 cannot be seen from RoW 44 due to the density of the hedge along the majority of the boundary. They mention that the visual impact of the site is greater from RoW 39, but maintain that plots 3 and 6 cannot be seen from the surrounding areas of public rights of way.

6.11 **Use of land and planning application fees;** It was noted in the comments

submitted by Mr and Mrs MacDonald, that their own plot and their neighbouring plot (plots 3 and 6) had not been subject to any unauthorised development or uses. Further, they commented that the effect of the Article 4 Direction would be that they would now need to pay for applications to implement permitted development rights.

Response to consultation comments

6.12 The comments received in objection to the Article 4 Direction are from owners of plots within the field site. These objectors feel that due to their lack of affiliation with the rest of the field site, and the lack of development or uses on their land, that they should not be included within the Article 4 Direction. Overall, they support the Article 4 Direction being made, especially in relation to Plot 1, which has been the subject of additional sales, subdivision and uses.

6.13 **Site description;** The comments raise a query over the site description and state that the site description in the original delegated report is incorrect in that it doesn't correctly state the number of pylons in the field(s) and that there are other omissions/errors, such as gates, access points and types of fencing. The officer has corrected the points on the means of access and the second field gate at the main access. The officer has also clarified the point in relation to the number of pylons in the field in that; there is one electricity pylon and three telegraph poles in the field. Notwithstanding those changes, the officer is minded to suggest that the outcome of the delegated report would not differ from the one which resulted in the making of the Article 4 Direction in November 2019.

6.14 **Other subdivision of land in the surrounding area;** The submitted comments reference the subdivision of other fields in the wider, surrounding area. The comments were accompanied with a map (See [Appendix B](#)). There are a number of areas on this map where the subdivision of fields have been denoted with coloured lines and of these areas, two appear to be more concentrated (to the north of Gaddesden Row and to the south east of the site). The comments mention that these areas may cause greater impact in that each smaller subdivided area could use the 28-day temporary use permitted development right.

6.15 The Council undertook to obtain land registry details of these areas of land and confirm that those areas are individually within one proprietorship. Therefore, any subdivision of fields within the proprietorship would not automatically mean that temporary use rights or other permitted development rights would apply to each of those parcels. In contrast, the field on which the Article 4 Direction has been applied is currently under 6 different proprietorships (likely to increase) as such, the permitted development rights can be multiplied by at least 6 across the field and there could be almost 6 months of continuous temporary uses taking place within the field.

6.16 The current uses taking place within the areas of land under one proprietorship are considered to be appropriate as they are agricultural/equestrian uses. These uses are not currently a cause for concern, but this will be monitored. The Council considers it is justified in applying the Article 4 Direction over the area which it has, as there is no justification to apply these additional controls over these areas outside of the field. Further, it should be made clear that any argument that the Article 4 Direction does not cover a large enough area does not mean that it would be incorrect to apply the Article 4 Direction over the area which is currently being considered, in order to strengthen the protection of that area.

6.17 Views of plots 3 and 6 from surrounding areas; The comments submitted mention that plots 3 and 6 cannot be seen from RoW 44 due to the density of the hedge along the majority of the boundary. They mention that the visual impact of the site is greater from RoW 39, but maintain that plots 3 and 6 cannot be seen from the surrounding areas of public rights of way.

6.18 The Council undertook a visual assessment on 13th February 2020 and evidenced the visual impact of the site from various view points along RoW 44, 39 and the Highway (Cupid Green Lane). Photographs of that assessment are at [Appendix C](#). It is clear that the whole field can be seen from RoW 39 and that specifically plots 3 and 6 are clearly visible. Additionally, the Highway affords direct views of the whole field and specifically, plots 3 and 6 are visible. RoW 44 does afford some screening of the site by virtue of the dense hedgerow, however, at the point where it turns and begins to travel north, there is a large break in the hedgerow and the views south across the site are enabled.

6.19 It is noted that the views from RoW 44 are not of plots 3 or 6 (plot 3 can be seen, but this is not a direct view), this is due to the lie of the land and the field dropping away to the south.

7. Considerations

Introduction

7.1 An Article 4 Direction is a direction under article 4 of the General Permitted Development Order, which enables the Secretary of State or the local planning authority to withdraw specified permitted development rights across a defined area.

7.2 Paragraph: 038 Reference ID: 13-038-20140306 of the National Planning Policy Guidance (NPPG) states that the use of Article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area. The potential harm that the direction is intended to address should be clearly identified.

7.3 It is considered that the site, which is situated within the Green Belt, is particularly visually sensitive and prominent from public vantage points.

Green Belt

7.4 Policy CS5 of the Core Strategy states that the Council will apply national Green Belt policy to protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements.

7.5 The NPPF is also clear on the weight to be attached to Green Belt land. Paragraph 79 states that, "*The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence*".

Harm and Visibility

7.6 The potential for further introduction of fences, gates and other means of enclosure which are likely to be required to further divide the site would combine to visually detract from the area and would result in demonstrable and unacceptable harm. The erection of means of enclosures are not subject to the prior approval process and as such, fall outside of the control of the Local Planning Authority. Furthermore, concerns exist regarding the development pressures which could result from such subdivision.

7.7 There are equally concerns that the further sub-division of the ownership of the land could see temporary permitted development rights be further multiplied compared to the situation immediately prior where the field constituted 6 individual plots. This could result in the near continuous operation of 'temporary' activities across the original field.

7.8 The Council is satisfied that the area of land, as defined in the plan attached to the Article 4 Direction is under sufficient threat of further development and as such, it is necessary to seek to remove permitted development rights to afford the Local Authority an opportunity to adequately assess the impact and harm of each proposed development or use at this site.

7.9 The comments made in objection the Article 4 Direction are specifically from plot owners who feel that the Direction should not cover their land as they have not undertaken any development or uses which would necessarily give rise to concern in the local area. However, the Local Authority maintains that the area sought to be covered by the Article 4 Direction is sufficient enough to control the risks to the area, at the same time as covering a visually contained and defined area as the site is bounded by hedgerows.

7.10 The field is surrounded by the road (Cupid Green Lane) to the north-west and south-west. Along the field's south-west boundary is a hedgerow and this carries on around the entire perimeter of the site, including along the public ROW (44), making the field appear visually enclosed by a natural boundary. Therefore, it would be visually illogical to separate the field into Article 4 and non-Article 4 areas owing to its natural demarcation. Furthermore, the making of separate areas within the field where the Article 4 does and does not apply, would introduce practical enforcement difficulties.

7.11 The Council has investigated the other areas of sub division in the immediate, local area and has concluded that they are within the same ownership/land title and as such, each smaller sub divided parcel of land within those single ownerships, would not benefit from its own temporary use rights or other permitted development rights. As such, the risk posed by the sub division of those parcels of land is not considered to be such that it would warrant the imposition of additional controls. The risks posed by the land to which this Article 4 Direction is the subject, had increased its risk through the further sale of the parcels of land within it and overall, the impact of temporary uses and other permitted development rights could be magnified and substantially worse.

Justification for Article 4 Direction

7.12 It is considered that the serving of an 'immediate direction' was warranted, appropriate and necessary. It is further considered that the confirmation of the Article 4 Direction is equally warranted, appropriate and necessary. The potential harm caused by the further sub-division of this land has been described above and the threat to the

site's visual integrity is considered to be imminent. Plot 1 is being marketed for sale as separate plots, and the subdivision of the rest of the land has already occurred.

7.13 Overall, the risk posed by the use of the land within this area for temporary uses or for creation of further smaller plots or new accesses, could significantly impact on the local area. The site is highly visible from public rights of way and the Highway (Cupid Green Lane) and as such, the Council considers that its decision to control those uses and rights is justified in this instance.

Compensation

7.14 If a local planning authority makes an Article 4 Direction, it can be liable to pay compensation to those whose permitted development rights have been withdrawn, but only if it then subsequently:

- refuses planning permission for development which would otherwise have been permitted development; or
- grants planning permission subject to more limiting conditions than the General Permitted Development Order.

7.15 The grounds on which compensation can be claimed are limited to abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights.

7.16 Compensation can only be claimed if the planning application is made within 12 months from the date when the Article 4 Direction takes effect.

Cancellation or Modification of an Article 4 Direction

7.17 An Article 4 Direction can remain in place permanently once it has been confirmed. However, it is important for local planning authorities to monitor any Article 4 Directions regularly to make certain that the original reasons the direction was made remain valid.

