



Public Document Pack

DEVELOPMENT MANAGEMENT AGENDA

**THURSDAY 26 MAY 2016 AT 7.00 PM
COUNCIL CHAMBER**

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

Membership

Councillor D Collins (Chairman)	Councillor Matthews
Councillor Guest (Vice-Chairman)	Councillor Riddick
Councillor Birnie	Councillor Ritchie
Councillor Clark	Councillor Whitman
Councillor Conway	Councillor C Wyatt-Lowe
Councillor Imarni	Councillor Fisher
Councillor Maddern	Councillor Tindall

For further information, please contact Katie Mogan or Member Support

AGENDA

1. MINUTES

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

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence

3. DECLARATIONS OF INTEREST

To receive any declarations of interest

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

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

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

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

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

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

4. PUBLIC PARTICIPATION

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

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

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

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

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

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

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

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

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

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

5. INDEX TO PLANNING APPLICATIONS (Pages 5 - 7)

- (a) 4/02930/15/FUL - THE CROWN, 145 HIGH STREET, BERKHAMSTED, HP4 3HH (Pages 8 - 39)
- (b) 4/00069/16/FUL - LAND REAR OF 27-33 GROVE ROAD, TRING (Pages 40 - 68)

- (c) 4/00645/16/FUL - LAND ADJ. TO 26 STATION ROAD, BERKHAMSTED, HP4 2EY (Pages 69 - 104)
- (d) 4/00524/16/FUL - 25 HALL PARK GATE, BERKHAMSTED, HP4 2NL (Pages 105 - 123)
- (e) 4/00544/16/FHA - KINGSMEAD, KINGS LANE, CHIPPERFIELD, KINGS LANGLEY, WD4 9EN (Pages 124 - 138)
- (f) 4/03957/15/FHA - 66 HIGH STREET, BERKHAMSTED, HP4 2BW (Pages 139 - 153)
- (g) 4/00738/16/FHA - 13 COBB ROAD, BERKHAMSTED, HP4 3LE (Pages 154 - 159)
- (h) 4/00736/16/FUL - 2 MARLIN CLOSE, BERKHAMSTED, HP4 3JX (Pages 160 - 175)
- (i) 4/00944/16/ADV - JUNCTION OF MAYLANDS AVENUE AND BREAKSPEAR WAY, HEMEL HEMPSTEAD (Pages 176 - 183)
- (j) 4/02741/15/ROC - 175-189 LONDON ROAD, APSLEY, HEMEL HEMPSTEAD, HP3 9SQ (Pages 184 - 207)
- (k) 4/00448/16/FHA - 2 RECTORY LANE, KINGS LANGLEY, WD4 8EY (Pages 208 - 214)
- (l) 4/03550/15/FUL - RECREATION GROUND, MORTIMER HILL, TRING, HP23 5JU (Pages 215 - 221)

6. APPEALS (Pages 222 - 224)

7. EXCLUSION OF THE PUBLIC

To consider passing a resolution in the following terms: That, under s.100A (4) of the Local Government Act 1972 Schedule 12A Part 1, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded during the items in Part II of the Agenda for this meeting, because it is likely, in view of the nature of the business to be transacted, that if members of the public were present during these items there would be disclosure to them of exempt information relating to: Items 8 and 9

8. FAILURE TO COMPLY WITH THE REQUIREMENTS OF AN ENFORCEMENT NOTICE (Pages 225 - 230)

9. FAILURE TO COMPLY WITH THE REQUIREMENTS OF A BREACH OF CONDITION NOTICE (Pages 231 - 237)

INDEX TO PLANNING APPLICATIONS

Item No	Application No.	Description and Address	Pg No.
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5b	4/00069/16/FUL	CONSTRUCTION OF SIX FOUR BED DWELLINGS LAND REAR OF 27-33 GROVE ROAD, TRING	
5c	4/00645/16/FUL	CONSTRUCTION OF 4 DWELLINGS AND ASSOCIATED PARKING AND LANDSCAPING. LAND ADJ. TO 26, STATION ROAD, BERKHAMSTED, HP4 2EY	
5d	4/00524/16/FUL	CONSTRUCTION OF A NEW DETACHED DWELLING AND NEW ACCESS TO FIELDWAY 25 HALL PARK GATE, BERKHAMSTED, HP4 2NL	
5e	4/00544/16/FHA	TWO STOREY SIDE AND SINGLE STOREY REAR EXTENSION, NEW CAR PORT AND ALTERATIONS TO APPEARANCE OF THE HOUSE KINGSMEAD, KINGS LANE, CHIPPERFIELD, KINGS LANGLEY, WD4 9EN	
5f	4/03957/15/FHA	SINGLE STOREY REAR AND TWO STOREY REAR EXTENSION, FORMATION OF A LOFT CONVERSION WITH A REAR DORMER. NEW VEHICULAR ACCESS WITH DOUBLE CAR HARDSTAND TO REAR. 66 HIGH STREET, BERKHAMSTED, HP4 2BW	
5g	4/00738/16/FHA	VEHICULAR ACCESS TO WESTERN BOUNDARY FROM SERVICE ROAD 13 COBB ROAD, BERKHAMSTED, HP4 3LE	
5h	4/00736/16/FUL	TWO- STOREY/PART REAR SINGLE STOREY EXTENSION TO SIDE OF NO. 2 MARLIN CLOSE TO FORM NEW DWELLING. DIVISION OF PLOT INTO 2 SITES. FORMATION OF NEW CROSSOVERS TO SITE AND PROVISION OF ON-SITE PARKING. 2 MARLIN CLOSE, BERKHAMSTED, HP4 3JX	
5i	4/00944/16/ADV	TWO ILLUMINATED ENTRANCE SIGNS	

JUNCT. OF MAYLANDS AVENUE AND
BREAKSPEAR WAY, HEMEL HEMPSTEAD

- 5j 4/02741/15/ROC VARIATION OF CONDITION 26 (APPROVED PLANS) AND CONDITION 23 (REFUSE STORAGE FACILITIES) ATTACHED TO PLANNING PERMISSION 4/01010/13/MFA (A MIXED USE DEVELOPMENT OF THE SITE TO CREATE 36 APARTMENTS, RETAIL FLOOR SPACE (CLASS A1) REPLACEMENT ELECTRICITY SUBSTATION AND ANCILLARY CAR PARKING AND LANDSCAPING.)
175-189, LONDON ROAD, APSLEY, HEMEL HEMPSTEAD, HP3 9SQ
- 5k 4/00448/16/FHA DROPPED KERB. CROSSOVER TO COUNCIL GRASS LAND TO PROPERTY BOUNDARY. CREATION OF A SINGLE CAR HARD STANDING TO THE FRONT OF THE PROPERTY.
2 RECTORY LANE, KINGS LANGLEY, WD4 8EY
- 5l 4/03550/15/FUL RETENTION OF SMALL STORAGE CONTAINER ON RECREATION GROUND.
RECREATION GROUND, MORTIMER HILL,
TRING, HP23 5JU

Agenda Item 5a

Item 5a

4/02930/15/FUL - INTERNAL AND EXTERNAL REFURBISHMENT WITH NEW STAFF ROOM, EXTENDED BEER GARDEN AND NEW ALLEYWAY BEER GARDEN (REVISED SCHEME)

THE CROWN, 145 HIGH STREET, BERKHAMSTED, HP4 3HH



Item 5.01

4/02930/15/FUL - INTERNAL AND EXTERNAL REFURBISHMENT WITH NEW STAFF ROOM, EXTENDED BEER GARDEN AND NEW ALLEYWAY BEER GARDEN (REVISED SCHEME)

THE CROWN, 145 HIGH STREET, BERKHAMSTED, HP4 3HH

PROPOSED CANOPY ELEVATION

- Timber frame, To match existing
- Half board roof with maximum sound R
- Half board framed canopy with timber
- Slip wall

PROPOSED CANOPY SECTION

- Timber frame, To match existing
- Non-combustible roof finish
- Timber framed canopy with timber paneling
- Existing slip wall
- Proposed new slip wall to back of canopy
- Integrated timber bench

FLOOR PLAN

- SPAV
- TREES
- PLANTER
- RAISED AREA
- ASTROTURF
- TREES
- TREES
- TREES

PHOTOGRAPH

- Timber roof
- Timber frame

NO	DESCRIPTION	DATE	BY
-	PROT DATE	03.08.15	LD
A	ISSUED CANOPY	08.08.15	LD
B	REVISED NOTES	08.08.15	LD
C	REVISED ELEVATION	08.08.15	LD
D	REVISED ELEVATION	08.08.15	LD

NO	DESCRIPTION	DATE	BY
1	ISSUED PROPOSAL	07.07.15	LD
2	ISSUED PROPOSAL	07.07.15	LD

THE CROWN
BERKHAMSTED
PROPOSED CANOPY DETAILS

DATE: 07.07.15
BY: LD

DATE: 07.07.15
BY: LD

**4/02930/15/FUL - INTERNAL AND EXTERNAL REFURBISHMENT WITH NEW STAFF ROOM, EXTENDED BEER GARDEN AND NEW ALLEYWAY BEER GARDEN (REVISED SCHEME)..
THE CROWN, 145 HIGH STREET, BERKHAMSTED, HP4 3HH.
APPLICANT: JD Wetherspoon PLC.**

[Case Officer - Nigel Gibbs]

Background

The application was deferred at the previous Development Control Committee meeting.

It was proposed by Councillor C Wyatt-Lowe and seconded by Councillor Tindall to defer the application to allow for a representative from JD Wetherspoon to answer Members questions.

Members were concerned about opening times and had questions regarding smoking hours and cut off times for the beer garden.

Before this deferment Members had been updated upon various issues including:

1. The receipt of a composite plan.
2. Additional representations (see below).
3. The revised wording of recommended Condition 13.
4. It is JD Wetherspoon's policy to have an employee at the front of the public house at all times, there will be a plaque stating the capacity and once levels are reached the management will stop people from entering. The Crown's Management will not have any means of electronic monitoring of customer numbers.

Since the meeting the agent has been advised of the application's deferment and its rescheduling for further consideration at this meeting. The agent has updated JD Wetherspoon and is seeking confirmation upon whether a representative (s) of JD Wetherspoon can attend the meeting, in addressing the issues identified by Members.

Additional Representations reported at the Previous DCC Meeting

Building Control

There are no objections regarding the fire access requirements from a Building Regulations perspective.

Representation from 142/142 High Street

At present the noise from the garden is often intolerable in the adjacent flats of Cavalier Court, continuing late into the evening. Increasing the seating will incur 200% increase in noise at the flats and also the cottages bordering in Chesham Road. Flat 9 overlooks the current garden pub garden and extending the seating area to the

boundary means that the pub clients are only one metre from our sitting room walls.

Considerations

If a representative(s) of JD Wetherspoon is able to attend the meeting this will enable Members to request more information upon their concerns.

The previous Report's Conclusions confirmed:

'The wide range of modifications to the building are important in maintaining and upgrading this Grade 2 listed building in the Town Centre and Conservation Area which is supported by the Conservation Officer.

However, the provision of the extended beer garden is far from straightforward. With the issue of fire access and safety so very recently resolved, the pivotal issue is whether the extended beer garden can harmoniously co-exist with the adjoining residential development and offices. This is in terms of the effect of noise and disturbance.

This issue has been comprehensively considered from the outset as expressed through detailed pre application advice. The absence of a Noise Assessment in the initial and withdrawn application has now been addressed in association with the proposed acoustic canopy to serve the extended beer garden, complemented by a Management Strategy specific to The Crown and reflecting JDW wider national approach in managing its licensed premises.

The Environmental Health Unit supports the proposal subject to adherence to the Management Plan. In this context the establishment of a harmonious relationship between the beer garden and the adjoining residential and office uses. It has been only upon this basis and the applicant's preparedness to confidently commit itself to a very continuous exacting operational daily site management plan that the application is recommended for permission. This is because the proposed physical mitigation measures on their own are insufficient.

In the event that problems do arise for residential amenity action can be taken under the Environmental Protection Act, with reliance upon the applicant's commitment to an effective management plan.

For clarification the question of the licence renewal would have to be considered wholly independently'.

Again there is a case to recommend permission. This is based upon the information provided to date, JD Wetherspoon's proposed daily management plan and the imposition of a range of conditions.

PREVIOUS REPORT

Summary

The application is recommended for approval.

This Grade 2 listed building is located in Berkhamsted Town Centre where a mix of uses including catering establishments are supported. The proposal will reinforce The Crown's long established role as a public house within the Town Centre in accordance with Dacorum Core Strategy Policies CS4 and CS16.

The proposed external alterations and acoustic canopy are compatible with the listed building and its setting and will maintain the vibrant character and appearance of Berkhamsted Conservation Area in accordance with Dacorum Core Strategy Policy CS27 and saved Dacorum Borough Local Plan Policies 119 and 120. The provision of the beer garden will diversify the facilities at the public house which is in the interests of enlivening the town centre facilities in accordance with Dacorum Core Strategy Policies CS16.

Fundamentally there is a need for a harmonious coexistence between the town's recreational facilities and the adjoining uses, especially residential. The Crown Public House adjoins long established and modern housing. To date the LPA is unaware of environmental problems arising from the public house. Support for the extended beer garden can only be supported if this compatible environmental relationship is maintained at all times.

The proposed extended beer garden and the role of the enclosing canopy (incorporating a rear wall) has been considered in conjunction with the submitted Acoustic Report, the specialist advice of the Council's Environmental Health Team, the Applicant's Site Management Strategy with the closure of the proposed beer garden at 21.00 hours each day until 07.00 hours the next day. It is only on the basis of the permanent installation of the noise mitigation measures, the imposition of conditions and JDW's commitment to its daily Management Plan that the beer garden can be supported with due regard to the environmental issues subject to Policies CS12, CS16 and CS32 of Dacorum Core Strategy.

With due regard to the recently received revised layout plan it is understood from Hertfordshire Fire & Rescue Service that there are now no overriding fire access/safety objections. In this sustainable location the loss of parking is acceptable with highway safety benefits resulting from the reduced use of the existing access on the High Street. There are no other detailed objections.

Site Description

The application site is a Grade 2 listed public house located on the south west side of the High Street within the defined Berkhamsted Town Centre and Conservation Area and an Area of Archaeological Significance no.21.

The site occupies an elongated narrow plot extending deeply behind its narrow frontage to the High Street. The pub is served by a long rising accessway/ carriageway yard linked to the existing beer garden/ customer area to the rear of the site and a parking area.

There is housing adjoining and surrounding The Crown's outdoor customer and parking areas. The closest is to the immediate south at nos. 8 to 11 Cavalier Court.

The ground level at Cavalier Court is approximately 2m above the ground level in the Crown car park. There are also office windows overlooking the beer garden area at no. 2 Prince Edward Street and dwellings to the east at nos 1 to 6 Cavalier Court. Sunnymede and Haven, both feature rear gardens adjoining the existing external customer area at the Crown with seating for approximately 50 patrons, split into four sections at different heights. The existing car park and customer area are surrounded on three sides by a walling /fencing at varying heights between 1.5m to around 4m.

The Crown's trading hours are 08:00 to 00:00 Monday to Thursday, 08:00 to 01:00 Friday to Saturday and 08:00 to 00:00 on Sunday. There will be no amplified music at the premises.

Proposal

This is for a range of external alterations to the listed building, the installation of a side gate and the provision of a beer garden within an existing parking area.

The beer garden proposal involves converting the existing car park into an additional outdoor customer area at the south western end of the site. There will be 107 seats provided externally combining the existing and the new areas, excluding an enclosed seating area, featuring an astroturf finish. The applicants have confirmed that the beer garden capacity will be limited to a maximum of 120 customers at all times to accord with the requirements of Hertfordshire Fire & Rescue Service.

The enclosed seating area involves the installation of a timber fire resistant acoustic curved canopy and a brick back wall adjoining Cavalier Court. The canopy is designed to reduce noise from the enlarged beer garden.

The application is also supported by a Noise Impact Assessment which addresses noise from customers from the entire garden, encompassing both the existing and proposed new areas. The Assessment's conclusion is that the impact will be **significant notwithstanding the noise mitigation measures**. It excludes the effects of the rear brick wall which has been recently incorporated for fire safety reasons. Extracts of the report are at Annex 1. The whole report will be circulated to DCC Members.

With due regard to the Council's Environmental Health Unit's advice the applicant has responded through a commitment to the provision of a comprehensive daily Management Plan for the beer garden (see below).

The extended beer garden will be closed at 21.00hours every day through the submitted Management Plan. This has been based upon the Noise Assessment's Conclusions/ Recommendations. The beer garden will be enclosed by a low fence and one lockable gate compared with the earlier proposed roped arrangement. A second gate is to installed for fire access reasons.

(Important Note: Since the application's receipt there have been modifications to the Original Scheme and the provision of new information regarding the beer garden's daily management. Very recently the scheme has been further updated- known as the Revised Scheme. This combines parts of the Original Scheme with previous updates with a revised layout plan and a Management Scheme/ Plan, as referred to below. The Revised Scheme has reduced the seating arrangements in order to address fire

access and safety).

Recent Background History

Withdrawn Application - 4/03139/14/FUL for Alterations to the Building and the Provision of an Extended Beer Garden

This was submitted without any acoustic mitigation measures and no Acoustic / Noise Assessment. The application was withdrawn due to the fundamental inbuilt problems arising from the proposed relationship between the beer garden and the adjoining dwellings/ offices in terms of noise and disturbance. The application would have been recommended for refusal.

Listed Building Consent - Internal and external refurbishment with new staff room , extended beer garden and new alleyway beer garden (Revised Scheme)

Recently listed building consent has been granted for the upgrading of the public house including the refurbishment external alterations subject to the current planning application. The beer garden works were exempt from requiring listed building consent.