7.18 Where an article 4 direction is no longer necessary it can be cancelled. Furthermore, a direction can be modified by cancelling the existing direction and replacing it with a new one. In both cases the normal procedures for making an Article 4 Direction apply.

7.19 It is therefore important to note that the current Article 4 Direction cannot be retained with modifications. It is either:

- confirmed (exactly as it is presently worded)
- withdrawn, and then a modified Article 4 Direction made.
- Not confirmed / withdrawn (the restrictions simply fall away).

7.20 It has been noted above that some of the plot holders, whilst not objecting to the making of an Article 4 Direction on the other plots, object to their land being included in the Direction. This report has already explained why the Article 4 Direction should cover the overall field (visually sensitive and prominent site overall, site formed by a natural boundary and seen as one piece of land that has been sub-divided). Should

the current Article 4 Direction be withdrawn and then re-made to cover a smaller area of land than any development that has taken place since the Article 4 Direction was made, and which would otherwise have been permitted development, would be able to remain.

8. Conclusions

8.1 The Local Authority considers that the Article 4 Direction which was made on 14th November 2019 was justified and warranted.

8.2 The area which it covers is appropriate when considering the visual containment of the 6 plots and the localised risk due to different owners of those 6 plots of land. Further, the sale of additional plots of land within the field is increasing the risk of additional permitted development rights being afforded to the field, which would have a significant detrimental impact on the area.

8.3 The objections received are specific to individual plots and maintain that the Direction should not be confirmed due to the lack of activity in their specific plot. The Council considers that the risk still exists, through the onward sale of plots and that the cumulative impact of the uses or development within the wider field could be severely detrimental when considering the field's overall visual appearance.

9. RECOMMENDATION – That the Article 4 Direction (ref: 19/02895/ART) be confirmed for the reasons stated above.

Appendix A - Responses received

Contributors	Support	Neutral	Objecting
8	5	0	3

SUPPORT	
1	<p>We are writing to say that the commercialisation of the land at the top of Cupid Green Lane for anything other than normal agricultural use is totally wrong. The junction at the end of Gaddesden Row is extremely dangerous and has been the site of many accidents over the years – some very serious. Cupid Green Lane just will not be able to cope with the traffic and the dangers will be very substantially increased if the current activities continue, or, indeed, expand.</p> <p>We are totally opposed to the current activities at the site and are very supportive of the Article 4 Direction.</p>
2	I wanted to write supporting the Article 4 on the land at Cupid Green Lane.

	<p>The land is beautiful agricultural land which has been so for many years in an area of outstanding natural beauty and Green Belt. It has been so sad to see this beautiful landscape destroyed by a large mobile home, domestic fencing, caravans and vans and cars parked throughout the day and night, a tarmacked track put in and a piles of soil and a large shipping container left along with piles of rubbish and bonfires. I also have no doubt that people are living there as we hear machinery and see lights in the night and have had post delivered to our address for an occupant there. A large party camp out with numerous tents and vehicles was held in the summer as well.</p> <p>This seems to be a total breach of the protection of an area of outstanding beauty and use of agricultural land.</p> <p>I support Article 4 very strongly as if it was removed I believe it would open the flood gates for use of fields in this area of outstanding natural beauty, thus destroying the landscape forever.</p>
3	<p>I have to say that until I had a better look yesterday at the activities in the field at the top of Cupid Green Lane, I had not appreciated how damaging and destructive the activities there really are. I moved to Frithsden from Corner Farm in 2015, having lived there for nearly 30 years, although my wife and I do still own 2 cottages at The Granary behind Corner Farm, which we let.</p> <p>I agree with every word that has said and think that everything possible must be done to stop what is becoming a major eyesore and destruction of a proper rural environment. A country slum is being created!</p>
4	<p>A. I would like to have it noted, my concern on the impact that the access via the gates onto Cupid Green Lane from the land ,is causing, extra traffic congestion on an already congested narrow road while the occupants enter and leave their plots via the gate which they have to lock and unlock .</p> <p>B. I have also got concerns about the various buildings that are being erected as this is an designated area of outstanding natural beauty and it is sad that the landscape is being blemished.</p>
5	<p>I am writing about my concerns that the land in Cupid Green Lane, Hemel Hempstead is been sold for residential use as advertised by the estate agent, see below. https://www.zoopla.co.uk/for-sale/details/50822220?search_identifier=c677df57d91cbfa4cd54b8753e46b85f</p> <p>If this is not stops then there will be a problem regarding sewerage and water as I believe no one has applied for planning permission for resident, the whole site is starting to look like a caravan site. What is the intention of the council to allow green belt area which was used for agriculture previously? Everyone else has to apply for permission and this seems to be taking far too long for local residents to receive an answer. How did this happen in the first place and the area in Gaddesden Row has been dealt with far stricter rules and regulations.</p> <p>This area of land is still in the green belt and I am sure was supposed to be the same as the other vacant land in Gaddesden Row which is correctly advertised, see below.</p>
OBJECTION	

1	<p>We are writing in relation to the direction made under Article 4(1) for the land at the top of Cupid Green Lane, Great Gaddesden, Hertfordshire (19/02895/ART). We own a piece of land covered by the Article 4(1), we believe you refer to our land as Plot 2.</p> <p>I have requested the Officer's Report in relation to the Article 4(1) but are still yet to receive a copy. As such, the below representations are based on general comments to the Article 4(1) letter and cannot take into account any specific concerns you may have. We would really appreciate the report (which I believe is normally freely available) and a chance to further respond to any specific points.</p> <p>This email details our representations in relation to the article 4(1) placed on plot 2 of the land, we are not writing with respect of the other plots (or sub-plots which have been affected by the article 4(1)) and do not take responsibility for any land except plot 2.</p> <p>Given the statement above it would be helpful to clarify whether the land and therefore the Article 4(1) can be appropriately distinguished between the separate plots/owners for plots 1-6 to distinguish between the various owners and responsibilities for any development of the land.</p> <p>In relation to the development conditions which have been put in place through the Article 4(1), we outline our representations for plot 2 below and why we believe that the article 4(1) should not be applicable:</p> <p><i>The erection, construction, improvement or alteration of a gate, fence, wall or other means of enclosure referred to in Paragraph A.1 being development comprised within Class A of Part 2 of Schedule 2 to the Order and not being development within any other Class.</i></p> <p>Plot 2 is currently established as two paddocks (c. 1.75 acres each) separated with conventional agricultural fencing (post and agricultural wire stock fencing) – suitable and respectful to the area and agricultural use of land. The two paddocks are to ensure safe grazing of animals which currently need to stay separated for safety reasons. However as part of correct pasture management we utilise temporary electric fencing to maintain the correct level of pasture for animals grazing. This use of temporary electric fencing in strategic places prevents overgrazing of particular areas and allows for correct soil management. For example, this may be required dependent on weather conditions, particularly in excessively wet periods to prevent poaching of certain areas of ground and sheep developing foot rot from wet conditions or conversely in spring/summer to prevent the onset of obesity in animals for animal welfare. Further there may be instances where smaller sections are temporarily sectioned off on veterinary grounds if animals are injured and need to have their exercise restricted.</p> <p>Given the nature of the use, this temporary fencing is normal use for grazing of any agricultural animal and is difficult to predict usage and difficult to ascertain exactly the positioning for various parts of the year. Please note that as much as possible we do seek to maintain the land to be open as two very large paddocks (two is required to allow resting of grazing between seasons and safety as stated above).</p> <p>Given the nature of the use of the land as grazing land, should any fencing or gates get damaged then this would require immediate maintenance to ensure continued safe grazing of animals. Preventing this immediate maintenance and requiring us to then apply for planning permission (with the associated extended time frames for any application) would prevent animals remaining in the field and therefore prevents the use</p>
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	<p>of the land for grazing. Further, leaving damaged fencing could be detrimental to the health and welfare of the animals, for example, risk of injury from protruding wire or broken posts and/or could allow animals to escape onto the surrounding roads and therefore danger to the public.</p> <p><i>The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part) being development comprised within Class B of Part 2 of Schedule 2 to the Order and not being development within any other Class.</i></p> <p>Fencing has been established to allow a point of access to be made directly from the road on the basis that the highway is not a trunk/classified road and is allowed under permitted development in line with development of another class. The current positioning of any temporary shelters is against the established hedging to be as inconspicuous and respectful to the surrounding area as possible and therefore access from the road was anticipated for winter to allow the provision of water and any other relevant supplies for animals to the appropriate area of the plot. Further should an animal get injured we do not currently have any access over winter to the relevant part of the land to either allow ease of access for vet or to transport the animal off site for veterinary attention.</p> <p><i>Temporary use of land comprised within Class B of Part 4 of Schedule 2 to the Order and not being development within any other Class.</i></p> <p>In times when animals are unexpectedly injured and in lambing season it may be a necessity to camp on the land overnight for animal welfare therefore temporary use of land (for no more than 28 days) may occasionally arise with no notice. This would not be possible to apply for permission based on unknown nature and timing implications of application.</p> <p>Overall, the use of the land is as stated above and as discussed with both Cora Watson and Robert Freeman. We are not trying to misuse the land and are very happy to have further discussions in relation to this point and any concerns you may have in relation to plot 2.</p> <p>We hope you will take the above into consideration for the placing of Article 4(1) specifically on plot 2. As stated above, we would still appreciate the provision of the relevant Officer's Report which has been requested and to be given an opportunity to respond to any specific points raised in this report.</p>
2	<p>My neighbour has forwarded on details of an article 4 that has been placed on the land at Cupid Green Lane, Hemel, HP2 6HN. My husband and I are the owners of lot C1, Cupid Green Lane. However the seller's solicitors still haven't finished the paperwork to enable it to be registered with land registry so I presume you haven't sent us any of the paperwork as you don't have us as the registered owners. I have been chasing this with my solicitor for over 6 months, since I first found out that the land wasn't in my name. The seller's solicitor has left and we have struggled to get someone to take it on. Our purchase completed on 20th Dec 2017.</p> <p>I object to the placing of an article 4 on the whole plot that was sold off in 2016/2017. It is only the recent transactions at the other end of the field that are causing you concern/problems (lot A I believe) and nothing we are doing at the other end should give</p>