Earlier Planning History

4/01513/07/LB GLAZED CANOPY/SMOKING SHELTER

C

Granted
17/08/2007

4/01514/07/FU GLAZED CANOPY/SMOKING SHELTER

L

Granted
17/08/2007

4/01465/06/TC WORKS TO TREES

A

Raise no objection
10/08/2006

4/02633/03/DR DETAILS OF EXTERNAL LIGHTING SCHEME REQUIRED BY
C CONDITION 8 OF ADVERTISEMENT CONSENT 4/02057/03
(REPLACEMENT FASCIA SIGNAGE, RELOCATION OF MENU
BOX, PROVISION OF FOUR UPLIGHTERS AND HERITAGE

PLAQUE)
Refused
30/03/2004

4/02634/03/DR DETAILS OF EXTERNAL LIGHTING SCHEME REQUIRED BY
C CONDITION 4 OF LISTED BUILDING CONSENT 4/02058/03
(REPLACEMENT FASCIA SIGNAGE, RELOCATION OF MENU
BOX, PROVISION OF FOUR UPLIGHTERS AND HERITAGE
PLAQUE)
Refused
30/03/2004

4/02058/03/LB REPLACEMENT FASCIA SIGNAGE, RELOCATION OF MENU
C BOX, PROVISION OF 4 UPLIGHTERS AND HERITAGE PLAQUE
Granted
26/11/2003

4/02057/03/AD REPLACEMENT FASCIA SIGNAGE, RELOCATION OF MENU
V BOX, PROVISION OF 4 UPLIGHTERS AND HERITAGE PLAQUE
Granted
26/11/2003

4/00200/01/ INSTALLATION OF RETRACTABLE AWNING TO REAR WALL IN
GARDEN
Granted
15/03/2001

4/00155/01/ ADVERTISEMENT ON REAR AWNING
Refused
29/03/2001

4/00157/01/ REAR AWNING
Granted
15/03/2001

- 4/01869/99/4 EXTENSION OF EXISTING HARD LANDSCAPED GARDEN AND
RE-ARRANGE CAR PARKING
Granted
18/02/2000
- 4/01870/99/4 EXTENSION OF EXISTING HARD LANDSCAPED GARDEN AND
RE-ARRANGE CAR PARKING
Granted
18/02/2000
- 4/01784/98/4 SUBMISSION OF DETAILS PURSUANT TO CONDITION 2 OF
PLANNING PERMISSION 4/0507/98 LBC (RELOCATION OF
EXTERNAL CONDENSERS AND ERECTION OF SCREEN
FENCING)
Granted
23/10/1998
- 4/01785/98/4 SUBMISSION OF DETAILS PURSUANT TO CONDITION 2 OF
PLANNING PERMISSION 4/0312/98 (EXTERNAL CONDENSERS
& TIMBER FENCE SCREENING)
Granted
23/10/1998
- 4/00162/98/4 WORKS TO TREES
Raise no objection
06/03/1998
- 4/01381/98/4 RETENTION OF CCTV CAMERA TO FRONT FACADE
Temporary permission
08/10/1998

- 4/00507/98/4 RELOCATION OF EXTERNAL CONDENSORS AND ERECTION
OF SCREEN FENCING
Granted
03/09/1998
- 4/01001/98/4 ALTERATIONS, SINGLE AND TWO STOREY EXTENSIONS AND
REFURBISHMENT OF EXISTING PUBLIC HOUSE AND
MANAGER'S FLAT (REVISED SCHEME)
Granted
08/10/1998
- 4/01002/98/4 INTERNAL AND EXTERNAL ALTERATIONS
Granted
08/10/1998
- 4/00312/98/4 RELOCATION OF EXTERNAL CONDENSERS AND ERECTION
OF TIMBER FENCE
Granted
03/09/1998
- 4/00251/97/4 ALTERATIONS, SINGLE AND TWO STOREY EXTENSIONS AND
REFURBISHMENT OF EXISTING PUBLIC HOUSE AND
MANAGERS FLAT
Granted
23/09/1997

**Pre Application Advice Predating the Submission of Application 4/03139/14/FUL:
The Context**

There was extensive advice provided by the LPA involving a previous Case Officer. It was in this context that the withdrawn and current application was submitted.

The key issues were:

- Noise Pollution .The primary concern would be the impact on the amenity of dwellings at Cavalier Court to the rear/side of the proposed extended beer garden.
- Light Pollution.
- Impact on Car Parking.
- Access , especially for emergency vehicles.
- Impact on the setting of Listed Building and Conservation Area

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Berkhamsted Town Council based upon the consultations for the Original Scheme and the Additional Information.

Please Note: The LPA has not consulted the Town Council upon the very recent Revised Scheme. This takes into account the scheme which still involves the loss of parking and BTC is aware of the previously detailed approach to noise mitigation and the applicant's daily management plan as referred to by the second consultation.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

National Planning Guidance Notes

Adopted Core Strategy

NP1 - Supporting Development

CS1 - Distribution of Development

CS9 - Management of Roads

CS10 - Quality of Settlement Design

CS12 - Quality of Site Design

CS13 - Quality of Public Realm

CS16 – Shops & Commerce

CS27 - Quality of the Historic Environment

CS29 - Sustainable Design and Construction

CS32 - Air, Water and Soil Quality

Berkhamsted Place Strategy

Saved Policies of the Decorum Borough Local Plan

Policy 10

Policy 12

Policy 13

Policy 42

Policy 51

Policy 54

Policy 58
Policy 61
Policy 62
Policy 63
Policy 113
Policy 119
Policy 120
Appendices 3, 5 and 8

Supplementary Planning Guidance / Documents

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

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)
Refuse Storage

Representations

Berkhamsted Town Council

Original Submission

Object. The original objection remains. Notwithstanding the proposed revised opening hours for the pub there is still likely to be noise disturbance to the neighbours and the extension of beer garden will lose existing car parking for staff. It was noted that the staff will be working very late and that some of them travel considerable distances to work. Contrary to Core Strategy Policies CBS 11, CBS 12 and CBS 27 and Saved Local Plan Policies 119 and 120.

Additional Information

The grounds for the previous objection remain i.e. disturbance and loss of parking. The proposed rope barrier after 21.00 would have little effect regarding generated noise. The committee did not believe that noise amelioration would be achieved.

Contrary to Core Strategy Policies CBS 11, CBS 12 and CBS 27 and Saved Local Plan Policies 119 and 120.

(30 November 2015)

Conservation & Design

The Crown Public House is on the south side of Berkhamsted High Street, within the Conservation Area. It is a Grade 2 listed building, dating to the late 16th century. Its timber frame origins are evidenced by the jettied first floor but the front has been refaced with modern stucco and has early 20th century decorative timber framing within the hipped gable. To the rear is a 19th century extension with large decorative windows facing the carriageway and adjoining this are 20th century extensions. The

property has a carriageway / yard to the right which runs past the side of the property and the existing beer garden to the parking area at the rear. The land level slopes up to the rear.

The property has suffered from a lack of maintenance in recent years. The external refurbishment entails various minor repairs to the listed building, its render, guttering and timber windows and is considered acceptable. The internal alterations mainly relate to the replacement of modern fabric / additions (carpet/ re-decoration), no objection.

Various forms of additional lighting are proposed internally and externally within the side yard area, details will need to be provided in relation to this. Two new lanterns are proposed to the front elevation/ It is recommended that these are omitted – the two lanterns either side of the front entrance are sufficient.

At first floor level the staff room is being altered through the addition of two further partitions to create Male and Female WC's, there is an existing WC in this room (a later insertion) which is being removed, so the new toilets can link to the existing soil pipe. Further lightweight partitions to create changing rooms are to be inserted. The existing fireplace within this small room has been blocked up and any surround removed so the alterations are not considered to harm the layout of this already altered room and are easily reversible.

New freezers are also proposed within one of the first floor rooms, if they are free-standing and will not have any impact upon the fabric of the listed building then there is no objection to this.

The removal of the car park to the rear, extension of the beer garden and provision of a canopy is not considered to harm the setting of the listed building. More details of the new external lighting and the material and colour finish of the canopy should be provided, this could be dealt with by a condition.

A gate to the alleyway, set back from the entrance to the alley way is acceptable in principle, the design / material construction has not been established but this could be dealt with by a condition.

The proposed alterations to the listed building are considered to preserve the character, fabric and appearance of the grade II listed building in accordance with Local Plan Policy 119, Policy CS27 and the relevant conservation policies within the NPPF, recommend approval.

The following details should be provided as a condition of any approval
:

- Details of the new gateway within the carriageway to the side to be submitted for approval.
- Details of the new lighting (internal and external) to be submitted for approval.
- Details of the new canopy to be submitted for approval.

- All new internal and external works and finishes and works of making good shall match existing original work adjacent in respect of materials used, detailed execution and finished appearance, except where indicated otherwise on the drawings hereby approved or as required by any condition(s) attached to this consent.

Reason: To safeguard the character and appearance of the Listed Building.

Building Control

Background

Following the receipt of the earlier plans the Building Control Team Leader confirmed that there was a need to address the fire safety implications of the timber canopy adjoining residential properties and the need for a secondary means of escape. This was notwithstanding the advice at that time of Hertfordshire Fire & Rescue Service raising no objections.

Subsequent Advice

There has been the subsequent liaison with the Building Control Team Leader upon the need for the timber canopy to be fire resistant and the resultant provision of a brick wall within the canopy's design adjoining Cavalier Court for inbuilt fire protection. Building Control is aware of the ongoing dialogue between the agent and Hertfordshire Fire & Rescue Service. Members will be updated at the DCC meeting upon any Building Control advice with due regard to the recently received Revised Layout/ Scheme and HFRS's advice, albeit it is expected that the revised approach to be acceptable.

Noise/ Pollution

Main Advice

In accordance with the Noise Impact Assessment Report, ref: MM186/15173 carried out by Spectrum Acoustic Consultants Noise/ Pollution would like to indorse their mitigation recommendations as conditions.

- The noise barrier and canopy detailed in the drawings in Appendix A should be included.
- Use of the proposed new beer garden area should be limited to between the hours of 07:00 and 21:00. After 21:00 patrons should be directed into the existing beer garden area. This represents a cautious approach to preventing significant impact and is in keeping both with the existing use of the beer garden and the background noise levels (both of which are likely to gradually reduce in the late evening).
- The beer garden should not be used during the night time (23:00 – 07:00).
- J D Wetherspoon should adopt the management plan which is already generally in place at their existing sites throughout the UK. This includes the following

measures:

- Members of staff conduct regular checks of the front and rear of the premises at all times it is accessible to the public. The area will also be subject to CCTV coverage with images retained for 30 days.
- Signage erected at the front and rear of the premises to remind customers of the need to respect the rights of our neighbours to the quiet enjoyment of their homes, businesses and other activities.
- If on occasion customers are found to be making excessive noise a member of staff will take immediate action to rectify the situation, e.g. ask the customer to talk more quietly or if problems persist, ask them to return inside the premises or leave the premises entirely.
- A manager's telephone number is available to nearby residents to contact the pub at any time and allow any complaints relating to noise from the premises or as to any other elements of its operation to be communicated easily.
- If any complaints relating to noise disturbance are received by a member of staff, the complaint will be brought to the attention of the manager on duty and immediate steps will be taken to prevent a recurrence of the situation.

Advisory

If planning permission is granted then the Applicant needs to contact the Licensing Department here at the Council Offices as JDW will need to apply for a variation to their Licence regarding the extended beer garden and the new alleyway. The current Licence does not cover these areas.

Additional Information

As JDW have agreed to the recommendation of the Environmental Health Department this department would have no objections save the conditions issued previously by this Department.

Note: The advice excludes any reference to the effect of the canopy's rear wall which has been incorporated for fire protection reasons.

Scientific Officer

Comments awaited.

Hertfordshire County Council: Highways

Recommendation

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

Note: Whilst the provision of off street parking (for staff parking) is a matter for the LPA to determine in accordance with their local plan/policy, the change of use of the off street parking area to outside tables and chairs would eliminate the need for vehicles to use the access road, which in turn has poor inter-visibility at the point where it converges onto the highway network. For this reason the Highway Authority considers this to be a net gain. Of course the issue of any displaced parking on the highway network interests the highway authority, most of the surrounding roads have some form of waiting restrictions and of course there are many pay and display car parks nearby that the staff that do travel in can use.

Hertfordshire Fire & Rescue Service

Original Scheme

HFRS has examined the drawings and noted that the access for fire appliances and provision of water supplies appeared to be adequate.

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

Revised Scheme

Background. It is understood that the Revised Approach is not the preferred option to HFRS. The preferred option is for a gated access onto adjoining land for emergency access. This is however dependent upon access to Cavalier Court or similar requiring approval of the adjoining landowner / with concerns regarding security/ safety and potential anti social behaviour.

The proposed alternative option in the Revised Scheme is understood to be acceptable to HFRS on the following basis:

- The alley/ access way is kept free from obstruction at all times the premises are open to the public.
- A recommendation that the maximum number of people does not exceed 120 in the garden area.
- An audibility test of the fire alarm system is carried out to ensure that it can be heard at the furthest point of the garden in the event of a fire occurring in the premises.
- The management policy and evacuation planning will need careful consideration and regular practice.

Hertfordshire Constabulary: Crime Prevention Design Advisor | Crime Prevention Design Service

HC has consulted with the Police Licensing Officer and as regards designing out crime issues and HC have no comment to make.

Potential noise issues. HC considers the Councils Environmental Health Department should comment upon this.

Hertfordshire County Council : Historic Environment

The site occupies a prominent position within the Medieval core of Berkhamsted, in

Area of Archaeological Significance 21. This includes a number of important prehistoric, Roman and medieval sites. The Crown P.H. [Historic Environment Record 9285] is a designated heritage asset, being a significant timber framed building of early post-medieval or earlier date. It is Listed Grade 2.

The impact of the proposal on the significance of the Listed Building will be best assessed by the DBC Conservation team. However, other than the repairs to be undertaken on the facade of the building, the works would appear to be relatively minor (new decorations, new carpeting, new lighting etc.). However, given the lack of detail provided on the impact of the proposal on the significance of the heritage asset, it is recommended that a properly researched historic building recording is carried out. This should be supplemented by the archaeological monitoring of any interventions affecting the historic fabric of the building (e.g. repairs to the facades, the removal/repair of existing plaster, repairs to flooring, etc.). This work could be secured as part of a negative condition on consent, should planning permission be granted.

The impact of the proposal on buried heritage assets with archaeological interest. It is difficult from the documents submitted to ascertain the level of ground disturbance involved in the creation of the extended beer garden. The site however has the potential contain heritage assets with archaeological interest, and particularly those of medieval date, given its location.

Therefore it is recommended that the following provisions be made, should you be minded to grant consent:

- The archaeological recording of the standing structure in its present form, and the subsequent archaeological monitoring of any structural interventions during the proposed internal and external refurbishment works.
- The archaeological monitoring of the removal of existing concrete, hardstanding, etc. from the rear carpark and alley way, and of any ground reduction or landscaping works necessary to construct the new beer garden.
- The archaeological investigation of any archaeological remains encountered during the monitoring programme.
- The analysis of the results of the archaeological work, with provision for the subsequent production of a report and an archive, and the publication of the results, as appropriate.
- Such other provision as may be necessary to protect the archaeological interest of the site.

These recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. These recommendations closely follow para. 141, etc. of the National Planning Policy Framework, relevant guidance contained in the National Planning Practice Guidance, and the recently 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.

Condition A

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

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

Condition B

1. Any demolition/development shall take place in accordance with the Written Scheme of Investigation approved under Condition A.
2. 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.

Comments received from local residents/ Response to Site Notice/ Newspaper Advertisement

Original Submission

- Flat 9 Cavalier Court. Objection.
- 8, Cavalier Court. While there is no objection in principle to the proposed development there one concern relating to staff parking. Currently no.8 overlooks the area of the proposed development and the kitchen has a good overview of the site. Accordingly, no.8 notes how much the staff rely on the current arrangement (i.e. parking facilities). If these were to be lost there are questions where they will park. The parking facilities at Cavalier Court and adjoining roads will be unduly impacted by the loss of parking in The Crown. At the very least, the company should be asked for their response to such an issue?

Additional Information. No responses.

Considerations

Policy and Principle

The principle of upgrading The Crown's facilities in this town centre location are acceptable subject to no adverse environmental implications.

Berkhamsted Place Strategy acknowledges that the Town Centre is an attractive commercial, cultural and social focal point with a strong district shopping and service centre. In delivering the Place Strategy Vision paragraph 21.9 expects that the key shopping/ service role will be maintained.

Core Strategy Policy CS1 (Distribution of Development) expects that new development is accommodated subject to its compatibility with the local environment and that it helps to maintain the vitality and viability of the town.

Under Policy CS4 (Towns and Villages) a mix of uses are acceptable in the Borough's town centres. These include shopping, compatible leisure, business, residential and social and community uses. It is expected that retail, business and residential uses will be controlled to enable a broad range of uses to be maintained/ achieved.

Core Strategy Part 13 addresses the Borough's Retailing and Commercial Environment. Table 5 – The Retail Hierarchy—identifies Berkhamsted as a Secondary Town Centre which features a defined Shopping Area. Para 13.6 confirms the role of a lively and diverse evening and night time economy as being an important part of the vitality and vibrancy of a town centre. This is subject to ensuring '...the negative impacts in areas such as community safety, litter and noise 'needing to be '.. controlled for the evening and night time economy to have a positive effect in town centres'.

The associated Core Strategy Policy CS16 specifically addresses the support for 'development proposals which promote a diverse evening economy in town centres will be supported provided that the social and environmental impacts are controlled". The environmental impact is addressed below.

The Crown's refurbishment will also accord with the expectations of Para 11.17 of the Core Strategy in supporting tourism within the town.

Impact upon the Listed Building /Character and Appearance of the Conservation Area

This is with due regard to Dacorum Core Strategy Policy CBS 27 and saved DBLP Policies 19, 119 (Development affecting Listed Buildings) and 120 (Development in Conservation Areas) and its relevant Appendices. The Crown's proposed upgrading is in the interests of maintaining and improving the public house's commercial role which will benefit the current vibrant character of Berkhamsted Conservation Area.

The external alterations, canopy and provision of the beer garden will be compatible with the setting of the listed building. The refurbishment's external alterations are positive, in upgrading the building's appearance within the Conservation Area, subject to conditions addressing the external lighting and gate, as recommended by the Conservation Officer who raises no objections to the extended beer garden and canopy.

The commercial benefits for Berkhamsted Town Centre and its Conservation Area resulting from the provision of the enlarged beer garden have to be **very carefully** weighed against the environmental implications resulting from its use. This is addressed below and in summary the proposal's positive aspects are dependent upon the provision of the acoustic canopy and use of the area within the canopy after 21.00 hours each day, with entire reliance upon the applicant's commitment to carry out its daily management plan to mitigate the harm to the adjoining residential properties.

Impact upon Residential Amenity of the immediate Locality and the Adjoining Offices

This is with regard to the aforementioned policies, Dacorum Core Strategy Policies CS12 and CS32. Lighting is addressed separately.

Notwithstanding the presence of an existing beer garden as a starting point/ fallback position, the proposal is materially very different to the prevailing conditions.

In this respect the absolutely fundamental issue is whether the extended beer garden can harmoniously coexist with the adjoining residential development and offices. This is clearly far from straightforward in terms of the effect of noise and disturbance, which resulted in the previous application being withdrawn.

The issue has been comprehensively considered from the outset as expressed through the detailed pre application advice. The absence of a Noise Assessment in the initial and withdrawn application has now been addressed in association with the proposed acoustic fence and canopy to serve the extended beer garden, complemented by a Management Strategy specific to The Crown and reflecting JDW wider national approach in managing its licensed premises.

In recommending permission this is entirely based upon the overriding weight given to the expert/ specialist advice of the Council's Environmental Health Unit which is satisfied with the submitted Noise Assessment Report's approach, findings, conclusions and recommendations. This is with regard to the noise mitigation benefits of the canopy and fundamentally the associated Management Plan (see Annex B).

The Council's Environmental Health Unit's approach is a precautionary recommendation representing a pragmatic and workable way forward. Whilst the canopy's acoustic qualities are essential to noise mitigation these are insufficient. In this respect JDW's Management Plan is pivotal with a closure of the extended area after 21.00hours each day. JDW is aware also that the recent incorporation of the canopy's rear wall (for fire safety reasons) as an alternative to the earlier proposed timber back will assist noise mitigation.

Without this daily management restriction there would be an unacceptable relationship between the use of the beer garden and the adjoining dwellings due to the identified demonstrable harm to residential amenity as confirmed by the submitted report prepared on behalf of JDW and recognised by the Council's Environmental Health Unit.

A condition requiring strict accordance with the Management Plan at all times is therefore recommended. An alternative to a condition would be an unilateral planning obligation to provide certainty ensuring all operators – now and in the future- to accord

with the Management Plan on a daily basis.

It also needs to take into account that from a holistic perspective if there is resultant noise and disturbance the Council's Environmental Team can serve a Noise Abatement Notice. This 'parallel environmental control' in conjunction with JDW's Management daily commitments and the recommended amenity based conditions are individually and collectively important as a way forward. The onus will be very much on the basis of the applicant's continual commitment to daily management, which is reinforced by the need to ensure fire safety measures/ management are fully adhered to at all times.

Also the elimination of the car parking close to existing dwellings will be beneficial to local residents by reducing late night disturbance.

With due regard to the foregoing and with full regard to the objections raised by Berkhamsted Town Council, the specialist and the applicant's unequivocal commitment to daily management, the informed recommendation is that, on balance, there is a case to support the proposed beer garden with conditions.

Note: Should there be an application under the now established 'Prior Approval' Permitted Development Rights to convert the nearby offices to residential the daily restrictions upon the post 21.00hours use will be a positive environmental benefit.

Highway Safety (Vehicle/ Pedestrian), Sustainable Location/ Parking / Traffic Generation/ General Access/ Fire Access/ Access for Persons with Disabilities- Inclusive Access/

Highway Safety/ Access/ Traffic Generation. The access is very poor/ dangerous in terms of its width and closeness to such very busy section of the High Street with an extremely high level of pedestrian movements. As observed by HCC Highways any reduction of the use of the access by vehicles is in the interests of highway safety. The the priority to fire and service vehicles will be a benefit.

- Fire access. Hertfordshire Fire Rescue Service raised no objections to the earlier scheme. However, it has been necessary to review this following the fundamental concerns raised by Building Control regarding the safety of the canopy close to adjoining dwellings and the means of emergency escape. In summary and after considerable dialogue it is now understood HFRS is satisfied with the Revised Scheme.
- Sustainable Location and Parking. The agent has confirmed:

'The scheme proposes to eliminate the existing car parking spaces that are situated on site. JD Wetherspoon feel that the elimination of the car parking facility is in the best interest for the conservation area as it provided a natural external environment for both staff and customers. The town already has good existing transport links and there are also two car parks located close to the pub that could be utilised if members of staff need to drive'.

Few commercial properties in the Town Centre feature curtilage parking to the

appropriate standards. Due to the site's highly accessible sustainable location it is considered that a flexible approach should be adopted to both the loss of the curtilage parking and providing additional parking to serve the beer garden. In this respect significant weight can be given to Core Strategy Policy CS8 criteria (h) confirms that the application of the car parking standards will take into account of the accessibility of the location, promoting economic development and regeneration, supporting shopping areas, safeguarding residential amenity and highway safety. In these respects given the excellent accessibility, the economic and Town Centre, shopping and tourist benefits, improved highway safety and benefits for residential amenity, these individually and collectively provide a robust case for not expecting the provision of car parking. In this respect JDW has confirmed that the provision of parking is not an operational prerequisite. Propriety to be given to fire and service vehicles.

- Inclusive Access/ Access for Persons with Disabilities/ Limited Mobility. The beer garden can be designed to incorporate access, with a recommended condition.
- Servicing (other than fire access). This remains feasible with reliance upon the historic access which remains intact in the revised scheme, with external refuse storage.

Crime Prevention/Security/ Community Safety

Hertfordshire Constabulary's Crime Prevention Team has raised no objections being fully aware of the comprehensive Public House Management Plan. This has been on the basis of the earlier scheme.

There will be consultation upon the exterior lighting.

Approach to Sustainable Construction

A condition is recommended.

Drainage/ Contamination

Surface water and contamination conditions are recommended.

Exterior Lighting

The proposed external lighting scheme is unacceptable and is addressed by a recommended condition. This will need to address the expectations of saved Core Strategy Policies CS12 and 32 and saved DBLP Policy 113 and where relevant it's Appendix 8.

Archaeological Implications

Archaeological conditions are recommended in accordance with Hertfordshire County Council's Historic Advisor.

Ecological Implications/ Biodiversity

There are no apparent implications. There is limited opportunity to incorporate bat or bird boxes within the canopy.

Contamination /Drainage

Conditions are recommended.

Approach to Sustainable Construction

A condition is recommended.

Environmental Impact Assessment

This is not necessary.

Conditions

A range of conditions are necessary.

Community Infrastructure Levy

A contribution is not necessary.

Article 35 Requirements

As clarified there has been very extensive LPA / Agent positive dialogue commencing with the previous Case Officer.

Conclusions

The wide range of modifications to the building are important in maintaining and upgrading this Grade 2 listed building in the Town Centre and Conservation Area which is supported by the Conservation Officer.

However, the provision of the extended beer garden is far from straightforward. With the issue of fire access and safety so very recently resolved, the pivotal issue is whether the extended beer garden can harmoniously co-exist with the adjoining residential development and offices. This is in terms of the effect of noise and disturbance.

This issue has been comprehensively considered from the outset as expressed through detailed pre application advice. The absence of a Noise Assessment in the initial and withdrawn application has now been addressed in association with the proposed acoustic canopy to serve the extended beer garden, complemented by a Management Strategy specific to The Crown and reflecting JDW wider national approach in managing its licensed premises.

The Environmental Health Unit supports the proposal subject to adherence to the Management Plan. In this context the establishment of a harmonious relationship between the beer garden and the adjoining residential and office uses. It has been only upon this basis and the applicant's preparedness to confidently commit itself to a very continuous exacting operational daily site management plan that the application is recommended for permission. This is because the proposed physical mitigation measures on their own are insufficient.

In the event that problems do arise for residential amenity action can be taken under the Environmental Protection Act, with reliance upon the applicant's commitment to an effective management plan.

For clarification the question of the licence renewal would have to be considered wholly independently.

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

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

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

- 2 **The beer garden hereby permitted shall operate at all times strictly in accordance with the Site Management Plan submitted with the application to limit the use of the beer garden with due regard to the applicant's submitted Noise Assessment.**

Reason: To safeguard the residential amenity of the locality in accordance with Policy CS12 of Dacorum Core Strategy. Permission has been granted entirely upon the applicant's commitment to a daily management plan to strictly limit the use of the beer garden in response to the Council's Environmental Health Division's precautionary approach to the provision of the beer garden with due regard to the applicant's submitted Noise Assessment.

- 3 **No development shall be carried out until details of the new gateway within the carriageway to the side have been submitted to and approved in writing by the local planning authority. The development shall be carried out fully in accordance with the approved details.**

Reason: To ensure that the development is compatible with the existing listed building and the character and appearance of Berkhamsted Conservation Area to accord with the requirements of Policies CS10, CS12 and CS27 of the Dacorum Core Strategy and the saved Policies 119 and 120 of the Dacorum Borough Local Plan.

- 4 **Before the first use of the beer garden hereby permitted the acoustic canopy (incorporating at all times a full rear wall) and fencing hereby permitted shall be installed fully in accordance with the approved details and there shall be no loudspeaker system installed or used within any part of the beer garden/ external area of the application site including the area of the acoustic canopy. Once installed the approved canopy and fencing shall be retained at all times.**

Reason: To permanently safeguard the residential amenity of the nearby

dwellings and the amenity of adjoining offices and in the interests of fire access and safety at all times in accordance with Policy CS12 of Dacorum Core Strategy.

- 5 **Notwithstanding the submitted details this planning permission does not extend to any of the submitted details of the external lighting. Before the commencement of the development hereby permitted an alternative external lighting scheme shall be submitted to the local planning authority and shall only be installed and thereafter shall maintained fully in accordance with the approved details.**

Reason:To safeguard the local environment in accordance with accord with the requirements of Policies CS12, CS27, CS29 and CS32 of the Dacorum Core Strategy and Policy 113 and Appendix 8 of the saved Dacorum Borough Local Plan.

- 6 **All external alterations and finishes shall match the existing original work in respect of materials used, detailed execution and finished appearance, except where indicated otherwise on the drawings hereby approved or as required by any condition(s) attached to this permission.**

Reason: To ensure that the development is compatible with the existing listed building and the character and appearance of Berkhamsted Conservation Area to accord with the requirements of Policies CS10, CS12 and CS27 of the Dacorum Core Strategy and the saved Policies 119 and 120 of the Dacorum Borough Local Plan.

- 7 **Notwithstanding the details shown by Drawing No. AL10.A this planning permission excludes the submitted details of :**

- the replacement troughs as referred to by Note 1.13, and
- the archway's timber surround as referred to by Note1.06.

Before the commencement of any development relating to the replacement troughs, or archway alternative/ additional details/ working drawings for these shall be submitted to the local planning authority. The development for the replacement troughs and archway shall be carried out fully in accordance with the approved details.

Reason: To ensure that the development is compatible with the existing listed building and the character and appearance of Berkhamsted Conservation Area to accord with the requirements of Policies CS10, CS12 and CS27 of the Dacorum Core Strategy and the saved Policies 119 and 120 of the Dacorum Borough Local Plan.

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

1. The programme and methodology of site investigation

and recording,

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

Reason: In order to ensure investigation and preservation of archaeological findings in accordance with Policy CS27 of the adopted Core Strategy

- 9 **Development shall take place in accordance with the Written Scheme of Investigation approved under Condition 8 and the development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 7 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.**

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

- 10 **The beer garden hereby permitted shall be provided at all times with access for persons with disabilities.**

Reason: To accord with Policies CS8 and CS12 of Dacorum Core Strategy and saved Policy 63 of Dacorum Core Strategy.

- 11 **The development hereby permitted shall be carried out in accordance with a submitted sustainable construction statement.**

Reason: To ensure the sustainable development of the site in accordance with Policy CBS 29 of Dacorum Core Strategy.

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

- (a) **Site Characterisation**

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

- a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - (i) human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
- an appraisal of remedial options, and proposal of the preferred option(s).

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

(b) Submission of Remediation Scheme

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

(c) Implementation of Approved Remediation Scheme

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

remediation scheme works.

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

(d) Reporting of Unexpected Contamination

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

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

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

- 13 The extended beer garden hereby permitted shall not be brought into use until a sustainable surface water scheme system is installed fully in accordance with an approved scheme. No soakaways which shall be constructed on contaminated land.**

Reason To ensure that the site is served by an acceptable drainage infrastructure to accord with Policy CS31 of the Dacorum Core Strategy and to protect groundwater to accord with the requirements of Policies CS31 and CS32 of the Dacorum Core Strategy.

- 14 A scheme for signage regarding the restricted use of the beer garden shall be installed before the beer garden's first use fully in accordance with a scheme submitted and approved in writing by the local planning authority. Thereafter all the approved signage shall be retained at all times.**

Reason: To safeguard the residential amenity of the locality in accordance with Policy CS12 of Dacorum Core Strategy.

- 15 Subject to the requirements of other conditions of this planning permission the development hereby permitted shall be carried out in**

accordance with the following drawings:

Location Plan

AL 10A

AD01D Layout and Canopy received on 27 April 2016

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

ARTICLE 35 STATEMENT

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

Informative

The primary basis of the local planning authority's decision is the applicant's commitment to a comprehensive management plan, without which there would be certainty upon limiting the effect upon the residential amenity of the locality. The applicant is expected to ensure that on a daily basis there is strict adherence by its management team at the site to all of the management measures. This is in the interests of the residential amenity of the locality and fire safety at all times.

ANNEX A : EXTRACTS FROM THE SUBMITTED NOISE ASSESSMENT REPORT

Noise Modelling etc

Initial results from the numerical noise model of the proposed layout indicated that noise levels from the extended beer garden would exceed the guideline levels recommended in the WHO Guidelines on Community Noise. As a result, a series of physical noise mitigation measures were modelled and the effect of these included in the analysis. Following discussion with the architects, two specific measures have been agreed. These measures are considered to provide the best achievable mitigation of noise while maintaining proposals that area acceptable in other respects.

The first mitigation measure involves increasing the height of the southern boundary wall from 1.8m to 3m. The second measure involves the installation of a solid canopy extending 4.6m out over the proposed beer garden area from the top of the raised boundary wall and sealed to it.

The assessment of predicted beer garden noise against the WHO absolute guideline levels indicates that during night-time periods the noise impact will be significant, even with the physical mitigation measures that have been incorporated into the design. Considering these indicators the impact of the proposal during night-time hours is expected to be significant.

During normal and peak trading, in external amenity areas at residential receptors, the predicted noise level from patrons in the proposed extended beer garden would be below the WHO daytime guideline for 'few people being moderately annoyed'.

Patron noise levels in living rooms at residential receptors during the daytime are predicted to be below the WHO daytime guideline level for speech intelligibility and moderate annoyance. During the relatively infrequent periods when peak trading occurs, noise levels in living rooms at nearby sensitive receptors exceed the guideline levels by up to 10 dB. Patron noise in nearby offices is below the guideline level during normal trading. Again however, during infrequent peak trading periods, noise levels are predicted to exceed the guideline level by up to 9 dB.

During the night-time, patron noise levels in bedrooms at the nearest residences would exceed the WHO guideline levels for sleep disturbance during normal trading. During the relatively infrequent periods of peak trading WHO guideline levels would be exceeded by 11 - 15 dB.

This comparison indicates that the noise impact of the proposed beer garden extension is likely to be low during daytime hours under normal trading conditions, as levels fall below WHO guidelines at all sensitive receptor locations.

Whilst operating at peak trading levels, during daytime hours, levels are predicted to be higher than WHO guidelines by up to 10 dB. This indicates a potentially significant impact but will be considered in context in the following sections.

During night-time hours the WHO guideline levels are exceeded at the nearest sensitive receptors during both normal and peak trading. This indicates a significant noise impact and night-time use of the external customer area is unlikely to be acceptable.

Summary Of Noise Impact

Under normal trading conditions, during the daytime period, predicted noise from patrons in the proposed beer garden is below WHO absolute guideline levels, both in external amenity areas and in living rooms.

Patron noise is also below the guideline level for noise inside offices. Noise from patrons in the proposed beer garden is also predicted to be either below or within 1 dB of existing external ambient noise levels. Considering both indicators, the impact of the proposal is expected to be low during daytime hours, under normal trading conditions.

Under infrequent peak trading conditions, during the day-time period, predicted noise from patrons in the proposed beer garden exceeds the WHO guideline level for speech intelligibility and moderate annoyance in living rooms but falls below the maximum guideline level for external amenity areas. Patron noise under these conditions is predicted to exceed guideline levels in offices. Noise from patrons is also predicted to exceed existing ambient levels by up to 12 dB.

Considering these indicators, the impact of the proposal during peak trading periods is expected to be significant. Experience has shown that the 'normal' trading scenario models the typical occupancy and behaviour in JD Wetherspoon customer areas outdoors for the vast majority of the time. It should be noted that the peak trading scenario typically occurs for only a limited number of hours, during some summer weekends when the weather is warm. Additionally, it is important to note that the character of the noise is not likely to change from the existing established noise environment which currently includes noise from patrons in the existing beer garden.

The assessment of predicted beer garden noise against the WHO absolute guideline levels indicates that during night-time periods the noise impact will be significant, even with the physical mitigation measures that have been incorporated into the design. Considering these indicators the impact of the proposal during night-time hours is expected to be significant.

Summary of Mitigation Recommendations

In order to minimise the likelihood of noise from patrons in the proposed beer garden having a significant impact nearby residential receptors during peak trading hours, the following mitigation measures should be employed.