	<p>rise to any concerns about the use of the land. Please could you consider adjusting the article 4 to only cover lot A-D (where there has potentially been any subdividing of land and/or placing of buildings), and not lot E and F where there has been no subdividing of land, and where there is a separate entrance for these 2 plots so they are totally separate to the other 4 plots.</p>
3	<p>We are the land owners of HD566741 which has been referred to as plot 6 in Olivia Stapleford's report. We disagree with the term plot as this implies that this is part of a larger piece of land and we wish to be viewed as a separate field in its own right. We shall use the phase plot 6 for ease of reference in this document. We wish to make representation against the current Article 4 which has been placed on the land at the top of Cupid Green Lane, Great Gaddesden. At present the Article 4 encompasses the 6 plots which made up the original field. We believe that plots 3 and 6 should not be included in the current Article 4 as since the purchase of plots 3 and 6, plot 3 has not erected any form of boundary and plot 6 has only erected a boundary fence which was granted planning permission whilst the previous Article 4 directive was in place; to the best of our knowledge temporary use has not been abused and through discussions with Philip Stanley, no issues or planning breaches were highlighted in the most recent report from Olivia Stapleford. Furthermore due to the changes introduced in the January 2018 Fee Regulations this will now incur an annual cost of between £150 and £300 just to seek permission for our permitted development rights when all conversations with the planning department cannot share with us any legitimate reason for why our land should be subjected to the Article 4 other than the fact that the land was once one parcel of land. This could be said about any piece of land should you go back far enough.</p> <p>Paragraph 4.23 of Planning Policy Guidance Note 15, clearly states 'that permitted development rights should not be withdrawn without clear justification ... and where the direction involves the minimum withdrawal of permitted development rights (in terms of both area and types of development) necessary to achieve its objective.' We believe that plots 3 and 6 should be excluded from the Article 4 directive as all reports available relating to the land at the top of Cupid Green Lane do not mention either of these adjacent plots. During discussions with Philip Stanley in relation to the land, no issues have been identified in either plot. We believe that although the current Article 4 views the 6 individual plots as a single entity as they were previously one field that plots 3 and 6 should be excluded from the Article 4. Our reasons for this are; neither plot has been divided further than the planning permission which was granted; there is an additional entrance into the field (which is not noted in the most recent reports concerning the land) which serves both plot 3 and 6 meaning that interaction with the remaining 4 plots is minimal and not necessary and neither plots have abused the rights granted to them by temporary use.</p> <p>It is unfortunate that the actions of other landowners has brought on the need for an Article 4 again. We would like to make it clear that we are not trying to justify any actions taken by neighbouring land just that we have gone to great effort to work with the council and help keep the Green Belt land as open and as visually appealing as possible. A new entrance has been constructed to our land which also allows access to plot 3. We believe this has a very low impact visually as Olivia Stapleford did not even notice it was there during her site inspection. We also wish to make it very clear that we had nothing to do with the roadway constructed in the field and can provide documents which show we wanted nothing to do with it, further separating us from the rest of the plots. We</p>

intend, in the future to define the boundaries of our land further with hedgerow in a way which is more in keeping with the Metropolitan Green Belt area. As the period of time between the Article 4's has been so short there has not been enough time for a hedge to be planted or to take root.

It was explained to us by Philip Stanley that it would be very unusual to leave off such a small area of land from an Article 4 but as is shown in photo 30 and map 4 (in purple – please see explanation for the maps at the end of this document) the area in question is a third of the entire Article 4, 6.56 acres and visually separate as it cannot be seen from surrounding areas apart from when you are immediately adjacent to it.

Through reading the 'Development Control Service Unit Planning Casework delegated report' reference 19/02899/ART we have noted some errors which we wish to draw your attention to. Within the 'site description' paragraph it states that there is 'a pylon at its southern (rear) edge' however the field contains 3 pylons – which can be found in plot 2, 3 and 5. It also states that 'The plots have been defined using post and rail fencing' which is incorrect as the majority of fencing used to define the plots is stock wire fencing. Furthermore, at the original entrance it describes access to the site as 'via a seven-bar metal gate', this is not the case as there are two seven-bar metal gates to provide access as seen in photo 21. Additionally, no mention is made of the access via a seven-bar metal gate to plots 3 and 6 shown in photo 20.

The site description also comments on the appearance of the area saying it is 'formed largely by medium to large-sized open fields with hedge or tree boundaries'. In the Addendum to report 02 June 2017, application number 4/03035/16/ART it notes that, 'the objection provided visual evidence of a significant amount of field sub-division in the immediate area.' As this has been acknowledged in a previous report it seems to contradict this statement.

In the 'Relevant Planning History' section the table of planning applications does not include the planning application reference 4/00563/17/FUL relating to plot 6. We believe this planning application is particularly relevant as it covers sub-division and was granted whilst the previous Article 4 directive was in place.

This paragraph also refers to becoming aware of plot 1 being sold in small plots on the open market in September 2019. However, we know that information was provided to Philip Stanley through a telephone conversation and a follow-up email sent on the 9th July 2019 which included photos of the intended division of the land. We feel this is a particularly important piece of information as the Article 4 regularly states that it is in 'immediate effect' but was not placed upon the land until 4 months after the first communications related to further sub-division. It should also be highlighted that it still took 2 months after the stated date of related information before the Article 4 was put in place. This seems strange as when the original Article 4 was put on the field it occurred within days of lesser detailed information being provided about imminent sub-division.

As part of the 'Other Relevant History' paragraph it states 'The land, at the time, was to be sold off into 12 plots', however the land at the top of Cupid Green Lane was never intended to be split into 12 plots and was never advertised as such. This information was hearsay given by a potential purchaser and therefore should not be stated as fact in a report.

The information included in the 'Considerations' paragraph states that 'The field is part

of the wide open views going uphill from Grovehill' although the lay of the land does not immediately go uphill from Grovehill. As such, no part of the field in question, can be seen from Grovehill allotments or the houses in the immediate vicinity.

The sentence 'Following the consideration and subsequent decision to not confirm the Article 4 Direction in November 2016' implies that the Article 4 was not confirmed in November 2016 when in fact it took until June 2017 before this decision was reached.

Throughout the report, the road way or access track is often mentioned as perceived as having had a detrimental impact upon the site. It should be noted that included in the 'Relevant Planning History' paragraph that planning permission was granted for an access track to be constructed. We feel that the inclusion of the access track in this report is misleading and should not be included, as an access track either requires planning permission or is a planning breach. Neither of these have any relevance to temporary use or an Article 4. As we do not believe an enforcement investigation has been launched in regard to the access track then we do not see this as a planning breach. It is fair to say that many of the concerns in the area are considered planning breaches and therefore would not be solved by an Article 4 being placed on the land.