1. The noise barrier and canopy should be included.
2. Use of the proposed new beer garden area should be limited to between the hours of 07:00 and 21:00. After 21:00 patrons should be directed into the existing beer garden area. This represents a cautious approach to preventing significant impact and is in keeping both with the existing use of the beer garden and the background noise levels (both of which are likely to gradually reduce in the late evening).
3. The beer garden should not be used during the night time (23:00 – 07:00).
4. J D Wetherspoon should adopt the management plan which is already generally in place at their existing sites throughout the UK. This includes the following measures:
 - Members of staff conduct regular checks of the front and rear of the premises at all times it is accessible to the

public. The area will also be subject to CCTV coverage with images retained for 30 days.

- Signage erected at the front and rear of the premises to remind customers of the need to respect the rights of our neighbours to the quiet enjoyment of their homes, businesses and other activities.

Conclusion

A noise assessment has been conducted to consider the potential impact of noise generated by patrons.

Predictions of noise from patrons in the proposed beer garden has been carried out using a proprietary numerical noise model. Comments on the nature of the noise environment, mitigation measures and likely noise impact have also been provided.

Noise from patrons in the beer garden has been predicted during normal trading (which occurs for the great majority of the time) in daytime hours (07:00 – 23:00). No significant noise impact as a result of patron noise is predicted under these conditions.

Noise from patrons in the beer garden has been calculated for occasional peak trading periods during daytime hours. Noise impact during these periods is predicted to be significant. However with the relevant mitigation in place, including the recommended barrier and canopy, J D Wetherspoon's management program and the recommended usage limitations, the significance of this impact will be sufficiently mitigated.

Noise from patrons in the beer garden has been calculated for normal and peak trading during night-time hours (23:00 – 07:00) and the noise impact is predicted to be significant. This impact should be avoided by ensuring that the new beer garden area is not used during night-time hours.

Annex B - J D Wetherspoon's Daily Site Management Plan based upon the Noise Assessment Report

In order to adhere to the times proposed by the Council's Environmental Health Team (see Representations) JDW has confirmed that it would implement a detailed site management scheme. An earlier version was sent to the various technical consultees, Berkhamsted Town Council and neighbours. It has been very recently updated, taking into account the requirements of Hertfordshire Fire & Rescue Service and the previous response from Berkhamsted Town Council.

The Management Plan reflect the recommendations of the Noise Assessment Report. The agent has clarified the applicant's preparedness to adhere to the times proposed by the Noise Impact Assessment Report by implementing the following management plan:

- The separation between the extended beer garden and the existing beer garden will be defined with permanent timber fencing system with a gate. This will make the extended beer garden area only accessible between the hours of 07:00 and 21.00 hours.
- At 07:00 the public house manager will open up the extended area with consideration to the neighbouring occupiers.
- Leading up to 21.00 the public house manager and/or their staff will request that any remaining patrons kindly vacate the extended beer garden area and either move to the existing beer garden or inside the pub. The extended beer garden will be completely vacated and the gate shut by 21.00.
- Any patrons not conforming to the rules of the public house and gaining unmitigated access to the beer garden outside of operation will be removed from the premises.
- The use of the beer garden will be policed by the public house manager and/or their staff using CCTV and periodic inspections.
- Signage will be utilised to ensure that Patrons are aware that the extended beer garden will be closed off at 21.00 hours.
- The beer garden will not be used during the night time (23:00 – 07:00).

JDW advise that it is currently in the process of extending and developing numerous pub beer gardens in their existing estate and this strategy has been successfully used numerous times before. The most recent example of this is the new public house development in Hednesford, where one of the planning conditions stipulated that the beer garden had the same opening times as the times described in this application.

As part of this proposed scheme JD Wetherspoon would adopt the management plan which is already generally in place at their existing sites throughout the UK. This is defined in additional documents (Code of Conduct for Responsible Retailing and Management Plan). The management plan includes the following measures which are thought to be of importance to this scheme:

- Members of staff conduct regular checks of the front and rear of the premises at all times it is

accessible to the public. The area will also be subject to CCTV coverage with images retained for 30 days.

- Signage erected at the front and rear of the premises to remind customers of the need to respect the rights of our neighbours to the quiet enjoyment of their homes, businesses and other activities.
- If on occasion customers are found to be making excessive noise a member of staff will take immediate action to rectify the situation, e.g. ask the customer to talk more quietly or if problems persist, ask them to return inside the premises or leave the premises entirely.
- A manager's telephone number is available to nearby residents to contact the pub at any time and allow any complaints relating to noise from the premises or as to any other elements of its operation to be communicated easily.
- If any complaints relating to noise disturbance are received by a member of staff, the complaint will be brought to the attention of the manager on duty and immediate steps will be taken to prevent a recurrence of the situation.

In response to dialogue with Hertfordshire Fire & Rescue Service the Agent has confirmed that JDW will accord with the following:

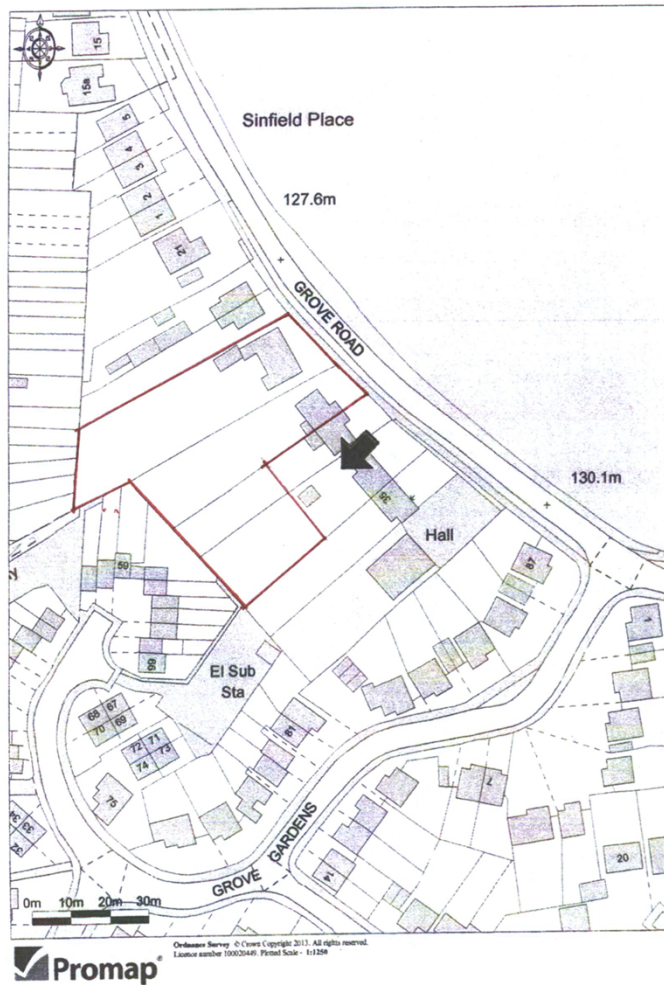
- The maximum number of people will not exceed 120 in the garden area.
- An audibility test of the fire alarm system is carried out to ensure that it can be heard at the furthest point of the garden in the event of a fire occurring in the premises.
- The management policy and evacuation planning will need careful consideration and regular practice.

Agenda Item 5b

Item 5b

4/00069/16/FUL - CONSTRUCTION OF SIX FOUR BED DWELLINGS

LAND REAR OF 27-33 GROVE ROAD, TRING



Item 5b

4/00069/16/FUL - CONSTRUCTION OF SIX FOUR BED DWELLINGS

LAND REAR OF 27-33 GROVE ROAD, TRING



Item 5b

4/00069/16/FUL - CONSTRUCTION OF SIX FOUR BED DWELLINGS

LAND REAR OF 27-33 GROVE ROAD, TRING



**4/00069/16/FUL - CONSTRUCTION OF SIX FOUR BED DWELLINGS.
LAND REAR OF 27-33 GROVE ROAD, TRING.
APPLICANT: BRAYBEECH HOMES LTD.**

[Case Officer - Ross Herbert]

Summary

The application is recommended for approval.

The proposed development of 6 dwellings would introduce backland development along this part of Grove Road. This development allows for the comprehensive development of a backland site with satisfactory access onto the highway. The scheme is considered to be a high quality development that helps meet the need for new housing, as set out in Core Strategy policy CS17. The proposed road layout within this development would not hinder a more comprehensive scheme to optimise the use of urban land. Despite local opposition to this scheme due to the distances between the proposed houses and existing houses the proposal would not result in significant harm to the residential amenities of neighbouring properties or be detrimental to matters of highways safety. The scheme is therefore in accordance with Core Strategy policies CS8, CS12 and CS13, and Appendices 3 and 5 of the DBLP.

Site Description

The site is located on the south-western side of Grove Road, within the residential area of New Mill West (TCA 13), which forms part of the urban area of Tring. The site comprises of part of the rear gardens of No's 27 - 33 Grove Gardens.

This section of Grove Road is characterised by a variety in the age and style of the housing stock, with open land on the opposite side of the road. Nos.29-36 comprise of 1960's semi-detached housing, though there are both Victorian terraces and 1990's cul-de-sacs nearby (New Mill Terrace and Grove Gardens respectively). No. 27 comprises of a detached early 20th century property. To the south-east of the site (adjacent to No.35 Grove Road) is the Scout Hut; a community facility, principally for the use of the Scouts and Girl Guides.

Levels fall from south-east to north-west across the site, and also fall to the west. The site contains semi-mature trees and hedges, with the most mature being located along the rear boundary of the site with the New Mill Terrace properties.

Proposal

The scheme proposes the construction of 4 x detached and 2 x semi-detached 4-bed dwellings on land to the rear of No's 27 - 33 Grove Road, within the rear gardens areas of these properties. The proposed dwellings would be accessed via a new access created between No.'s 27 and 29 Grove Road. The access would be created through the demolition of No. 29's side garage, in order to allow space for the new access road, which would utilise the existing crossover onto Grove Road. Although the proposed houses are two storeys, each would contain habitable accommodation in the roofspace.

The proposed scheme includes associated access, turning and manoeuvring facilities, along with the provision of private amenity space and hard and soft landscaping.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Tring Town Council.

Planning History

4/02848/15/PRE CONSTRUCTION OF 4 OR 6 DWELLINGS (2 SCHEMES)

4/00705/05/OUT FOUR TERRACED DWELLINGS
Refused
31/05/2005

4/00153/05/OUT DEMOLITION OF GARAGE AND CONSTRUCTION OF THREE DWELLINGS
Refused
29/03/2005

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS17 - New Housing
CS19 - Affordable Housing
CS28 - Renewable Energy
CS29 - Sustainable Design and Construction
CS30 - Sustainability Offset Fund
CS31 - Water Management
CS32 - Air, Water and Soil Quality
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 10, 12, 13, 15, 18, 19, 21
Appendices 1, 2, 3, 4, 5,

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)

Area Based Policies (May 2004) - Residential Character Area (TCA 13 New Mill West)
Water Conservation & Sustainable Drainage (June 2005)
Energy Efficiency & Conservation (June 2006)
Accessibility Zones for the Application of car Parking Standards (July 2002)
Planning Obligations (April 2011)
Affordable Housing (Jan 2013)

Summary of Representations

Tring Town Council

Tring Town Council recommends refusal of the application for the following reasons.

1. The topography of the site

The proposed site is significantly higher than the dwellings along Wingrave Road (New Mill Terrace). So whilst the proposed dwellings may be in excess of 23m away (window to window) the relative heights mean that the proposed dwellings will dominate those below.

It is interesting that when New Mill Terrace was built sheds were provided at the end of the garden with a stipulation that these could not be increased in size because of the impact that would have on the properties. This historical reference highlights the sensitive of the site with regard to overlooking and overbearing to the detriment of residential amenity

2. The Ecology of the Site

The development of the site involves the removal of many trees. This will have a direct impact on the wildlife - residents report the presence of bats and newts, and badger paths cross the area.

It will also affect, with the building and parking, the run-off of water increasing the volume going down the slope to Wingrave Road – the natural run-off.

How the properties will be connected to the mains drainage given the slope of the site has to be addressed

3. Design

Grove Road is a development characterised by medium/large houses detached houses with a low density. Six dwellings represent over-development of the site that is out-of-keeping with the neighbourhood.

4. Car Parking

The Town Council would like assurances that at least the minimum requirement for car-parking spaces is met, notwithstanding the general acceptance that these standards are inadequate. Given the busy nature of Grove Road, it would be totally inappropriate for parking on the development to spill-out onto Grove Road.

Contaminated Land

The site is located within the vicinity of potentially contaminative former land uses. Consequently there may be land contamination issues associated with this site. I recommend that the standard contamination condition be applied to this development

should permission be granted. For advice on how to comply with this condition, the applicant should be directed to the Council's website (www.dacorum.gov.uk/default.aspx?page=2247).

Thames Water

No objections - subject to standard water pressure informative.

Trees and Woodlands

I have looked at the BING MAPS birds eye view which in terms of seeing general tree cover is usually better than going on site.

I see there are a lot of trees in these back gardens, there individual merit may not be any better than '30/40 year old garden trees' and not part of the historic landscape however the joint impact looks significant.

A visit would be helpful to make a better judgement, are you going up there yourself or have you already made a visit? Give me a call if you want to consider matters further.

Further Comments

I met Simon Booth on site to discuss proposals and essentially have no issue with planned works.

The intended removal of trees doesn't include anything of good condition / TPO value so in BS5837 tree categorisation terms, there's nothing contentious. Some of the vegetation has a minor screening function which is addressed by replacement planting.

There is a loose belt of trees to the rear, some in the site, some outside. Together they will provide limited screening of the new development, although infilling with new specimens would be necessary. Simon agreed that this would occur, of probably a native / evergreen mix to give year-round cover.

Planting between existing Grove Road properties and these new dwellings would also occur, typically of an evergreen nature.

I'm comfortable with removal and planting proposals and would just need specific replacement tree info/ locations/ sizes/ numbers on a plan at a later stage.

Strategic Policy

Please refer to our comments on the pre-application schemes for either four or six homes (4/02848/15/PRE).

The site is located in a residential area, as shown on the Local Plan Proposals Map. Core Strategy Policy CS4 states that appropriate residential development is encouraged in residential areas.

The Council's Supplementary Planning Guidance on Development in Residential Areas is also relevant. The site is in character area TCA13 (New Mill West). The development principles for TCA13 should be taken into account. Generally, the

guidance discourages tandem forms of development, although it is recognised that Grove Road has been subject to such schemes in the past.

Core Strategy Policy CS19 (affordable housing) applies following the High Court's decision last year on the West Berkshire District Council and Reading Borough Council vs DCLG case. Given this judgment, this Council has ceased to apply the 'Affordable Housing Clarification Note' that was put in place earlier in 2015 as a result of a Ministerial Statement and associated changes to the Planning Practice Guidance (PPG). The PPG changes have now been revoked.

Policy CS19 states that, outside Hemel Hempstead, 35% of new dwellings should be affordable homes and a minimum of 75% of the affordable housing units provided should be for rent. Therefore, two affordable homes for rent should be provided on the site.

If the applicants claim this would make the scheme unviable or if they wish to provide a financial contribution in lieu of on-site provision of affordable housing, this should be discussed with the Council's Strategic Housing team. A viability study should be submitted by the applicants if they consider viability to be an issue.

We have some concerns over whether the 12 parking spaces propose are sufficient for this location, given the parking standards in Local Plan Appendix 5 and the location in Zone 4 (see the Supplementary Planning Guidance on Accessibility Zones). The Highway Authority's views should be sought.

Please let Strategic Planning know if you require any additional comments.

Herts Ecology

In respect of the above application I have the following comments:

1. We have no data on the application site, which comprise domestic gardens. I consider the ecological value of these will be at the site level within the urban context of Tring.
2. I note that a relatively large number of trees will be removed. Although extra tree planting is proposed, these will not replace the resource currently present, or possibly in the future as these trees are likely to be kept smaller given the proximity to the increased built development rather than larger in comparison to the current position now within and on the edges of larger gardens.
3. The ecological survey includes in the site description '*The mature trees found across the site include several mature Apple Malus sp. trees, Beech Fagus sylvatica, Ash Fraxinus excelsior, Hazel Corylus avellana, Holly Ilex aquifolium and Hawthorn Crataegus monogyna. Many trees and some ground around the borders of each garden are covered in Ivy Hedera helix.*' The site is also acknowledged as having some value for breeding birds. This character is the key local resource of ecological value which will be lost.
4. The ecology report states there is a likely absence of reptiles and amphibians from this site. Whilst these species can never necessarily be ruled out, I have no reason to consider that this view is unreliable in this situation. Nevertheless, I do not consider it

has 'negligible ecological value given the presence of fruit and other trees and the general variety of other habitats present. These will provide local interest in a variety of ways, from lower plant, blossom and fruiting and seeding interest as well as cover, which is also present as areas of rough grassland. Surveys in March will not enable a reliable assessment of any grassland interest but I have no reason to consider the grassland would be of any importance given the amenity use of the site for many years.

4. However, I do not consider the existing interest is sufficient to represent a constraint on the proposals, although the site will be degraded as a result irrespective of the gardens present as clearly there will be a loss to the built form and increase in general human activity. Compensation is proposed as providing nest boxes to replace lost nesting sites but these of course will not replace the net loss of trees and shrubs.

5. There does not seem to be any specific landscape / arboricultural appraisal / report – the described landscape document is simply a map. Consequently it is not possible to assess how many fruit trees or their sizes etc. are to be removed. However if the site includes several mature apples trees as suggested above which are to be lost, there should be some compensation for this. In my view this should be in the form of provision of a commuted sum to be paid to the LPA or other appropriate body to enable a number of fruit trees to be planted locally, probably on land within the public realm. This would go some way to the provision of more reasonable compensation for the loss of the tree habitat resource on the site. For the loss of several mature fruit trees I would suggest that a sum of £150 would be sufficient to provide at least five new trees to be planted in an appropriate location. This would provide some form of biodiversity offsetting / enhancement as consistent with the aims of the NPPF. Local schools have planted orchards some of which need replacement trees, so this could provide a suitable opportunity.

6. In respect of reptiles and amphibians, I advise that areas of longer grass or refugia should be removed carefully or progressively cut outside of the breeding or hibernation period, i.e. early spring or autumn. This would enable any animals present to disperse safely, and as such is a precautionary measure. It should be attached as an Informative to any approval.

7. In respect of breeding birds, as recommended by the Ecologists, the normal provisions would apply. Consequently an informative should be attached to any approval, to the effect that:

'No removal of vegetation within the bird breeding season (generally March – August inc.) unless it has been satisfactorily demonstrated that no nesting activity is taking place'.

8. The Bat Preliminary Roost Assessment considered the structures on site for bats. One building (B1) was considered as requiring an emergence survey between May – Sept. The description of this building (a garage) which is generally in good condition does not suggest any bats are likely to be present, although there is a limited possibility of bat use under lifted boards at the gable ends. I do not know why these were not inspected with an endoscope for any evidence. However the enclosed loft void could also not be accessed to assess the presence of any evidence, although the lack of gaps in the tiles and soffits is considered to reduce the likelihood of bat presence in this location.

9. Based on the evidence submitted I consider the likelihood for bats being present to be negligible, although this cannot be discounted given the circumstances and local habitat resource which could support bats. An activity survey is recommended but no mitigation is suggested. Consequently, without further details the LPA is not in a position to satisfy the three Habitat Regulations Tests if it needs to. The options now are:

- Amend the document (and planning proposal) to provide a worst Case Scenario (WCS) mitigation for bats. This is likely to require a similar roof space to be provided within the development. Further surveys as required should be secured by a Condition of Approval. Any EPS licence could then be applied for if necessary and I have no reason to believe that if mitigation is appropriate, this would not be issued; or
- Now that bats are active, undertake the presence / absence activity surveys ASAP to enable the LPA to determine the application with sufficient and appropriate knowledge of the potential bat presence at the site.

Given we are now in the bat survey season, WCS should be avoided as these unnecessarily increase the risk of application requirements being wrong. They are used only when activity surveys cannot be undertaken when bats are inactive.

10. On this basis, although I consider the potential for bats to be low to negligible, I acknowledge there is an unknown potential given the lack of access (although I don't know why this couldn't have been arranged given the building will be demolished anyway) and consequently I cannot advise that this application should be determined. This is a position which would be understood by the Ecological Consultants. Therefore this should now involve a straightforward survey to update the report and provide any further recommendations as necessary, which will enable the application to be processed accordingly.

11. Other than the issues I raise above, I do not consider there to be any ecological reasons which would represent a constraint on the proposals.

I trust these comments are of assistance,

Further Comments

Bat Worst Case Scenario

Thank you for the updated Worst Case Scenario report. Whilst I am of the opinion that this could have been better resolved by undertaking the presence / absence survey as advised given we are now in the survey season, I can confirm that the detailed report is sufficient to provide the LPA with appropriate information in the event that the presence / absence survey identifies bats using Building B1. Any positive evidence of use would require further surveys and recommendations as necessary. Whilst these may be different from the advice within the WCS report, the LPA is now in a position to determine the application in the event a maternity roost is present. To ensure the further surveys are undertaken as required, I also advise that they should be secured by a Condition of Approval.

I trust this information is of assistance.

Herts Property Services

Thank you for your email regarding the above mentioned planning application.

Herts Property Services 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 2 and the scale of the development does not fall within any of the CIL Reg123 exclusions.

I trust the above is of assistance if you require any further information please contact me or the planning obligations team (development.services@hertfordshire.gov.uk).

Strategic Housing

'I am happy to accept that this scheme is unable to provide an affordable housing contribution.

I have fully considered the RICS build cost, sales values and land value with the additional detail below. I therefore recommend that the scheme is financially unviable to provide an affordable housing commuted sum. I note CIL has been included in their appraisal.'

Hertfordshire County Council Highway Authority

Original Comments

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 recommends that permission be refused for the following reasons:

Decision

Hertfordshire County Council (HCC), as Highway authority, objects to the principle of the development, due to lack of information. The following is required for HCC to provide appropriate consideration of the proposed development:

- As stated in the pre-application advice, site access arrangements should be designed to Roads in Hertfordshire: Highway Design Guide 3rd Edition. This means that the site access arrangements should adhere to the following:

- Site access arrangements are not considered acceptable in the current design. The site access should be a bell mouth with a minimum 4.8m width.

- If the site access is intended to be adopted, this should be specified within the DAS.

- Pedestrian facilities should be accommodated along one side of the site access road or provide details with regards to pedestrian access to the site.

- Details on the number of service vehicles that will access the site, the size of the vehicles and the likely times of use.

- As requested in the pre-application stage, Swept Path Assessments are required to demonstrate that refuse and servicing vehicles can access and egress the site in a forward gear.

- As requested in the pre-application stage, Visibility splays are required to demonstrate that vehicles egressing the site can safely enter to the highway without

impact the operation and safety.

- Stage 1 Road Safety Audit is required for the proposed site access.
- As requested at the Pre-Application stage, Design and Access Statement (DAS) is required for all planning applications that have an impact on the highway, as outlined in Roads in Hertfordshire: Design Guide (3rd Edition).

Description of the Proposal

The proposal is for a residential development comprising 6 x 4 bedroom dwellings (4 detached and two conjoined) with garages, parking and a new access road.

Site Description

The site is located off of Grove Road in Tring. Grove Road is an unclassified L2 local access road with a 30mph speed limit. The development site is located on vacant land to the rear of 27 ? 31 Grove Road. The development site is bordered by residential housing to the north/east and south and mixed residential/commercial to the west accessed from Wingrave Road.

Analysis

Policy Review

The application is not supported by a Design & Access Statement (DAS), as was requested as part of the pre-application advice. No evidence is provided to support that a policy review was undertaken for the following, at a minimum:

- National Planning Policy Framework (2012)
- Dacorum Borough Council Core Strategy (2013)
- Hertfordshire County Council (HCC) Local Transport Plan 3-2011-2031
- Dacorum Borough Local Plan 1991 ? 2001 (Sept 2013)

Transport Assessment

Due to the size, nature and location of the proposed development, a Transport Assessment (TA), or Transport Statement (TS), is not required as part of the planning application.

Trip Generation and Distribution

Due to the size, nature and location of the proposed development, a trip generation details, and therefore trip distribution details, were not required as the number of trips generated by the development are not expected to impact on the highway's overall safety or operation.

Impact on Highway Network

Junction Assessment

Due to the size, nature and location of the proposed development, junction assessments are not required as part of the planning application.

Highway Safety

A summary of collision data in the vicinity of the development site has not been provided as part of the planning application. However, a review of 5 years of HCC accident data does not show any collisions at the approximate location of the site access or along Grove Road. Due to the nature of the development, it is not expected that the development will impact on the overall safety of the highway.

Highway Layout

Site Access

The proposed development seeks to create a site access from Grove Road utilising an existing crossover for properties 27 and 29 Grove Road. The site access road will lead to the rear of 27 and 29 Grove Road to the proposed dwellings. A turning head will be provided at the end of the service road. The site access arrangements to 29 Grove Road appear to be retained.

Site access arrangements were to meet the requirements set out in Roads in Hertfordshire: Highways Design Guide 3rd Edition, per the pre-application advice. As the site access is to be used by a number of properties, Roads in Herts specifies that the access should be a bell mouth with 4.8m width. Furthermore, as requested in the pre-application advice, swept path assessments and visibility splays are required for the proposed site access arrangements. Swept path assessments are required to demonstrate that refuse and servicing vehicles can access and egress the site in a forward gear. Visibility splays are required to demonstrate that vehicles egressing the site can safely enter to the highway without impact the operation and safety.

Pedestrian Access

The proposed development has not provided evidence of consideration for pedestrian site access. The site access arrangements show black top and black top should not be used if the site access road is intended to be shared use by vehicles, cyclists and pedestrians.

Refuse and Service Delivery

The applicant will need to provide details on the number of refuse and service vehicles that will access the site, the size of the vehicles, and the likely times of use. Swept path assessments are required to demonstrate that the site can accommodate large service vehicles.

Road Safety Audit

A Stage 1 Road Safety Audit is required for the proposed new site access to support that the design is safe and will not impact on the highway's safety and/or operation.

Parking

The applicant has included proposed parking arrangements and provisions for the proposed development. Each dwelling will have parking for 2 cars. Appendix 5 of Dacorum Borough Local Plan 1991 ? 2001 (Sept 2013) sets out a maximum parking standard of 2 parking spaces per 4 bedroom dwelling. Therefore, the parking allocation is considered appropriate. However, it is ultimately the decision of the LPA to determine the suitability of car parking provisions.

Cycle Parking Provisions

The applicant has not provided cycle parking provision details; however, each dwelling will have a garage. This is considered appropriate. However, it is ultimately the decision of the LPA to determine the suitability of cycle parking provisions.

Accessibility

Public Transport

The site is serviced by bus stops located on Wingrave Road for both northbound and southbound destinations. The bus stops are located approximately 350 m from the site. The bus routes servicing the northbound bus stop include route 61 to Dunstable, 164 Leighton Buzzard and 387 New Mill. The bus routes serving the southbound bus stop include 61 to Aylesbury, 164 to Aylesbury and 387 to Beech Park, Aldbury and Tring.

The nearest railway station to the site is Tring railway station and it is approximately 1.7 miles from the site access. This is considered a walkable and/or cycleable distance.

Walking and Cycling

There are footways provided on the west side of Grove Road. Pedestrian crossing facilities with tactile paving are provided approximately 170m north of the proposed development site access and is considered a reasonable walking distance to accommodate pedestrians accessing the site. The pedestrian facilities link to Wingrave Road where the bus stops are located. The surrounding area is considered walkable with suitable connectivity.

There are no formal cycling facilities on Grove Road; however, Grove Road is considered cycle-able as it has a maximum speed limit of 30mph. Therefore, the area is considered cycle-able.

Travel Plan

Due to the nature of the proposed development, a Travel Plan will not be required.

Construction

A construction traffic management plan will be required to ensure construction vehicles will not have a detrimental impact on the highway network within the vicinity of the site and a condition will be required to provide adequate parking for construction vehicles on-site to prevent on-street conflict and impacts to the highway safety.

Planning Obligations / Community Infrastructure Levy (CIL)

Due to the nature of the development and the low impact to the highway network, no planning obligations will be sought by HCC.

Further Comments - following submission of additional information

I have reviewed the consultants' responses to issues we had raised, in addition to the drawings provided. My comments are as follows:

Improvements to bell-mouth, increase width of access to 4.8m, and pedestrian facilities:

It was not made clear at the application stage that the access was to be a shared surface. With the clarifications provided, the proposals are considered appropriate and these reasons for refusal can be removed.

Swept path analysis for refuse vehicles:

The swept path analysis provided for the turning head is considered acceptable. However, a swept path analysis for the access arrangements will be required. This can be obtained by way of a condition.

Visibility Splays:

The visibility splays are considered suitable for the purposes of the planning application. However, it is requested that the applicant provided a maintenance plan for the vegetation in the visibility splay to ensure that the trees do not impact visibility. This

can also be obtained by way of a condition.

Road Safety Audit Stage 1:

A Stage 1 Road Safety Audit is still required as they are making changes to the access, etc. This too can be obtained by condition.

I trust this is helpful. I can provide a formal response next week at the earliest. If you have any questions or comments, please do not hesitate to contact me.

Thank you.

Comments received from local residents:

22 New Mill Terrace - object on the grounds of: loss of light and overshadowing; overlooking and loss of privacy; highway safety; drainage.

23 New Mill Terrace - object on the grounds: impact on ecology; topography, inadequate garden size; inadequate parking; out of keeping.

24 New Mill Terrace - object on the grounds of: loss of light and overshadowing; overlooking and loss of privacy - the proposed site to the rear of our garden is already on raised ground so once a 2/3 storey house is there, our garden will be significantly overlooked; Noise and disturbance; visual intrusion; the impact of construction - noise and view; views from house windows; loss of property value; risk of trees being destroyed, killed or damaged from construction potentially impacting on view and privacy further; wildlife; drainage - already have problems in our driveway.

26 New Mill Terrace - object on the grounds of: loss of privacy; noise and disturbance; overbearing and out of character; does not respect townscape, density or character of area; overdevelopment; highway safety; does not provide affordable housing; screening trees could be removed at any time.

27 New Mill Terrace - object on grounds of: visual intrusion; loss of privacy; noise; additional traffic and impact on house value.

30 New Mill Terrace - object on grounds of: overlooking; loss of sunlight; light pollution; noise; parking; highway safety; loss of trees; additional run off; drainage.

57 Grove Gardens - objects on the grounds of: overlooking; dwellings too large and high; out of keeping; drainage issues; potential impact on wildlife; highway safety issues due to increased traffic.

66 Grove Gardens - objects on the grounds of: loss of privacy; overlooking; out of character; impact on environment; loss of drainage from soft landscaping; inadequate access; highway safety; loss of light; noise; just about profit and does not contribute to housing crisis.

85 Grove Gardens - Raises concerns - I live at 85 Grove Gardens, HP23 5PY, very close to the above site, and have only just become aware of the above application this morning.

My first observation is that there are a large number of mature trees on this site. I presume these would need to be felled and given that this is an area of very few fully developed trees, felling would be totally against current environmental trends. Secondly, my family have lived at this address for 28 years and every Summer our garden is visited by Bats. They can be seen every evening feeding over our gardens and the rear of The Grove Road Scout Hut. I have no idea where these Bats hibernate or roost so feel very strongly that the above mentioned trees be checked thoroughly beforehand. Likewise any outbuildings in the gardens to the rear of Nos 27 to 33 Grove Rd.

25 Grove Road - would like an assessment to be done from their rear garden as part of the assessment process.

19 Grove Road - Mr Filby objects on the basis of visual impact of development and inappropriate development for area. Objection: Just wanted to send you a formal email after our conversation last week to make sure our concerns to the development of Grove Road are added to the file.

I was disappointed to see that all the comments opposed to the development are still not showing on the Dacorum website and the against figure still sits at a very low number of 4 and I know there has been more than this. Is there any reason why this is happening?

Have been doing a little reading online and was disappointed to see that the development on Station road by the cricket ground by Braybeech homes and the second development on Station road by Tring train station are both going ahead despite very strong local objection. Can I draw you attention to a comment written by Stephanie Hawkins in the appeal decision for Station road Braybeech development

I have considered a concern that the grant of planning permission would set a precedent for this part of Tring. Notwithstanding that each application and appeal must be treated on its individual merits and that my attention has not been drawn to any particular sites, I note that the proposed layout would allow for the future development of the rear garden of 17 Station Road, should this be made available, and I accept that the grant of planning permission may make it difficult to resist development in principle of this land, as, if implemented, it would be the only undeveloped land to the rear of dwellings on this part of Station Road between Hawkswell Drive and the footpath to the side of No 14. However, I do not consider this alone justifies permission being withheld.

I find it very difficult for you to argue that by passing these developments against strong local opposition a precedent has already been set. Also with the knowledge that I shared with you regarding the fact 25,23 & 21 Grove road are all owned by the same family that have already been approached by a developer regarding the purchase of their land I can't help but that feel if the above planning is granted for Grove Road it will only be the start.

Attached you will find a image from the current outlook of the second bedroom of our first floor now and possible outlook with the new houses in place. As you can clearly see with no masking, we feel from our elevated position and angle of our property we have been completely ignored in the planning of this development and would like the chance for you to come and see for yourself how imposing these properties could be.

35 Grove Road - object on the grounds of: loss of privacy; loss of view; additional traffic; impact on ecology; drainage; impact on character.

Considerations

Policy and Principle

Paragraph 14 of the NPPF introduced the presumption in favour of sustainable development, and confirms that this should be seen as the 'golden thread' running through the framework for both plan making and decision taking. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. The site is located within the residential area of Tring where Core Strategy policies CS1 and CS4 are relevant to this site. Policy CS1 seeks to guide new development to the towns and large villages, in order to protect the more rural areas of the borough. Policy CS4 states that appropriate residential development is encouraged in residential areas.

Therefore the proposed development of a small number of new houses in a residential area of Tring is acceptable in principle providing it also meets the following criteria: avoids harm to neighbouring properties; respects the general character and appearance of the street scene; provides adequate parking and amenity space; provides suitable access arrangements; and that it provides a comprehensive and efficient utilisation of the land.

Saved Policy 10 of the DBLP encourages the optimisation of urban land, and therefore provides support to Policy CS4 in encouraging residential development in urban areas. However, the need to optimise urban land needs to be balanced against the need to respect the character of the area.

The Council's Supplementary Planning Guidance on Development in Residential Areas is therefore also relevant. The site is located in the Residential Character Area TCA 13: New Mill West for this part of Grove Road. The development principles for TCA13 therefore need to be taken into account in the assessment of this proposal. New Mill West is described as an area "*including later development from the 1960s onwards*", but has a varied character including Victorian terraces, 1960's cul-de-sacs and more modern cul-de-sac development in the Grove Gardens area. The development principles for the area identify New Mill West as an area of limited opportunity for residential development, although infilling may be acceptable subject to the development principles. In this area there is scope for variation and innovation in terms of the design of housing, though small to moderate sized terraced dwellings not exceeding two storeys are encouraged. Furthermore, the existing layout structure of the area should be maintained, the general building line should normally be followed, and spacing within the close range (2 m or less) will be acceptable. Densities in the medium range 30 - 35 dph are encouraged.

Impact on the Character of the Area/Street Scene

Street Scene

In a general sense the proposed development, being backland development, would have very little impact on the Grove Road street scene as the new houses would be

set well to the rear of the frontage houses, more than 40 metres set back from the road. It would be possible to view the development from Grove Road, however such views would be limited to a small stretch of road directly in line with the proposed access road. The limited views which would exist from directly in line with the proposed access, would be partial views of the front elevations of units 4 and 5, and these units are considered to be in keeping with the varied character of dwellings in this area. The proposed development and the associated access road will have no significant adverse effect on the character or appearance of the Grove Road street scene.

Comprehensive Development

This proposal optimises the amount of development behind Nos. 27 and 33 Grove Road whilst demonstrating how the site could be extended to develop to the rear of the adjoining properties, should these sites become available in the future. As a result this scheme allows for the optimisation of development in line with policy requirements. As such it is considered that this scheme represents an efficient use of this backland site. It comprises of backland development as opposed to tandem development, which is discouraged by local policy. Furthermore it is recognised that Grove Road and Station Road in this part of the town have been subject to similar forms of development in the recent past, and they now form part of the urban grain and the character of the area.