It should also be noted that ROW 47 has a large concreted section, which as this is part of the ROW rather than a track which can barely be seen from the right of way has more of an impact to people's visual enjoyment of the area as illustrated in photo 33.

Linked to this, no mention is made of the permission granted to erect 2 poly tunnels and an agricultural building although the application is included in the 'Relevant Planning History' paragraph. The location of which is adjacent to the ROW mentioned in the report. We believe this will have a far greater impact on the ability of people using this ROW to enjoy this route and the surrounding views. Construction of the foundations for these structures has already commenced and these can be seen from the public ROW as demonstrated in the included photos 27 and 28

Statements made regarding the detrimental impact to the view from the public right of way 44 fail to take into account the density of the hedge along the majority of the boundary with the field in question as shown in photos 25 and 26 which illustrate how little of the field is able to be viewed. In fact there is a much greater visual impact from ROW 39 as this looks out across the field as shown in photo 11. Although the white structure in the image is a planning breach and is under investigation the poly tunnels would be immediately adjacent on the right hand side from this view and would have a much greater detrimental impact on people's enjoyment of the landscape. It is sad that this was not taken into consideration when planning permission was granted. Additionally this photo also demonstrates how plots 3 and 6 should be treated separately as they cannot be seen from the surrounding areas or public rights of way.

We also believe that a large part of people's enjoyment being affected when using the public ROW 44 is due to the condition of the path. Photos 22, 23 and 37 show the current conditions of this route which we have found difficult to navigate ourselves.

The concern raised regarding the sub-division of the land makes references to the 'medium to large-sized open fields with hedge or tree boundaries' in the immediate vicinity of the field. However upon closer inspection there are large amounts of subdivision occurring within the area. Photos 10, 32, 34 and 35 provide examples of different nearby fields which have been subdivided into smaller plots. Maps 1-4 also

highlight the sub-division. Most of the sub-division is also seen on ordinance survey maps and therefore is easily verified by the planning department. We are also disappointed to see that subsequent to the previous Article 4 being removed there was no investigation given to any of the surrounding sub-divided land. As Philip Stanley stated in his report 'the objection provided visual evidence of a significant amount of field sub-division in the immediate area,' and yet no action or investigation was taken on this land. However, an Article 4 has been replaced on our land for sub-division where we have not divided further than the original boundary which we were granted planning permission for.

Given the large amount of sub-division in the immediate vicinity and the possibility of temporary use being multiplied on all of these sites we are confused as to why they have not been included in the Article 4 as at least 2 of the fields are immediately adjacent to the land subjected to an Article 4. It is particularly disheartening, especially knowing that the planning enforcement department had been aware of the area since July 2019 and a further report from Cora Watson in September 2019 highlighted these issues. This appears to show a bias to large land owners over small land owners.

We would concur that action needs to be taken to deal with the abuse of permitted development which is currently taking place on what has been identified as plot 1. However we do not feel that we need to be subjected to this Article 4 as we believe we have proven ourselves through constant communication to the council that we have no intention to subdivide or to multiply our temporary use rights other than our basic permitted development rights.

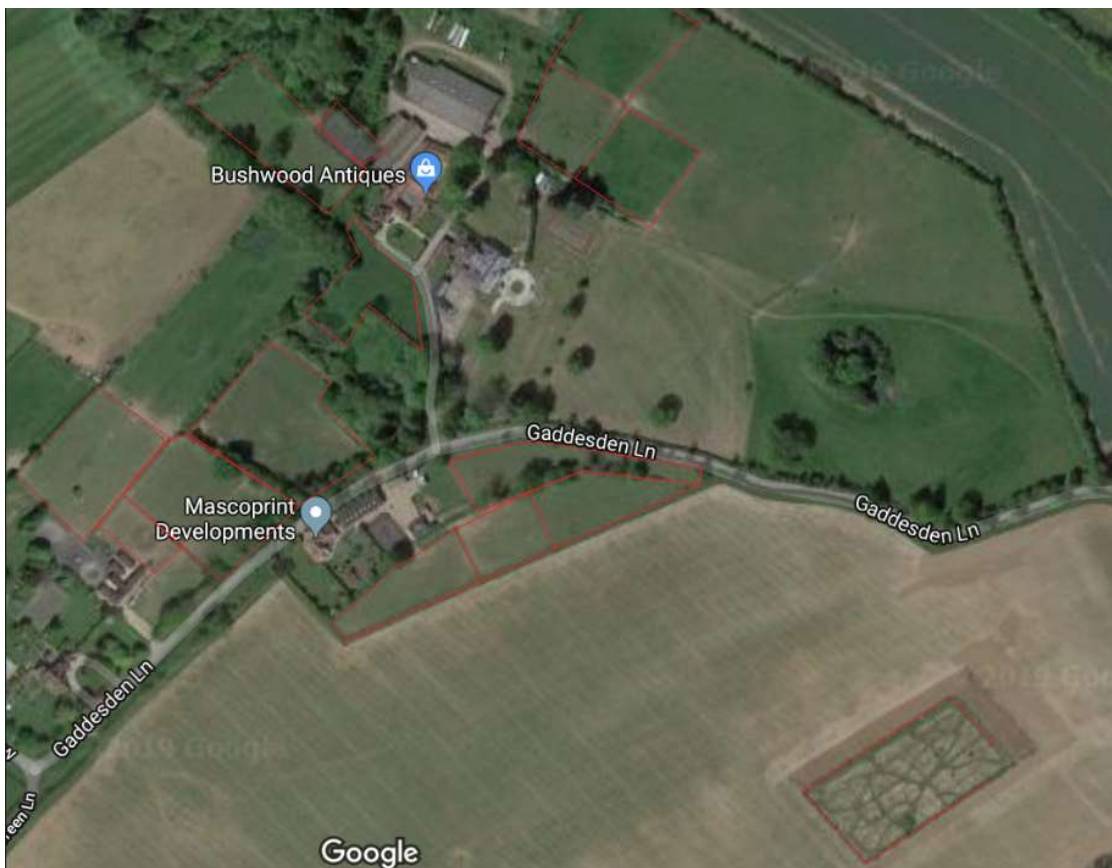
The report written by Olivia Stapleford has clearly been copied in many parts from the original Article 4 placed on the area by Philip Stanley, including some errors. This document strikes us as misleading in multiple ways as it leads you to believe information that is not true. We are alarmed that a person with such authority as the Assistant Team Leader in Planning Enforcement would make mistakes on basic details such as the number of gates, entrances and types of fencing. It seems prudent that this report is redone to reflect the true state of the field in question.

APPENDIX B: Maps and Photographs provided as part of objection to the Article 4 Direction.

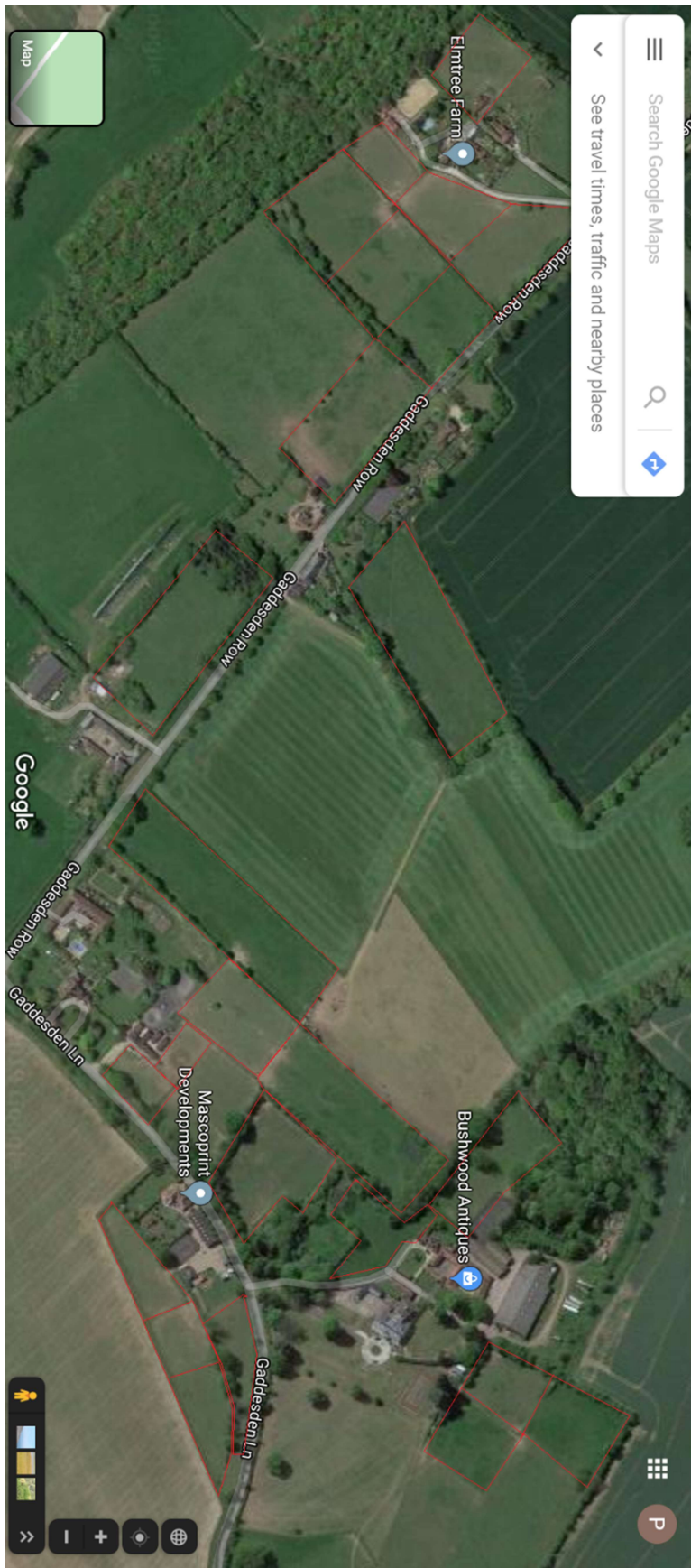
Map 1



Map 2



Map 3



Map 4



Photo – View 10



Photo – View 11



Photo – View 20



Photo – View 21



Photo – View 22



Photo – View 23



Photo – View 25



Photo – View 26



Photo – View 27



Photo – View 28



Photo – View 30



Photo – View 32



Photo – View 33



Photo – View 34



Photo – View 35



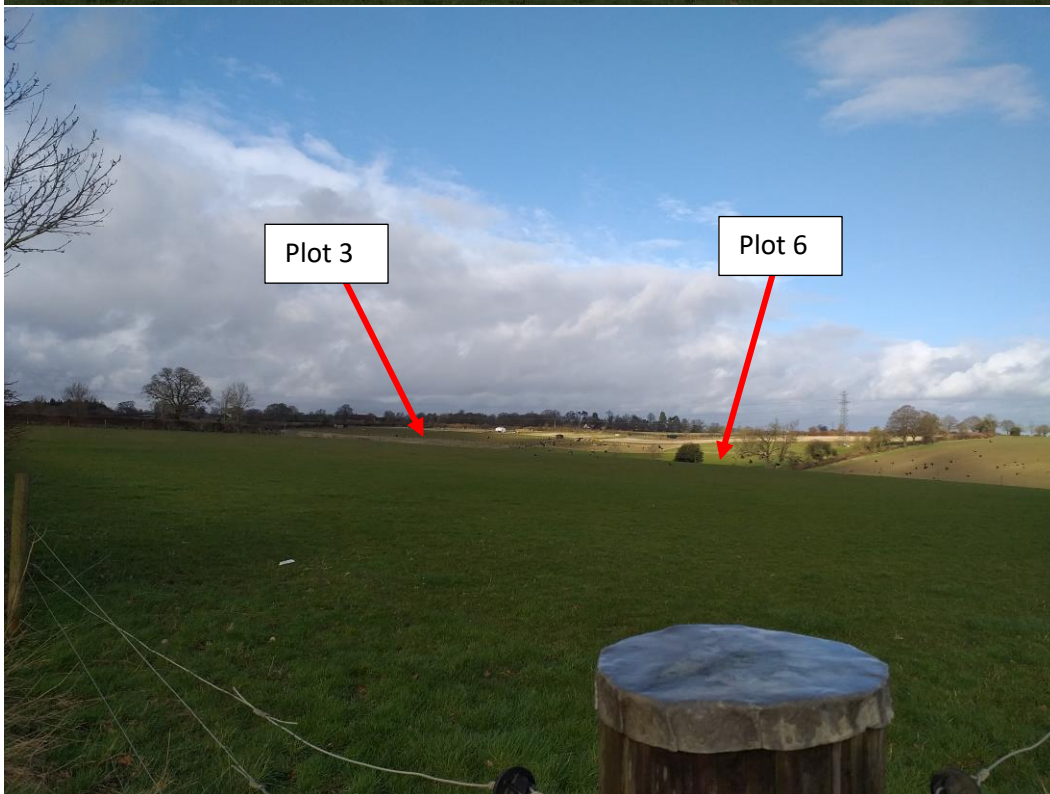
Photo – View 37



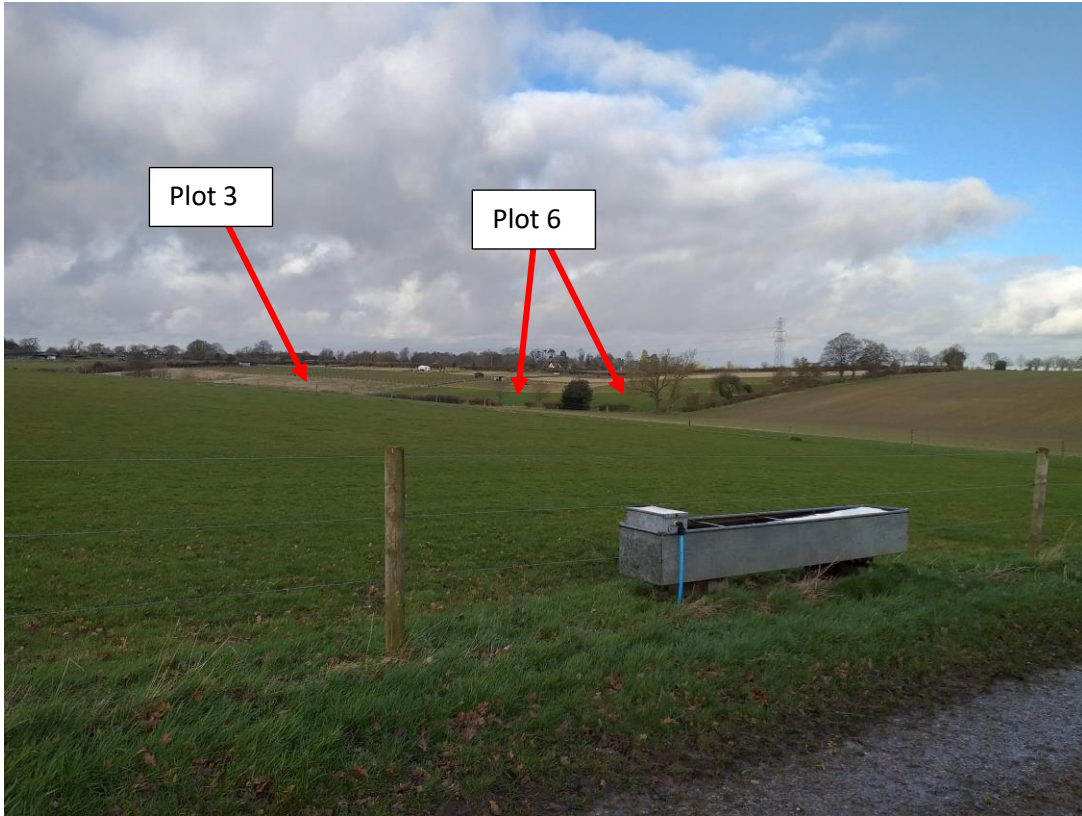
Appendix C

Cupid Green Lane, Article 4 Direction visual assessment photos 13.02.20

Views from RoW 47 (east of Cupid Green Lane)







Views from RoW 47 (west of Cupid Green Lane)



Views from the highway





Views from RoW 44





Views from RoW 39

(SITE NOT VISIBLE FROM THIS RoW)

Views of Eastbrook Hay Farm sub-division (from RoW 47)







Views of sub-division from RoW 42 (north of Gaddesden Lane)



6. APPEALS UPDATE

Lodged

Appeals received by Dacorum Borough Council between 10-02-2020 and 03-03-2020

Our Reference: 4/01853/19/FUL

PINS Reference: APP/A1910/W/20/3246014

Sharlowes Farmhouse, Flaunden, HP3 0PP

Erection of two detached dwellings, associated access, amenity space and landscaping

Procedure Written Representations

Our Reference: 4/01470/19/FUL

PINS Reference: APP/A1910/D/20/3244165

86 Alexandra Road, Hemel Hempstead, HP2 4AQ

Partial height extension to side of property onto existing ground floor side extension. A 2m rear extension to first floor. Ground floor rear extension of 3.08m from existing wall of property to total a 6m ground floor rear extension from original end of property wall.