The application site falls within the character area of New Mill West (TCA13). It is considered that this proposal would broadly meet the development principles for this area in that the proposed dwellings are medium-sized two-storey dwellings. It is accepted that the proposed dwellings are detached and semi-detached, as opposed to the terraced dwellings which the development principles encourage. However, given the varied types and sizes of dwellings in the immediate vicinity of the site, including detached, semi-detached and terraced dwellings, it is not considered that the proposed dwellings would be out of character in this area.

It is appreciated that as backland development the proposed development would establish a new building line and would also introduce a new layout structure to the area. However, the surrounding area is characterised by a varied pattern of development. Grove Gardens to the south is a cul-de-sac development that runs perpendicular to Grove Road and returns round to form the rear boundary of the site. To the north No's.1-5 Sinfield Place have rear gardens that would be very similar in size to that proposed for the proposed dwellings, as do the majority of the houses within Grove Gardens. Furthermore, it is noted that this development would not see the introduction of an isolated random house. Rather it would form a comprehensive development of 6 houses with the potential to increase this to both the north-west and south-east.

This is important because how Policy 10 is applied needs to be carefully considered. It is important to note that the second paragraph of the policy refers to securing the 'optimum' use of land, rather than the 'maximum' use of land. This choice of wording was deliberate as the policy goes on to refer to developments '*achieving the maximum density compatible with the character of the area, surrounding land uses and other environmental policies in the plan.*' In this case, due to the existing residential density, varied housing layout, and the proposed comprehensive development it is not considered that the development would be contrary to the established character and appearance of the area.

The proposed scheme generates a density of 29.41 dph (including the existing frontage properties No's 27 and 29 Grove Road. This is inkeeping with the density of surrounding development and is in line with the medium density range set out within the development principles for TCA 13 (30-35 dph), albeit it is actually slightly below this figure.

It should also be noted that similar backland development schemes have been granted in recent years in this area of Tring, and are being delivered by the same applicant. Three backland schemes of 2 dwellings each were granted under Applications Ref's 4/00242/09/FUL, 4/00643/11/FUL and 4/00542/13/FUL, relating to land to the rear of No's 100, 102 & 104, and 96 & 98 Grove Road respectively. These permissions now comprise of a comprehensive development of 6 houses with a T shaped access, similar to the proposed scheme. The 2013 application was granted at DCC.

More recently planning permission was granted at appeal on 19/09/2014 for the construction of 4 semi-detached houses on land to the rear of No's 14 & 15 Station Road, following refusal of Application Ref: 4/00024/14/FUL.

It is therefore considered that the proposed backland residential development to the rear of No's 27 - 33 Grove Road is acceptable in principle, and would also be in keeping with the character and appearance of the area. The proposals would have no significant impact on the character and appearance of the Grove Road street scene, and it is considered that the proposals would comply with Policies CS11 and CS12 of the Core Strategy.

Quantum/Density

The proposed quantum of 6 houses is considered acceptable for the application site. The scheme has been designed to provide a high quality residential development which meets the development principles for TCA13, as set out above. It has also been designed to meet the required spacing and separation distances required to ensure that the impact of the development on the amenity of neighbouring properties is minimised as far as possible (this will be explored in more detail later in the report). The density of 29.41 dph is in keeping with the density of surrounding development and is in line with the medium density range set out within the development principles for TCA 13 (30-35 dph), albeit it is actually slightly below this figure.

Both the quantum of development (6 houses) and the density of the scheme (29.41dph) are considered to be acceptable and in keeping with policy. The scheme would not represent an overdevelopment of the site.

Scale/Design

As stated above, It is considered that this proposal would broadly meet the development principles for this area in that the proposed dwellings are medium-sized two-storey dwellings. It is accepted that the proposed dwellings are detached and semi-detached, as opposed to the terraced dwellings which the development principles encourage. However, given the varied types and sizes of dwellings in the immediate vicinity of the site, including detached, semi-detached and terraced dwellings, it is not considered that the proposed dwellings would be out of character in this area. In this area there is scope for variation and innovation in terms of the design

of housing. The proposed dwellings are of a traditional design, with traditional proportions, materials, features and detailing.

Following pre-application advice, the applicants amended the scheme to reduce the bulk and massing of the proposed dwellings, as officers raised concerns in this area. Consequently the dwellings were reduced in height by 400mm. Further articulation and variation was also introduced in order to break up the bulk and massing of the dwellings and add visual interest, with front and rear projections, mono-pitch projections and bay windows being added, along with a variation in building lines, heights and a variety of materials. The dwellings would include bedrooms within the roof space. The modest dormers and rooflights proposed would be sympathetically sited and would serve to break up the bulk of the roofs of the dwellings. Utilising the roof space to provide the 4th bedroom has allowed the scale of the dwellings to be minimised, and is considered to represent an efficient use of space.

Brick lintel course, stone cills and traditional brick chimneys are proposed as part of the high quality traditional design approach adopted. In addition to these measures, the properties also have half-hipped roofs, which also reduce the bulk and massing. It is considered that these measures have significantly improved the scheme, with the bulk and massing of the dwellings now being more successfully broken up.

The site topography serves to provide a cascading street scene, with the eaves and ridge lines of the dwellings staggering across the site. This also helps to break up the bulk and massing the houses. This would reduce the impact of the proposed properties on the surrounding properties.

It is considered that the scale and design of the proposed dwellings is inkeeping with that of surrounding dwellings, with a variety of dwelling sizes and types in evidence in the surrounding roads and local area, as discussed previously. The proposed dwellings and the wider development are considered to represent a high quality, traditional development which would be inkeeping with the character and appearance of the surrounding area, in compliance with Core Strategy Policy CS12.

Impact on Neighbours

Careful consideration has been given to the impact that the proposed development would have on the adjoining neighbours, given the number of objections that have been received from local residents. Policy CS12 states that, with regards to the effect of a development on the amenity of neighbours, development should avoid visual intrusion, loss of light and loss of privacy.

The proposed development has been carefully designed to avoid any significant impact on the neighbouring properties when considering potential loss of daylight, sunlight or privacy, or through visual intrusion. Given the fact that the proposals comprise of the redevelopment of a backland site, the need to pay careful attention to the layout and design of the scheme so as to avoid any significant impact on the surrounding properties has been particularly important in this application. This was stressed at pre-application stage, and has been taken on board by the applicants throughout the pre-app and application process.

The proposed site layout, along with the layout of the proposed dwellings themselves, have been designed to ensure that they can sit comfortably on the site, whilst

maintaining adequate spacing and separation distances to the surrounding properties. The layout of the scheme and the dwellings has been designed to minimise overlooking. Appendix 3 of the saved Dacorum Borough Local Plan contains guidance on layout and design for new developments. It requires a minimum distance of 23m be maintained between the main rear wall of the dwelling and the main wall of another. It also requires minimum garden depths of 11.5m to be achieved.

The proposed scheme has been designed with this guidance in mind, and the separation distances are shown on the Proposed Site Plan Drawing No. BBH/005/PL/01. The layout of the proposed dwellings is shown on the proposed Plans and Elevations Plans for the respective plots, Drawing No's BBH/005/PL/02, 03 and 04.

The front elevation to the proposed dwellings on plots 1 and 2 include windows to a bedroom and a bathroom at first floor level and roof lights to the bedroom within the roof space. When considering Plots 3 and 4 there are windows to two bedrooms at first floor level in the front elevation, along with a dormer window to the bedroom within the roof space. The front elevations to plots 5 and 6 include windows to two bedrooms at first floor level, together with roof lights to the bedroom within the roof space.

The layout to plots 1 and 2 in particular, differs to that of the other plots, in that a bathroom is located within the front gable projection. This allows for the insertion of an obscure glazed bathroom window to the front elevation of these units, where the separation distances to the rear elevation projection of No. 33 Grove Road are slightly below the required 23m guideline. This will help to protect the privacy of the residents of No. 33 accordingly.

The distances between the front elevations of the proposed dwellings and the rear elevations of the existing dwellings on Grove Road varies between 19.6m when considering the bathroom window in Plot 1 and the rear elevation of No. 33 Grove Road, to in excess of 26m between Plot 6 and No. 27 Grove Road. These separation distances are considered to be acceptable and would maintain an acceptable level of amenity for the existing and proposed dwellings.

This is also considered to be the case when considering the relationship between the rear elevations of the proposed dwellings and the existing properties within Grove Gardens and New Mill Terrace to the rear. Overall it is considered that adequate separation distances have been achieved from habitable room windows on the rear elevations of the proposed dwellings to windows in the Grove Gardens properties to the rear. As can be seen from the Site Layout Plan, there are only a few separation distances that are marginally below the guideline 23m figure. It should be noted, however, that these viewing angles are oblique, due to the orientation of the Grove Gardens properties, meaning that direct overlooking will not be possible. In circumstances such as these, it is usually acceptable to allow a slight reduction in the guideline separation figure, due to the lack of direct overlooking. It should also be noted that the separation distances set out on the Site Layout Plan refer to distances to non-habitable room windows at first floor level within Grove Gardens, serving either bathrooms (fitted with obscure glazing) or landings.

When considering the separation distances to the New Mill Terrace Properties to the rear of the site, it should be noted that these properties are located a significant distance to the rear of the site and, as such, the separation distances achieved would

be well in excess of the guideline 23m figure (over 40m away from the rear elevations of the proposed dwellings).

In addition to the separation distances assessed above, the existing and proposed screening and planting between the properties also needs to form part of the assessment when considering the impact of the proposed development on the amenity of the neighbouring properties. The proposed scheme seeks to retain the vast majority of the existing trees around the edge of the site, as well as a number of trees within the rear gardens of the Grove Road properties. Supplementary tree planting is also proposed as part of the scheme, to help mitigate against the loss of some trees, whilst simultaneously supplementing the retained tree screen to help provide effective screening of the proposed for the surrounding properties.

The Council's trees and woodlands officer has been consulted on the proposals and has assessed them on site with the applicants. After liaising with the trees and woodlands officer, the case officer asked the applicants to submit an amended landscaping/planting plan, which showed additional native planting around the boundaries of the site, to supplement the existing tree/hedge screen so as to provide more effective natural screening of the proposed development. It was felt that certain gaps existing in the original tree retention/planting plan, which additional native tree planting would help to fill in, increasing the effectiveness of the tree screen around the boundary of the site.

An amended plan was submitted following this advice, which shows the supplementary native tree planting required. A mixture of native and evergreen specimens will be planted along the south-western boundary of the site, on the boundary with the properties in Grove Gardens and New Mill Terrace, which will ensure year round screening. Evergreen planting will occur along the boundary with the Grove Road properties to ensure year round screening also. Whilst full details of will be requested by condition, officers are now broadly satisfied with the details provided.

The applicants have produced street scene drawings which include the existing and proposed landscaping (Drawing No. BBH/005/PL/07). These are drawn from the topographical survey. The rear elevation street scene provides a good indication of how effectively the boundary landscaping would screen the proposed dwellings from the Grove Gardens and New Mill Terrace properties. Which the upper parts of the proposed dwellings would be visible, the bulk of the dwellings would be effectively screened. The parts which would remain visible comprise primarily of the roof slopes which slope away from the neighbouring dwellings, and are sympathetically designed. Given this context, and the separation distances which would be achieved, it is considered that there would be no significant visual intrusion as a result of the proposed development.

Out of the six dwellings proposed, only Plots 5 and 6 contain any flank windows. Those at ground floor level would not result in any overlooking as views to the flank would be obscured by the proposed boundary treatment around the boundary of the site. Those at first floor would serve en-suite bathrooms and landings respectively, and so would not serve habitable rooms. There would therefore be no overlooking at a result of these flank windows. Obscured glazing for the bathroom windows will be conditioned.

There would be no significant loss of daylight or sunlight to neighbouring properties as a result of the proposed development. There would be no breach of the 45 degree or the 25 degree lines when considering the BRE regulations. The separation distances which have been achieved will help to ensure that there would be no significant adverse effects.

Impact on Highway Safety

The Highway Authority initially raised objections to the proposals on the basis that there was insufficient information to adequately assess the scheme. Further information was requested and clarification sought. This resulted in additional information being submitted, which provided supplementary clarification and justification for the proposals when considering the proposed access arrangements. This included: clarification on the width of the access; clarification on the shared surface nature of the access road when considering pedestrian and cycle movements; clarification of achievable visibility splays; and swept path analysis to show that refuse vehicles will be able to turn on site and exit in forward gear. Furthermore, the applicants have agreed to carry out a Stage 1 Safety Audit of the proposed access arrangements, as requested by the Highway Authority. This will be conditioned, as agreed with the Highway Authority and the applicant.

Following the additional information submitted, as summarised above, the Highway Authority has provided further highways comments, withdrawing their initial objection. They now consider the access arrangements to be acceptable, but have requested that conditions be placed on any permission given in relation to: visibility splays; a further swept path analysis of the access as a supplement to that provided for the turning head; and the aforementioned Stage 1 Safety Audit. These conditions have been included in the recommendation accordingly.

Full follow-up comments from the Highway Authority are due to follow their initial response and these will be reported to Members as part of the Addendum for this item.

However, given the withdrawal of the Highways Authorities initial objection, and their acceptance of the proposals in their latest response, officers are satisfied that the proposals would provide a safe and efficient access to the proposed development which would result in no significant adverse impacts on highway safety or the free flow of traffic on the local highway network. The proposed access arrangements are considered to comply with Core Strategy Policy CS12.

Parking

Each of the proposed 4-bed houses would be provided with 3 off-street parking spaces. Each of the proposed dwellings would have an integral garage and 2 additional off-street spaces at the front.

The site is located within Accessibility Zone 4, where 75 - 100 % of the maximum parking standards will be expected. The Council's parking standards are set out in Appendix 5 of the saved Local Plan. These state that for 4-bed dwellings in zone 4, 3 off-street spaces will be required. The proposed parking provision therefore complies with the Council's parking standards.

It should also be noted that the site is situated in a sustainable, urban location within a residential area of Tring, with good access to public transport and within easy walking and cycling distance of the Town Centre and other local amenities.

Each property would have an internal garage which could provide cycle storage, in line with the parking standards for cycle parking.

The proposed parking arrangements are considered to be acceptable and would not lead to additional parking demand being displaced onto the local highway network.

Impact on Trees and Landscaping

The proposed scheme seeks to remove a number of trees from the central part of the site to facilitate the development, but seeks to retain the vast majority of the existing trees around the edge of the site. Supplementary tree planting is also proposed as part of the scheme, to help mitigate against the loss of some trees, whilst simultaneously supplementing the retained tree screen to help provide effective screening of the proposed for the surrounding properties.

The Council's trees and woodlands officer has been consulted on the proposals and has assessed them on site with the applicants. After liaising with the trees and woodlands officer, the case officer asked the applicants to submit an amended landscaping/planting plan, which showed additional native planting around the boundaries of the site, to supplement the existing tree/hedge screen so as to provide more effective natural screening of the proposed development. It was felt that certain gaps existing in the original tree retention/planting plan, which additional native tree planting would help to fill in, increasing the effectiveness of the tree screen around the boundary of the site.

An amended plan was submitted following this advice, which shows the supplementary native tree planting required. A mixture of native and evergreen specimens will be planted along the south-western boundary of the site, on the boundary with the properties in Grove Gardens and New Mill Terrace, which will ensure year round screening. Evergreen planting will occur along the boundary with the Grove Road properties to ensure year round screening also. Whilst full details of will be requested by condition, officers are now broadly satisfied with the details provided. None of the trees on site are protected or worthy of protection. The trees and woodlands officer has confirmed that he is satisfied with the tree removal, retention and amended planting plans. Full details to be agreed by condition.

Ecology

An Ecological Survey has been undertaken at the site and submitted in support of the application. Following the submission of further bat mitigation information which confirms a 'worse case scenario' bat mitigation strategy, Hertfordshire Ecology have confirmed that they are satisfied that the proposed development will not have an adverse impact on protected species, subject to conditions relating to further bat survey work taking place, along with standard informatives for nesting birds and reptiles. Nesting boxes will be installed at the site to provide compensation for the loss of some existing trees.

Sustainability

The applicants have recently submitted a CPLAN Sustainability Statement to support the application, which at the time of writing the report is currently being booked in for review. Having initially reviewed the statement, it appears to demonstrate that the proposed development will be a high quality sustainable development, with good levels of energy efficiency. Further details will be provided as part of the addendum. The proposals look to be in compliance with the criteria set out within Core Strategy Policy CS29.

Other Material Planning Considerations

Affordable Housing/Viability

Paragraph 173 of the NPPF confirms that:

'Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.'

Ensuring that development proposals are viable and deliverable is a key consideration in the assessment of planning applications.

No affordable housing is proposed as part of the scheme as the applicant's state this it would be unviable to do so. The applicants have provided a viability assessment to support the application. This provides robust evidence to show that the scheme would not support the provision of affordable housing on site, or indeed the provision of a commuted sum for on site affordable housing, as this would render the development financially unviable.

The Council's Strategic Housing Team has reviewed the viability assessment and has provided the following comments, following additional clarification being provided by the viability consultant:

'I am happy to accept that this scheme is unable to provide an affordable housing contribution.

I have fully considered the RICS build cost, sales values and land value with the additional detail below. I therefore recommend that the scheme is financially unviable to provide an affordable housing commuted sum. I note CIL has been included in their appraisal.'

The Group Manager Strategic Housing is satisfied with the viability assessment and supporting information provided, and accepts that the proposed scheme is unable to support an affordable housing contribution in this instance.

Contaminated Land

The Council's contaminated land officer has advised that the site is located within the vicinity of potentially contaminative former land uses. Consequently there may be land contamination issues associated with this site. She has therefore recommended that the standard contamination condition be applied to this development should permission be granted. The standard conditions have been added to this recommendation accordingly which will ensure that there are no associated risks due to contamination.