Procedure Written Representations

Our Reference: 4/02134/19/FHA

PINS Reference: APP/A1910/D/19/3241984

19 Church Street, Hemel Hempstead, HP2 5AD

Part single part two-storey rear extension

Procedure Written Representations

APPEALS DISMISSED

Our ref: 4/01049/19/FUL

Appeal Ref: APP/A1910/W/19/3238676

1 Christchurch Road, Hemel Hempstead HP2 5BX

Decision

1. The appeal is dismissed.

Main Issues

2. The effect of the development on the character and appearance of the area.

Reasons

3. The building on site has a residential appearance with some traditional architectural features and fronts Christchurch Road. This is a relatively long residential street made up primarily of either terraced or semi-detached houses, with the majority having pitched roofs with either gables or hipped sides.

4. The proposal would result in the removal of the existing shallow pitched roof with hipped gables and replace it with a mansard roof. This would allow for more space within the roof void and provide for two additional flats.

5. The existing building does have some traditional features such as the bay window, with the appearance of No 1 fitting in well with the prevailing traditional character of dwellings along Christchurch Road. However, the addition of a large and bulky mansard roof would appear an incongruous feature to add onto this dwelling within the Christchurch Road street scene, replacing the more traditional pitched roof. Within Christchurch Road, other than one example (at 41 Christchurch Road), is typified by pitched roofs for dwellings. Furthermore, this is a particularly prominent property being on a corner plot on the entrance to this street.

6. Furthermore, whilst it may not add significantly to the overall height of the building and could be constructed with appropriate materials, the mansard roof of the scale and mass proposed would appear incompatible with the traditional character of the existing building, where a pitched roof would be more typical.

7. No 1 Christchurch Road does have a secondary frontage onto Alexandra Road as the site is on a corner plot. This is a road where there is more of a mix and variety of style of building, including blocks of flats such as those at Iveagh Court. These flats have a flat roof but appears as a large mansard roof. However, these are a large block of flats and very different in character to No 1 Christchurch Road. This is also the case for the apartment block at Alex Court nearby on Alexandra Road.

8. Even along Alexandra Road, most houses or other forms of dwellings which are not large blocks of flats have pitched roofs and not mansard type roofs. An exception is 11-13 Alexandra Road, which is a redeveloped two storey building with a mansard roof, which has been recently approved by the Council with planning permission and now built. However, the setting for No 11-13 is not the same as No 1 Christchurch Road, which has its primary frontage on Christchurch Road. No 11-13 does not have any frontage on Christchurch Road and instead is positioned further to the north along Alexandra Road adjacent to a car park and mainly surrounded by flats and office development of varied design. I also do not have full details of what existed before the development and the Council's full reasons why this was given planning permission. Notwithstanding this, whilst close by there are clear differences between the character of the setting of these two buildings, particularly considering that I regard the character of Christchurch Road to be particularly important to the setting of the appeal site.

9. I acknowledge the lack of objection to the proposal including the design and scale of the mansard roof from local residents. However, this does not necessarily mean they support the proposal, although I have taken the lack of objection into consideration.

Overall, the proposal is harmful to the character and appearance of the area and is contrary to criteria (f) of policy CS12 (Quality of Development) of the

Dacorum Borough Core Strategy. This policy, amongst other things, requires development to integrate with the streetscape character.

11. I also regard the proposal to be contrary to the relevant sections of the National Planning Policy Framework (the Framework) which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (paragraph 130).

12. However, I do not conclude, based on the evidence before me, that the proposal is in particular conflict with criteria (c) of policy CS11 (Quality of Neighbourhood Design) of the Core Strategy, which relates to co-ordinating streetscape design between character areas.

Planning Balance

13. The Council has acknowledged that it cannot demonstrate a 5 year housing land supply. Paragraph 11 of the Framework sets out that decisions should apply a presumption in favour of sustainable development and that, under criterion d) where the policies which are most important for determining the application are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Given the lack of a five year housing land supply, paragraph 11 d) of the Framework is engaged.

14. In the context of the development plan I have found that the proposed development would be contrary to policy CS12 of the Dacorum Borough Core Strategy. For this appeal, I have found this policy to be generally consistent with the relevant aims of the Framework.

15. I recognise that the proposal would boost housing demand in an accessible location, which would be a form of efficient use of 'brownfield' land. However, as only two dwellings would be created the benefits would be modest. The fact that there has been no objection raised to other issues such as impact to neighbour living conditions or highway safety are neutral factors and do not weigh in favour for the proposal.

16. However, the harm to the character and appearance of the area identified would be significant and as a result sustainable development would not be achieved. When assessed against the policies in the Framework taken as a whole the adverse impacts would significantly and demonstrably outweigh the benefits. The conflict with the development plan is not outweighed by other considerations including the Framework.

Conclusion

17. For the reasons given above, the appeal is dismissed.

Our Ref: 4/01589/19/OUT

Appeal Ref: APP/A1910/W/19/3237997

26 Pancake Lane, Hemel Hempstead

HP24NQ

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:

- The character and appearance of the area;

- The living conditions of neighbours to the site;
- Any protected bats that may roost at the existing site;
- The flood risk of the area through drainage.

Procedural Matters

3. The appeal seeks outline permission with all matters reserved except for access. In so far as the submitted plans and drawings show details of the proposal, I have treated those as being illustrative.

4. I am aware of appeal reference APP/A1910/W/19/3228091 which was dismissed for the construction of two identical buildings with 16 flats in total. However, whilst there are some similarities in the cases, there are also clear differences in the proposals. I have, however, taken this recent decision into account in my considerations of this appeal.

Reasons

Character and Appearance

5. As stated above, this is an outline application with all matters, including scale and appearance, being reserved. However, the proposal has been submitted with detailed plans and there is no suggestion that the final design would differ to any great extent from that presented with the submitted plans and drawings. I therefore consider it likely that the scale and appearance of the proposed development submitted with the plans and drawings give a good impression on what the likely final scheme would be. I have considered the proposal on this basis, although keeping in mind there is some scope for variation with reserved matters.

6. This is an area which is characterised by two storey houses (either detached or semi-detached) or bungalows, often set in spacious plots. There is a variety of styles, although most have traditional style pitched roofs, some with dormers.

7. The proposed building would be significantly larger than the existing bungalow, although this is a large plot. Even considering the inclusion of the proposed car park to the rear of the building, there would still remain a front and rear garden space. The site would still appear spacious based on the development indicated in the submitted plans and drawings.

8. In terms of the appearance, the proposed building would be two storeys but with a mansard roof. Whilst there may be some examples of other mansard or similar roof types locally, this roof type is not typical in the area, where pitched roofs are the predominant feature. Whilst there may be no particular policy restriction to this type of roof, the mansard roof as proposed would add significantly to the bulk and mass of the building, which already would be large, especially when compared to the existing bungalow. Although the building may not be taller than that previously approved at the site or the height of other houses in the area, the result would be an overly bulky building within the street scene, with the mansard roof form also be an incongruous feature in this setting. Furthermore, I do not accept that landscaping would visually contain the development to the extent that its impact would be sufficiently mitigated.

9. I am aware of the previous approved development for the replacement dwelling, but this had a different appearance, with the use of pitched roofs, which would have the effect of reducing the mass and bulk of the building. As such, this previous planning permission for the replacement dwelling does not weigh significantly in favour for this latest proposal.

10. The appellant has drawn my attention to appeal reference APP/U1105/W/17/3177340, which saw the appeal allowed for a modern

architectural development at The Knowle in Sidmouth. However, this was not for a development in the area or context of this appeal site. Furthermore, the Inspector in this other appeal concluded that the modern architecture complements and does not compete with the surrounding built environment and its traditional architecture. It is my opinion that the proposed development with this appeal would be at odds with the character of the street scene and have an adverse impact.

11. Although I note that appearance and scale are reserved matters, there is nothing to suggest in the submitted detailed plans and drawings that the appellant would seek a materially different design and scale of development at reserved matters stage. On this basis, whilst not an overdevelopment of the plot, I would regard the proposal as harmful to the character and appearance of the area and would therefore conflict with Core Strategy Policies CS4, CS11, CS12, and Saved Policy 111 of the Decorum Borough Local Plan. These policies, amongst other things, encourages appropriate residential development in residential areas; require high quality design with regard to existing character; and ensure higher buildings make a positive contribution to the townscape.

12. However, it has not been made sufficiently clear how the proposal is contrary to Appendix 3 of the Decorum Borough Local Plan and I have not therefore included this in the above list of policies.

13. Furthermore, the proposal is contrary to policy related to design within the National Planning Policy Framework (the Framework).

Living Conditions

14. The existing dwelling on site is a low profile bungalow. This is proposed to be replaced by a much taller and bulkier building containing 8 flats. The proposed building would be close to the side boundary and side elevation of No 24 Pancake Lane, which is another bungalow and the nearest neighbour to the development.

15. Unlike with the previous appeal, the proposal would be for just one building rather than two, which would be positioned to the side of the bungalow at No 24. Although the proposed building would be clearly visible from the curtilage of No 24, much of their side boundary would remain relatively open as it is currently. Therefore, I do not regard the proposal as resulting in an oppressive or overbearing impact to occupants of No 24.

16. As with the previous appeal, the site is located towards the northeast of No 24 and it is therefore unlikely that the development would result in a significant or harmful loss of sunlight to either the dwelling or garden of No 24.

17. Given the separation distance of other neighbouring plots from the appeal site I do not regard it likely that there would be any significant impact to living conditions to any other neighbours.

18. I therefore conclude that the proposal would not result in significant adverse impacts to neighbour living conditions, based on the plans and drawings submitted at this outline stage. The proposal in this regard is in accordance with policy CS12 of the Core Strategy which amongst other things seeks to secure development that avoids visual intrusion to surrounding properties.

Protected Species

19. The evidence from the Council does not include substantive details about the presence of protected species at the site. However, the Council state that a survey for bats would be needed, although none have been provided. Bats

are a protected species under the Wildlife and Countryside Act 1981, and a European Protected Species under the Conservation of Habitats and Species Regulations 2017.

20. Considering the proposal includes the demolition of an old bungalow to make way for the proposed development, with there being mature landscaping nearby and the open countryside within a short distance from the site, I do not consider it unreasonable to expect a bat survey to be required. The appellant has not supplied detailed evidence why bats would not potentially be present at the site, such as with a Preliminary Roost Assessment for example.

21. As was set out in the previous appeal at this site, paragraph 99 of Circular 6/2005 states that conditions requiring surveys should only be used in exceptional circumstances. There are no exceptional circumstances that appear to exist and as such it is not appropriate to address the lack of survey by means of imposing a condition or for such information to be submitted with the reserved matters.

22. For these reasons, the appellant has failed to demonstrate that the appeal scheme would avoid or adequately mitigate unacceptable harm being caused to bats. Paragraph 175(a) of the Framework states that in the absence of avoidance or adequate mitigation of harm to biodiversity, planning permission should be refused.

23. As with the previous Inspector's conclusions for the appeal at this site, I find that Policy CS26 does not appear to be wholly relevant, given that it relates to green infrastructure. I therefore do not conclude that the development is in conflict with this particular policy but nonetheless it is in conflict with the Framework.

Drainage

24. The appellant has provided evidence that the site is within Flood Zone 1 and so is in an area where there is only a low risk of flooding. I therefore do not consider there to be the basis for the need for a Flood Consequence Assessment.

25. Some details have been provided as to the drainage proposal, albeit this information is limited as this is an outline proposal. Nonetheless, the appellant states that permeable surfacing will be used, and the aim is for zero rainwater discharge into the public rainwater/sewer system. There is no substantive evidence before me to suggest that this cannot be achieved or that the development would necessarily result in increased flood risk.

26. I am therefore satisfied that a condition could be imposed if this appeal was allowed which would require full details of foul and surface water drainage. On this basis the proposal should not result in increased flood risk, thereby being in accordance with policy CS31 of the Core Strategy, which required development to minimise water runoff, amongst other things.

Planning Balance

27. The appellant has stated that there was a lack of communication with the Council through the planning application process and that avoidable delays also happened. However, whilst I note these issues, they do not affect my determination of this appeal, which is based on the merits of the proposal.

28. The Council has acknowledged that it cannot demonstrate a 5 year housing land supply. Paragraph 11 of the Framework sets out that decisions should apply a presumption in favour of sustainable development and that, under criterion d) where the policies which are most important for determining the application are out of date, planning permission should be

granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Given the lack of a five year housing land supply, paragraph 11 d) of the Framework is engaged.

29. In the context of the development plan I have found that the proposed development would be contrary to Core Strategy Policies CS4, CS11, CS12, and Saved Policy 111 of the Decorum Borough Local Plan. For this appeal, I have found these policies to be generally consistent with the relevant aims and policies of the Framework.

30. The proposal would contribute 8 new dwellings (net increase of 7) to the local housing land supply in a relatively accessible location, which the appellant states would be an efficient use of the site. Whilst not a major scale development, this would have modest weight in favour of the development.

31. I note that there has been no objection from the Council with regards parking provision, but this is a neutral factor and does not weigh in favour of the development to any significant degree.

32. However, the potential harm to protected species and also the harm to the character and appearance identified above would be significant and as a result sustainable development would not be achieved. When assessed against the policies in the Framework taken as a whole the adverse impacts would significantly and demonstrably outweigh the benefits. The conflict with the development plan is not outweighed by other considerations including the Framework.

Conclusion

33. For the reasons given above the appeal should be dismissed.

Appeals Allowed

Our ref: 4/00525/19FUL

Appeal Ref: APP/A1910/W/19/3236036

Grey mantle, Hempstead Road, Bovingdon HP3

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Decision

1) The appeal is allowed and the planning permission Ref 4/00525/19/FUL for demolition of existing garage and side/rear extensions and construction of two-storey side extension and part single, part two-storey rear extension; conversion from single dwelling into pair of semi-detached properties (total 2 units) at Grey mantle, Hempstead Road, Bovingdon HP3 0HF granted on 1 May 2019 by Dacorum Borough Council is varied by deleting conditions 4, 6, 8 and 9 and substituting them with the following conditions:

1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) (Order) 2015 as amended (or any Order amending or re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Class B shall take place on the new south-western (side) roof slope, of the south-western, dwelling hereby approved.

2) Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All landscape works shall be carried out in accordance with the guidance contained in British Standards.

3) The first- floor flank window facing Parkhurst, as annotated on drawing 'PE2 – Proposed Elevations', shall be permanently fitted with obscured glazing up to 1.7m above the finished floor level of the room it serves.

for Costs

1. An application for costs was made by Ben Sterling against Dacorum Borough Council. This application is the subject of a separate decision.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. Although Policies CS12 and CS32 of the *Core Strategy* (CS) and Policies 99 and 100 of the *Dacorum Borough Local Plan* (DBLP) have been referred to by the Council in their reasons for attaching conditions 4, 6, 8 and 9, I have not been provided with copies of Policies CS32 of the DBCS or 99 and 100 of the DBLP. I have therefore reverted to the *National Planning Policy Framework* (the Framework) where necessary.

Main Issues

4. The main issues in this case are:

- whether disputed condition 4 is necessary and reasonable having regard to the effect of the development on the character and appearance of the area and the living conditions of the occupiers of neighbouring properties and future occupiers of the appeal site;
- whether disputed condition 6 is necessary and reasonable having regard to the effect of the development on the character and appearance of the area;
- whether disputed condition 8 is reasonable and necessary having regard to the effect of the development on the living conditions of the occupiers of the adjoining neighbouring properties; and
- whether disputed condition 9 is reasonable and necessary having regard to the ground conditions of the site and any risks arising from contamination.