Drainage

The proposed development would utilise SUDS drainage techniques and full details will be required by condition. The SUDS drainage, which will be an integral part of the scheme, will help to ensure that the scheme incorporates sustainable drainage solutions, which will help to alleviate any risk off surface water discharge from the development to the New Mill Terrace Properties to the rear; an issue which has been raised by local residents. Of course, the scheme will also have to comply with the Building Regulations.

Conclusions

The proposed scheme is acceptable for approval. This development allows for the comprehensive development of a backland site with satisfactory access onto the highway. The scheme is considered to be a high quality development that helps meet the need for new housing, as set out in Core Strategy policy CS17. The proposed road layout within this development would not hinder a more comprehensive scheme to optimise the use of urban land. Despite local opposition to this scheme due to the distances between the proposed houses and existing houses the proposal would not result in significant harm to the residential amenities of neighbouring properties or be detrimental to matters of highways safety. The scheme is therefore in accordance with Core Strategy policies CS8, CS12 and CS13, and Appendices 3 and 5 of the DBLP.

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

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

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

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

Reason: To ensure a satisfactory appearance to the development.

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

- **hard surfacing materials;**
- **means of enclosure;**
- **soft landscape works which shall include planting plans; written specifications; schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **trees to be retained and measures for their protection during construction works;**
- **proposed finished levels or contours;**
- **car parking layouts and other vehicle and pedestrian access and circulation areas;**

All hard and soft landscape works shall be carried out in accordance with the approved details. 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.

4 The plans and particulars submitted in accordance with condition 3 above shall include details of the size, species, and positions or density of all trees to be planted, and the proposed time of planting.

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

5 If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies (or becomes, in the opinion of the local planning authority, seriously damaged or defective), another tree of the same species and size as that originally planted shall be planted at the same place in the next planting season.

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

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

For the purposes of this condition:

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

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

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

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

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

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

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

Informative:

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

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

- 8 The development hereby permitted shall be carried out in accordance**

with the following approved plans/documents:

SITE LOCATION PLAN
K1315-T SITE SURVEY
BBH/005/PL/01
BBH/005/PL/02
BBH/005/PL/03
BBH/005/PL/04
BBH/005/PL/05
BBH/005/PL/06
BBH/005/PL/07
DESIGN AND ACCESS STATEMENT
ECOLOGICAL ASSESSMENT
MITIGATION AND ENHANCEMENT PLAN

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

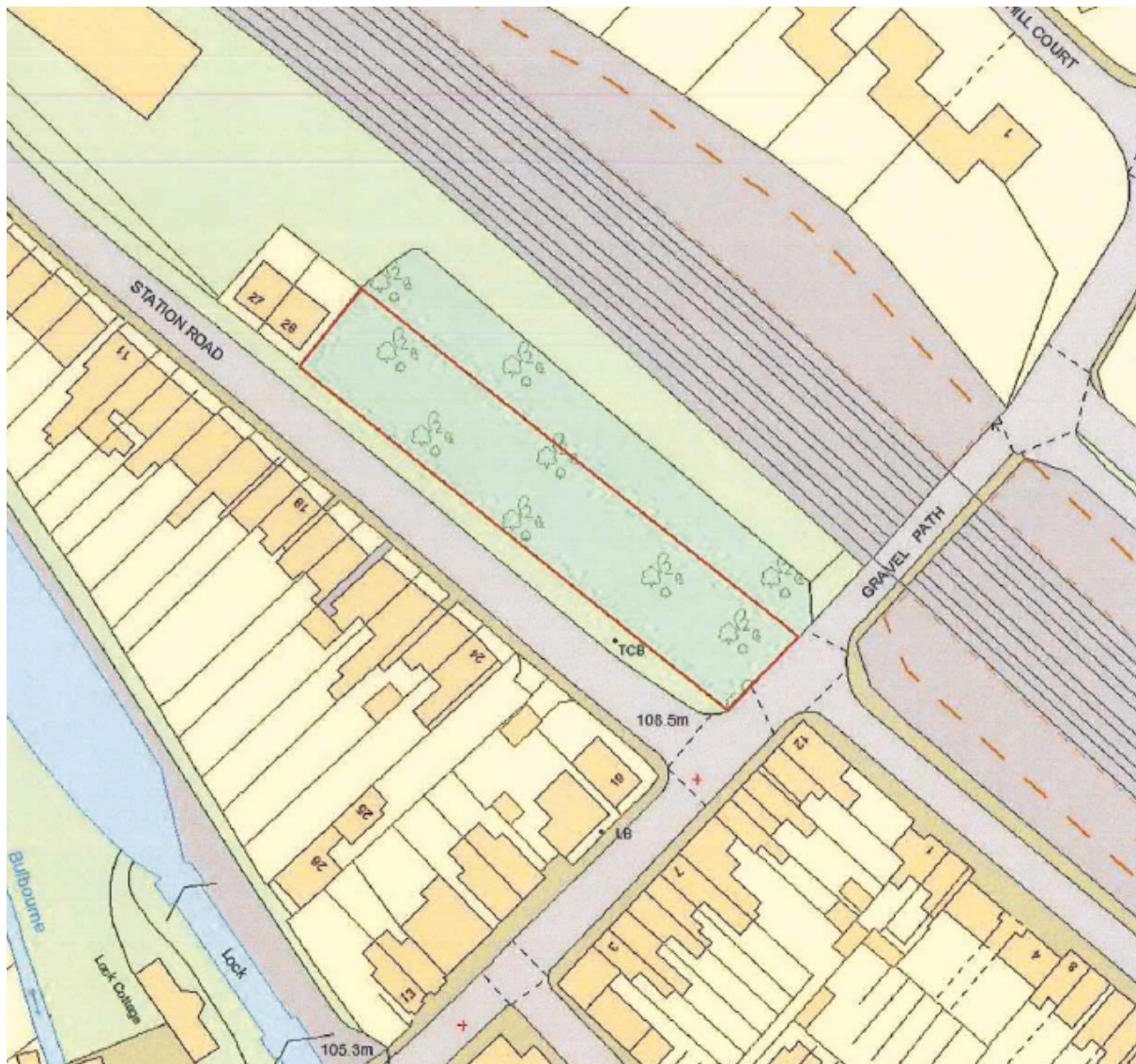
Article 35 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

Item 5c

4/00645/16/FUL - CONSTRUCTION OF 4 DWELLINGS AND ASSOCIATED PARKING AND LANDSCAPING

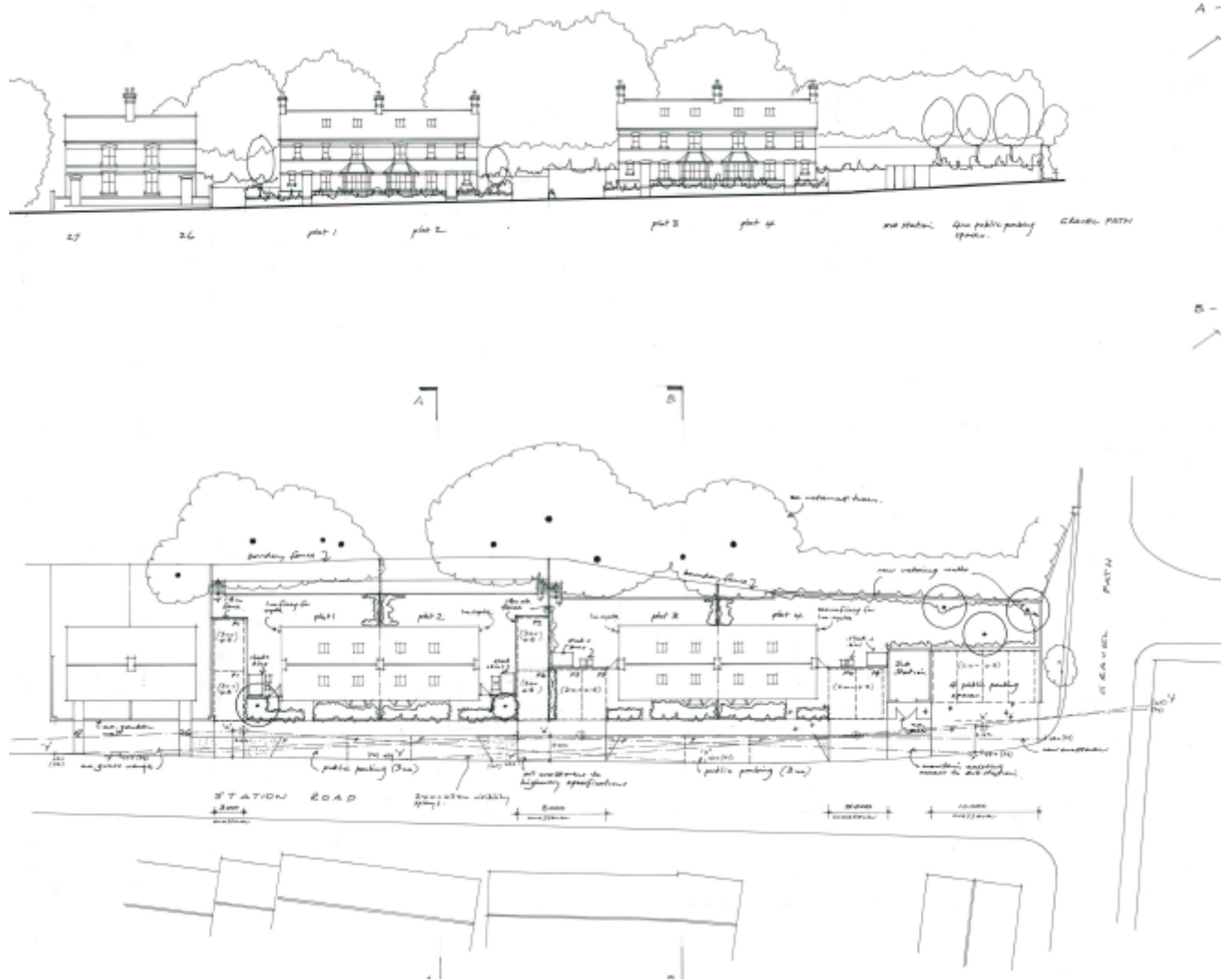
LAND ADJ. TO 26, STATION ROAD, BERKHAMSTED, HP4 2EY



Item 5c

4/00645/16/FUL - CONSTRUCTION OF 4 DWELLINGS AND ASSOCIATED PARKING AND LANDSCAPING

LAND ADJ. TO 26, STATION ROAD, BERKHAMSTED, HP4 2EY



**4/00645/16/FUL - CONSTRUCTION OF 4 DWELLINGS AND ASSOCIATED
PARKING AND LANDSCAPING..
LAND ADJ. TO 26, STATION ROAD, BERKHAMSTED, HP4 2EY.
APPLICANT: RiverGate Homes Ltd and Paul and Elizabeth Rooksby.**

[Case Officer - Andrew Parrish]

Summary

The application is recommended for approval. The application is for 4 dwellings and follows refusal for 8 dwellings on grounds of being a cramped and unsatisfactory form of development harmful to the Conservation Area, failure to demonstrate that trees and landscape features could be retained, and failure to demonstrate that satisfactory amenity space can be provided for the new dwellings. The proposed development comprising two pairs of semi-detached dwellings on a vacant site is considered to be in keeping with the surrounding townscape and would preserve the character and appearance of this part of the Berkhamsted Conservation Area. The proposal would retain the existing backdrop of trees and provide reasonable soft landscaping to the frontage and private amenity space for the dwellings. Sufficient off-road parking in accordance with standards would be provided, and the Highway Authority have raised no objection on grounds of highway safety. The proposal would have a limited impact on the availability of existing informal on-street parking in Station Road but, given replacement parking for members of the public, the Highway authority do not find the proposal objectionable on this ground. The amenity of adjoining residential occupiers would not be harmed and the impact of noise and vibration on the proposed occupiers from the railway is considered acceptable to the Environmental Health Officer.

Site Description

The site is located on the northern side of Station Road in the town of Berkhamsted and extend to 0.13 ha. The site is a long narrow strip of land which is overgrown. To one side of the site is a pair of semi-detached houses (26 and 27 Station Road) and the other side adjoins another road (Gravel Path). To the rear of the site is a timber yard and beyond that a railway line. On the rear boundary are a number of mature trees. The site is within a conservation area and adjoins an area of archaeological significance, and there is a change in levels such that the site increases in height towards the rear of the site. In front of the red line site boundary is a verge that is owned by the highway authority and used for informal parking by local residents.

The surrounding area is predominantly residential in use and character, with the wider area comprising Berkhamsted Castle and recreational land to the north, Grand Union Canal to the south and the wider settlement of Berkhamsted situated adjacent to these areas.

Proposal

Permission is sought for the erection of four number 3-bed houses with associated parking, landscaping and amenity space. The dwellings would be formed into two semi-detached pairs of two storey dwellings. Each dwelling would have two off-street parking bays. Four public parking spaces are proposed at the end of the site at the junction of Station Road and Gravel Path, whilst 6 number parking bays are shown to the frontage within highway land.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Berkhamsted Town Council.

Planning History

4/00101/16/PR RESIDENTIAL DEVELOPMENT

E

Unknown
08/04/2016

4/03769/15/FU 8 DWELLING UNITS - FOUR 3 BEDROOM HOUSES AND FOUR 1
L BEDROOM FLATS WITH ASSOCIATED PARKING AND
LANDSCAPING

Refused Appeal decision awaited
3/11/2015

4/02261/13/PR RESIDENTIAL DEVELOPMENT

E

Unknown
31/01/2014

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)
Circular 1/2006, 05/2005

Adopted Core Strategy

NP1 - Supporting Development
CS2 - Selection of Development Sites
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
CS19 - Affordable Housing
CS27 - Quality of the Historic Environment
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Water and Soil Quality
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 10, 13, 18, 21, 51, 54, 58, 99, 100, 111, 120, 122 and 124
Appendices 1, 3 and 5

Supplementary Planning Guidance / Documents

Accessibility Zones for the Application of Car Parking Standards (July 2002)
Environmental Guidelines (May 2004)
Area Based Policies (May 2004) - Conservation Area Character Appraisal and Policy Statement for Berkhamsted
Berkhamsted Conservation Area Character Appraisal and Management Proposals 2012
Water Conservation & Sustainable Drainage (June 2005)
Energy Efficiency & Conservation (June 2006)

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)
Refuse Storage Guidance Note March 2015

Summary of Representations

Berkhamsted Town Council

It was RESOLVED to suspend standing orders to allow Mr Lawrence a Station Road resident to speak on behalf of many of the neighbours who continue to object to the revised plans on a number of points including the following: there is already insufficient parking capacity as evidenced by a residents' parking survey in 2011 and this would be exacerbated by the proposals making parking extremely problematic; the parking spaces on site would be difficult to access safely; the single carriageway and pavement configuration would be dangerous; the design of the dwellings is unattractive providing overly small and shaded gardens contrary to the Core Strategy; screens to mitigate noise from trains would be a blight; there is the potential for damage by the build to existing tree roots and the site is currently a wild life haven on which the developers have failed to carry out an impact assessment. In conclusion, he commented that more houses are needed but this site is unsuitable. He would welcome BTC's support in objecting to the application.

The meeting was reconvened.

Objection.

The site is in a conservation area and this application follows one previously refused for 8 dwellings. The proposal is effectively forcing development on an unsuitable piece of land in an already congested area. The proposed (massive) dwellings would have very little amenity space on this cramped site. Such a development would undoubtedly increase traffic congestion in an already problematic area. Access would also prove problematic, including for service vehicles. The proposals would impact adversely on the streetscape and would overlook properties. BTC shares the residents' concerns regarding local wildlife conservation on this site, parking, sound pollution, the unacceptable noise screens, loss of trees, inadequate access onto the highway and the possible risk to pedestrians.

Contrary to CS11 (a, b, c), CS12 (a, b, c, f, g), Appendix 3 (3.1, 3.3, 3.5, 3.6).

Strategic Planning (in summary)

We note that 4/03769/15 for 8 homes was refused as it would be detrimental to the conservation area, would probably result in the harmful loss of trees and as it failed to demonstrate that a satisfactory level of amenity would be provided for occupiers of the new dwellings. This decision indicated that a residential development was acceptable in principle, but that the 2015 application was not an appropriate way to develop the site and represented an over-development.

The current application proposes a much less intensive development, with more amenity space and less impact on trees. We welcome these changes and also the proposal for 10 off-street public parking spaces given the shortage of parking provision in the area.

There is no need for any affordable housing within the development, because the number of homes proposed and the site area are below the thresholds in Core Strategy Policy CS19. Furthermore, a financial contribution is not required in view of the waiver in paragraph 8.3 of the Council's Affordable Housing Supplementary Planning Document (September 2013).

We have no objections to the current application in principle. The key issue is whether this proposals overcome the previous reasons for refusal.

Berkhamsted Citizens Association

The BCA wishes to object to this application as the traffic and parking problems will be made worse if this goes ahead. This is a money scheme to the serious detriment to the area. It should be refused.

HCC Highways (in summary)

Does not wish to restrict the grant of permission subject to conditions securing parking dimensions and access arrangements, full details of the access width, provision of visibility splays, parking and servicing areas, Stage 1 safety audit, construction traffic management plan, together with informatives regarding s278 agreement for works in highway.

HCC has previously provided pre-application advice on the proposal. HCC did not object to the principle of the proposal but requested additional information in order to assess any further application. Notes that an application for 8 dwellings was refused in November 2015 but not on highway and transportation grounds.

Road Safety: The DAS does not provide any assessment of collision data within the vicinity of the site. However, a review of the HCC database indicates that there have not been any collisions within the last five year within the close proximity of the site and it is unlikely that the proposals will have a detrimental impact to the safety of the highway.

Vehicle Access: The applicant proposes 3 new crossovers off Station Road for the

residential parking. It is not clear from the site layout the width of these accesses. The Roads in Hertfordshire Highway Design Guide 3rd edition states that a shared access requires a minimum width of 4.1m.

Additionally, the applicant proposes a new crossover for the 4 public parking bays on the corner of Station Road and Gravel Path. HCC does not object to the principle of this crossover. However, there may be potential conflict with the existing telegraph pole, signage and also double yellow lines. Therefore, HCC request that the applicant provide a more detailed plan to ensure there is no conflict with these existing conditions.