Reasons for the Recommendation

5. The appeal site is set on the north-west side of Hempstead Road. The dwellings on the road are varied although are primarily semi-detached with side facing gables. Greymantle is a detached dwelling set back from the road which, due to its L-shaped form, has a hipped roof on the south-west side. To the north-east side of the house is an attached garage. At the rear of the site is a sizeable garden which extends behind Ivydene and Rose Cottage, the neighbours to the north-east of the site.

6. The development would subdivide the existing dwelling resulting in two semi-detached dwellings. A space would be maintained at the boundary with the existing neighbouring properties which are both semi-detached.

Condition 4

7. Regarding extensions which would be permitted under Class A of the GPDO¹ I note that the Council, in their determination of the planning application, were content with the size of the gardens proposed regarding the impact of the proposed development on the character and appearance of the area, and the living conditions of future and neighbouring occupiers. I have no reason to find differently in this regard.

¹ Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

8. Whilst an extension permitted under Class A would increase the built form of the dwellings, I observed that side and rear extensions are a feature of the area. Moreover, I am satisfied that sufficient garden area would remain in the event that the intended future occupiers of the new dwellings exercised their permitted rights in respect of Class A. Harm to the character and appearance of the host dwellings and the surrounding area would be unlikely to result if these PD rights were exercised.

9. It has not been put to me how development under Class A could affect the living conditions of neighbouring properties and I consider that this would be unlikely, due to the scope of development permitted under Class A and the relationship of the surrounding dwellings. In the event that one of the larger extensions permitted by Class A was proposed, the Council would have the opportunity, under the prior approval scheme, to assess the impact of the proposed development on the amenity of any adjoining neighbours.

10. Moreover, I note that permitted development rights under Class E of the GPDO have not been removed and I consider an outbuilding erected in the garden of one of the proposed dwellings would have as much potential to reduce the respective garden or affect neighbouring occupiers as an extension carried out under Class A.

11. Class B of the GPDO permits the enlargement of a dwelling consisting of additions or alterations to its roof. The approved two-storey extension on the south-west side would create a side facing roof slope, this would allow for a side facing dormer to be erected under Class B, where one would not have previously been possible. Although Parkhurst, the neighbouring dwelling, has a number of forward-facing dormers, a side facing addition would introduce an uncharacteristic roof form which would not reflect the character and appearance of the area and would therefore result in harm. It has not been sufficiently justified for me to remove permitted development rights for Class B development on the north-east side of the property, as a side dormer could already be erected here.

12. However, I find that by reason of their siting in relation to the neighbouring properties it would be unlikely for there to be harm to the living conditions of the occupiers at either of the new dwellings, or Parkhurst and Ivydene. Moreover, the outlook from, and light to, the upper-floor side window serving Parkhurst is likely to be already limited. In view of the approved extension to the south-west side of the appeal building it is unlikely that a side dormer would significantly increase any impact on Parkhurst to such an extent as to make the room the window serves a less pleasant place to use.

13. As such I consider that a clear justification, on character and appearance or living condition grounds, for the removal of permitted development rights under Class A has not been provided in accordance with Paragraph 53 of the National Planning Policy Framework (the Framework). As such this part of condition 4 is not necessary. However, for the reasons set out above, the control of roof extensions and additions on the extended roof, as permitted under Class B, is necessary in the interests of the character and appearance of the area in accordance with Policy CS12 of the CS which requires development to integrate with the streetscape character.

Condition 6

14. Condition 6 primarily supports condition 5 which requires the submission, and carrying out, of a landscaping plan, while No 6 ensures that, for five years following the completion of the development, any plants or trees that

die, are removed, or become seriously damaged or diseased shall be replaced. The appellant has not sought for the removal of No 5, to my mind this indicates that the appellant agrees that a landscaping scheme is required. Without No 6, the mitigation secured by the condition would be negated as it could not be guaranteed that the landscaping scheme would be retained for a reasonable period of time. As such, and subject to the changes suggested in the following paragraph, No 6 is necessary and should be retained.

15. I note that there is some duplication between conditions 5 and 6, with both having a requirement for when the landscaping scheme should be carried out. Given that condition 5 already sets a timeframe for carrying out the landscaping it would be unnecessary for condition 6 to also include a similar requirement.

16. In light of the above, although there is some duplication between conditions 5 and 6, for the reasons identified above the maintenance of the landscaping area would be necessary. This would be in the interest of the character and appearance of the site and surroundings, in accordance with Paragraph 127(b) of The Framework which seeks effective landscaping.

Condition 8

17. From my site visit, and the evidence before me, I note that the first-floor side window facing Ivydene is, as existing, clear glazed and openable. Mutual overlooking would, therefore, already exist. The room would remain a bathroom and the size and position of the window would not be altered. The proposal would therefore not affect the existing situation. Nevertheless, the window serves a bathroom where mutual privacy would likely be desirable for all parties, I find it would be unlikely for the half-height obscured glazing shown on the submitted plans, to not therefore be installed, irrespective of this condition being attached. Moreover, for these reasons I find it would not be necessary for the level of obscuration to be controlled, or for the window's opening to be restricted by condition.

18. I acknowledge that the Inspector dealing with a previous appeal² at the site, for a similar scheme, found that the change of the first-floor bathroom to a bedroom would cause a loss of privacy for the occupiers of Ivydene. However, the current proposal does not propose changes to the use of the bathroom and therefore this is a materially different situation.

² APP/A1910/W/18/3211726

19. I consider that it would be desirable that the proposed window facing Parkhurst would provide privacy for future occupiers, and that as such the obscured glazing would be unlikely to be insufficient to prevent a suitable level of privacy. Moreover, as the window would be located opposite a blank wall and roof, it is unlikely that being able to open the window would unacceptably affect the privacy of either the neighbouring or future occupiers.

20. The installation of new windows on residential properties is controlled by the GPDO under condition A.3b of Class A. No clear justification has been provided to demonstrate why this would not be sufficient to protect the living conditions of neighbouring occupiers. I therefore find it would not be necessary to attach a condition restricting windows on the first-floor side walls of the proposed dwellings.

21. As such I consider that, given that no changes are proposed to the location of the bathroom or the size and position of the window facing Ivydene, it is unnecessary for condition 8 to include restrictions regarding

this window. However, it would be necessary and reasonable for the condition to be replaced with one restricting the proposed bathroom window facing Parkhurst, given this would be a new window in this location, in order to protect the living conditions of the neighbouring occupiers in accordance with Policy CS12 of the CS and Paragraph 127(f) of the Framework.

Condition 9

22. Although the Council's evidence states that they have received comments from their environmental team, neither these nor the location of the possible contaminated sites have been submitted with their appeal statement. I understand from the appellant's statement that the Council consider a, now redeveloped, petrol station set some distance away to be a possible source of contamination for the site.

23. I have not been provided with, or directed to, any substantive evidence as to the source of possible contamination, and as such I consider that the likelihood of such contamination is very low. I therefore find that any additional risk as a result of the proposal would be limited, especially as the existing use is already residential.

24. Concerns regarding asbestos within some parts of the building to be demolished have been raised, with a request to add a requirement to condition 9, for this to be assessed and appropriate action to be taken. However, such matters are dealt with by other legislation, outside of the planning system, and it would not therefore be necessary for this to be included within condition 9.

25. Therefore, although the condition is not overly onerous on the appellant, it would be unnecessary in order for the development to comply with Paragraph 178(a) of the Framework which seeks development to take account of ground conditions and where necessary undertake remedial action.

Other Matters

26. I have had regard to the various other concerns raised by interested parties, including the accuracy of the plans, quality of the development including future development, health and safety, disturbances and highway safety. However, I am satisfied that these are principally issues concerned with the grant of planning permission for the development and they have not, therefore had a significant bearing on my decision-making in this instance.

27. A condition requiring a construction management plan has been requested. However, given the limited scale of the development, access to the site, and controls to building works outside of the planning system, I find that this would be unnecessary in this instance.

Recommendation

28. For the reasons given above, and having regard to all other matters raised, I recommend that the appeal should be allowed in so far as the removal of condition 9, which I consider to not be reasonable and necessary, the replacement of conditions 4 and 6 with conditions better suited to protecting the character and appearance of the site and its surroundings, and the replacement of condition 8 with one which is more reasonable in its protection of neighbouring living conditions.

Inspector's Decision

29. I have considered all the submitted evidence and the Appeal Planning Officer's report and concur that the appeal should be allowed