A Stage 1 Safety Audit will be required for the proposed access arrangements. Any works within the highway boundary (including alterations to the footway and the proposed site access) will need to be secured and approved via a s278 Agreement with the HCC.

Visibility: The applicant has provided a visibility splay of the 3 site access arrangements which indicates a visibility splay 2.4m x 43m. This is in accordance with Roads in Hertfordshire Highway Design Guide 3rd edition and Manual for Streets.

Parking Provision: The DAS states that 2 spaces per dwelling will be provided. This equates to a total of 8 parking spaces for the residential development which is in accordance with DBC Parking Standards Appendix 5.

Station Road currently accommodates informal on-street parking. The proposed development would result in the displacement of approximately 17 vehicles. Therefore, as part of pre-application advice provided by HCC, it was requested that the applicant provide adequate car parking within the site to prevent overspill onto the highway.

The applicant has addressed this by proposing the provision for 5 (sic) public on-street parking spaces and 4 off-street public parking spaces at total of nine spaces.

Parking Layout: Roads in Hertfordshire Highway Design Guide 3rd Edition states that the dimensions for parking bays shall be in accordance with the guidance in DfT Manual for Streets.

The proposed site layout does not include the dimensions of the proposed parking spaces. However, the applicant has provided a swept path analysis indicating a vehicle can enter the proposed parking.

Cycle Parking: The applicant has stated that cycle storage will be accommodated within the site. However, no information has been provided on the location or quantity of cycle storage. This will need to be provided in accordance with the Dacorum Borough Local Plan, Appendix 5 Parking Provision.

Servicing Arrangements: No information has been provided on the proposed refuse and servicing arrangements. The proposed refuse storage and collection arrangements should be consistent with guidance provided in Manual for Streets (MfS).

Refuse collection should be within 25m from the highway for collection purposes which is in accordance with Manual for Streets 6.8.9.

Sustainable Access: There is currently a footway on the southern side of Station Road. The applicant proposes to construct a formal footway on the north side of Station Road. Any works within the highway boundary (including alterations to the footway and the proposed site access) will need to be secured and approved via a s278 Agreement with the HCC.

Generally the site is accessible by sustainable modes of transport.

Construction: The DAS does not contain any information regarding the potential impacts on the highway network during the construction of the proposed development. The applicant will need to provide adequate parking for construction vehicles on-site to prevent on-street conflict and impacts to the highway safety. This will be secured via condition.

Conclusion: Hertfordshire County Council does not wish to object to the proposed development subject suitable conditions.

Conservation and Design (in summary)

No objection from Conservation and Design. The development is considered to be in accordance with Policies CS12, CS13 and CS27 of the Adopted Core Strategy in that the proposal is believed to be complimentary with the existing surrounding developments, integrating well with the established streetscape character of the area such that the development is considered to positively conserve and enhance the appearance and character of a part of the conservation that is presently of limited note.

Comments - The site in question is a narrow strip of open land adjacent to the embanked mainline railway line on the northern side of Station Road, at its junction with Gravel Path. Adjacent to the north-west end of the site is a pair of existing dwellings, which along with those properties on the southern side of Station Road that back onto the Grand Union Canal, were built towards the ends of the 19th century and whilst these buildings are two stories in height with pitched roofs, they are of a mixture of different built forms that still collectively have a strong commonality about them, in terms of the materials used in their construction, the projecting ground floor front bay windows that are to be found on many of the dwellings, and the fact that the with the properties collectively exhibit a strong build line in the street-scene.

The land is presently unmaintained and would appear to represent part of a verdant linear buffer that has become established alongside the railway line, and from the evidence of the historic OS maps has not previously been developed. Even though the site is overgrown it is however believed to contribute, albeit in a minor positive way, to the character of the area. As such the proposed development of two blocks of housing on the site would clearly change this present situation. That said the informed Victorian influenced design of the proposed development size and proposed materials of the new buildings and how they relate (build line) with the existing dwellings to the north-western end of the site would, on the whole, be both reflective in architectural language and scale of nearby buildings. That said, there are some concerns with how some of the traditional features have been interrupted on this scheme, namely the front window bay features, which would appear to be unusually wide compared to traditional ones (where the forward/front window to the

bay is of the same width as that of the first floor window above) and as a result look squat features with an unwelcomed degree of horizontality to them. Also the elongated form of the bay would result in odd looking sash window forms. As such the solution would be to narrow the bays. On a similar note the proposed contrasting brick plinth band is considered too prominent and visually heavy looking and as such would benefit from it being reduced down to perhaps two courses of brick only. Were these minor points to be addressed, Conservation & Design believe the scheme to integrate well into the street-scape of the area such that the development would be considered to be an enhancement over the present use of the site with respect to the character and appearance of the conservation area.

Suggested Conditions - Along with it being suggested that permitted development rights be removed from the proposed development in order to control changes to the new buildings once built and to ensure that features such as the boundary walling is retained, conditions are suggested to ensure the quality of the built development:

Trees and Woodlands Officer

Proposed dwellings are further away from boundary trees than previously proposed units. This eases potential pressure on amenity space around the dwellings from overhanging tree canopies. Also, less likely to be root damage / soil compaction from construction activity.

Smaller number of dwellings means that the amenity of existing trees is somewhat maintained; trees are still visible to passers-by and residents through gaps between units.

Planting proposals for four new trees could benefit from a slight tweak. The one new specimen proposed to be sited between parking spaces, at the development mid-point along Station Rd, could cause issues if the species / growth habit is poorly selected. A tree this close to hard surfacing is likely to have a short useful life. It would be better to move the tree away from surfacing, potentially into the dwelling rear gardens.

I'm still comfortable with tree removal and replacement, if that enables a better scheme to be realised.

Parking Services Team Leader (in summary)

Parking is an on-going issue throughout central Berkhamsted particularly in the streets around the station. The narrow streets around this site are mainly of terraced housing with no off-street provision and there a number of waiting restrictions that have been installed by Hertfordshire County council for safety reasons. The unsurfaced area in front of this site is mostly parked up and I assume, based on the fact that I have seen people washing vehicles there, that they are mainly residents' cars. Four new dwellings are likely to produce at least 8 additional vehicles so the off-street provision for residents looks OK.

I am not clear how four off-street public parking spaces would work, the Parking Service would not be able to take any enforcement action, they would probably be perceived by the new residents as for their visitors.

The six additional on-street bays are welcome but there will still be around 7 or 8 vehicles that can currently park close to the residents homes that will no longer be able

to do so.

Environmental Health (in summary)

A satisfactory revised acoustic assessment of noise and vibration for the site has been received. With appropriate noise mitigation measures, satisfactory internal noise levels can be achieved. Within the external amenity areas a small percentage of two to the rear gardens exceed the recommended level of 55dBA but this is considered to be acceptable. Recommends a condition to secure the details / recommendations in the report comprising glazing and ventilation criteria and earth bund and 2m acoustic fence to western, northern and eastern site boundaries.

HCC Ecology Advisor

1. We have no ecological data on the application site. Historically the area has remained open since the 1880s with no indication of any habitat features, so the wooded and shrubby character of the site represent secondary growth within the last 50 years or so.
2. Whilst there is no long-standing habitat interest, clearly the open ground, shrubs and trees which border the railway line here provide a local ecological resource of at least moderate value at the site level. It contributes to the local ecological resource within the river valley as a stepping stone along the corridor, despite the urban nature of the town.
3. The proposals will degrade the ecological interest of the site and its role as an ecological resource within the river valley by destroying habitat. However the potential for the site's use for housing has been acknowledged by the LPA so its long term survival is inevitably compromised, given there are no known outstanding ecological reasons that would otherwise represent a constraint on any such proposal. I note that the line of mature trees which is the site's most prominent ecological and visual amenity feature is described as outside of the perimeter boundary fence and as such appears to largely remain, although some pruning is proposed. The retention of this feature will clearly limit the ecological impact of the development.
4. The site has been subject to ecological surveys. The Habitat and protected species assessment identified several habitat compartments and described the nature of the site. It is typical of land which has generated rough vegetation on disturbed sites and also subject to garden refuse dumping including establishment of non-native plants. It is not considered to have any ecological significance as a habitat. I acknowledge that the intrinsic nature of the habitat is of limited interest, but its role locally in providing a semi-natural habitat has not been adequately recognised. In respect of species it was proposed to undertake further badger and reptile surveys of the site, which given the nature of the habitat, I consider to be appropriate. There is a large Great crested newt breeding area at Berkhamsted Castle- assuming it retains water - but it is considered unlikely that GCN are present at this site. The reptile survey may pick up any newt presence in any event.
5. The badger and reptile survey produced no evidence of badgers, but a low population of common lizards was confirmed as present on the site. I consider it is therefore also likely to be a breeding site. This is consistent with the railway corridor which is often a favoured habitat for such reptiles. These will need to be translocated

offsite to ensure they will not be harmed, during the appropriate active season. This work will be subject to a detailed method statement, which presumably has yet to be produced.

6. On the basis of the above I consider that there are no fundamental ecological constraints sufficient to object to the development proposals on this site. However, given the impact on the site and the reptiles present, I advise that a Condition is attached to any approval to the effect that:

- A detailed method statement should be provided for the translocation of common lizard from the application site. This should also describe:
 - The location of the proposed receptor site;
 - The receptor site's current condition;
 - The management required to maintain and enhance the receptor site to ensure it remains in a condition sufficient to support the translocated population for at least the following 5 years, consistent with their otherwise continued presence at the development site.

This would follow best practice to provide a basis for demonstrating the 'reasonable effort' which is required to avoid harm to common lizards, given their protection afforded by inclusion on Schedule 5 of the Wildlife and Countryside Act.1981. The Statement should be provided to the satisfaction of the local authority in order to ensure it has implemented its' Biodiversity Duty and followed the NPPF guidance in respect of seeking ecological enhancements from development.

7. I have no reason to believe that badgers would move onto the site in the short term, but it may be prudent to include an Informative suggesting that any clearance should proceed with caution before development begins, or that a final check should be undertaken to confirm badgers are not present on site.

Network Rail (in summary)

(1) From the plans submitted with the current application it appears that some Network Rail land has been included. From the plans it appears that the land will be used to construct 4 parking spaces. The developer will need to submit document showing their land ownership at the site to Network Rail.

Therefore, at this stage we cannot support the proposal.

(2) The proposal shows some tree works adjacent to the railway boundary. As the site is next to the operational railway we would require the developer to submit to the Network Rail Asset Protection Team a method statement detailing how they propose to remove the trees (and any other vegetation). Network Rail would request that only evergreen shrubs are planted and we would request that they should be planted a minimum distance from the Network Rail boundary that is equal to their expected mature growth height.

(3) The site plan appears to show a new retaining wall next to the operational railway boundary. In light of this Network Rail would require further information, inter alia, expected design life, height, rail loadings, drainage, materials compaction,

maintenance, liability for Network Rail's costs in considering the above.

(4) Network Rail requests that the developer submit a risk assessment and method statement (RAMS) for the proposal to the Network Rail Asset Protection Engineer once the proposal has entered the development and construction phase. A Basic Asset Protection Agreement will need to be agreed between the developer and Network Rail additional to any planning consent. A Part Wall notice may also be required.

(5) Any scaffold which is to be constructed within 10 metres of the Network Rail / railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

(6) All surface water is to be directed away from the railway. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property.

(7) Network Rail requests that the developer ensures there is a minimum 2 metres gap between the buildings and structures on site and our boundary fencing to allow for all construction works on site and any future maintenance to be carried out wholly within the applicant's own land ownership and without encroachment onto Network Rail land and air-space.

(8) Network Rail recommends that the LPA and the developer (along with their chosen acoustic contractor) engage in discussions to determine the most appropriate measures to mitigate noise and vibration from the existing railway to ensure that there will be no future issues for residents once they take up occupation of the dwellings.

Thames Water

Waste Comments

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

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

Scientific Officer

Any comments received will be reported at the meeting

Building Control

Any comments received will be reported at the meeting

HCC s106 Officer

Any comments received will be reported at the meeting

Refuse

Any comments received will be reported at the meeting

Three Valleys Water

Any comments received will be reported at the meeting

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

4, 4a, 11, 14, 15, 16, 18, 19, 20, 22, 23, 24 Station Road, 7, 8, 9, 19 Gravel Path, 19 Ellesmere Road, 1 William Street - Object for the following reasons (in summary):

Design and layout

Overdevelopment

Cramped development

Site not large enough

Garden sizes below 11.5 m minimum

Buildings too bulky

Flats not in keeping

Inadequate private gardens

Materials and details too vague

Second floor windows out of context

Conservation document calls for strong building lines but the proposal has indentations

Would introduce a suburban feel mismatching that on the opposite side of Station Road

Victorian pastiche - materials such as uPVC windows and doors would be out of keeping

Dwellings resemble other buildings - would like to see some modern architecture

An alternative proposal comprising 10-12 neo-Victorian terraced dwellings with on-street parking only and a pocket park to the south-east is advocated

With existing cabinets and sub-station the development will not enhance the character of the Conservation Area

Highway safety

Reduction in parking

Loss of 15 parking spaces

Do not want the situation made worse by loss of up to 10 parking spaces

Insufficient parking for the new dwellings

Would exacerbate parking problems

Additional traffic congestion

Additional congestion during the build phase

Parking study is severely flawed as they were carried out on a Sunday or Bank Holiday

Traffic survey carried out on a far from typical day Thursday 25th June, when 6th form students were on study leave

No parking capacity in nearby roads

Four parking bays a hazard to road safety adjacent to Gravel Path

Reverse manoeuvres from driveways would be hazardous

Additional difficulty for emergency vehicles

Station Road should be made one way or 4 unofficial existing parking spaces should be made into a passing place

What obligation will the developer have to make the four off-street parking spaces available to the public in perpetuity?

Trees and Ecology

Applicant is incorrect in saying the site is not a positive feature

The greenery is a buffer from the noise of the trains and part of the benefit of the Conservation Area

Fails to demonstrate that trees and landscape features can be retained

Unlikely that trees to be retained would survive

Harm to existing trees during construction

Loss of trees (intentional or otherwise) detrimental

Lack of ecological / protected species information

No ecological study

Negative ecological impact

Loss of open green wildlife space

Harm to wildlife

Amenities

Loss of light and greenery

Increased railway noise from removal of vegetation

Noise from railway will create a poor quality residential environment

Peak noise levels will be excessive for residents

More air pollution as a result of traffic

Gardens would be noisy and cramped, with little sunlight

Disturbance

Site needs significant landscaping causing disturbance

Loss of privacy to 19 Gravel Path

Overlooking of 23 Station Road

Other

DAS includes errors referring to flats

Would not meet nationally prescribed space standards

Too close to railway line

Retaining wall may not be structurally stable

Will due restraint be incorporated to prevent damage to the railway support

Previous appeal refused in 1981 for flats inter alia due to noise and vibration from trains - the site remains unsuitable for development

Increased drainage problem

Adverse effect on water table and flooding

Loss of value
Archaeological assessment required

Considerations

Background

Pre-application advice was given in 2014 as follows:

- Principle of development for residential acceptable.
- The existing parking situation noted as problematic and displacement of cars caused by developing the site should be addressed.
- Need for a high quality design that responds to the established character of the Conservation Area.
- The site should be designed with Sustainable Urban Drainage (SUDs) principles.

An application for 8 dwellings in 2015 was refused for the following reasons:

- The proposed development, by reason of the siting of the proposed residential properties, land level changes and very close proximity to existing mature trees, would result in a cramped and unsatisfactory form of development that would be detrimental to the character and appearance of the conservation area. The proposal would therefore be contrary to the aims of the NPPF and would be contrary to Policies CS10, CS12 and Policy CS27 of the Adopted Core Strategy.*
- The proposal fails to demonstrate that trees and landscape features can be satisfactorily retained due to the extremely close proximity of the proposed residential dwellings, particularly the flats, which is highly likely to lead to pressure to lop, top or fell the trees. The loss of the trees would be detrimental to the character and appearance of the area. The proposal would therefore be contrary to the aims of the NPPF and would be contrary to Policies CS10, CS12 and Policy CS27 of the Adopted Core Strategy.*
- The proposal fails to demonstrate that satisfactory amenities can be provided for the occupiers of the new dwellings. The amenity space provided is very small and in close proximity to mature trees. The proposed dwellings would adjoin a timber yard and be very close to a national rail line, but no noise assessment has been undertaken to ensure that occupiers would not suffer from noise and disturbance and therefore it is not clear that further measures are not needed to protect the amenities of future occupiers. The proposal would therefore be contrary to the aims of the NPPF and would be contrary to Policy CS12 of the Adopted Core Strategy and Appendix 3 of the Saved DBLP 1991-2011.*

Design, amount of development, highway impact, parking and impact on neighbouring residents were not reasons for refusal. Therefore these aspects must be considered acceptable.

Further pre-application advice was sought in 2016 with respect to a revised scheme. The planning officer verbally acknowledged the improvements to the scheme whilst consultation responses established the following principles:

- Highways

Swept path analysis required for vehicles

Refuse and Serving details to be provided

Cycle spaces need to be shown

Site is well located for public transport and ideally located for commuting to London due to proximity to station.

- Network rail

Standard response with regards to building close to Network Rail Land.

- Trees and Woodlands

Confirmed previous comments that the trees to the rear of the site are not worthy of a TPO.

Would positively consider a proposal to remove and replace the trees prior to construction.

Policy and Principle

The site lies within the urban area of Berkhamsted, a market town identified in the Core Strategy wherein, under Policy CS4 residential development is acceptable in principle. Market towns are able to accommodate much of the housing requirement for the Borough after Hemel Hempstead and small scale developments such as this are important to the housing provision in Dacorum. Core Strategy Policy CS18 states that housing developments of any size should provide an appropriate mix of house size.

The site falls within the Berkhamsted Conservation Area where, in accordance with Policy CS27 and saved Policy 120, proposals should preserve or enhance the character and appearance of such areas.

The key issues in this case concern the effect of the proposal on the appearance and character of the Conservation Area, the impact on highway safety and convenience, the impact on trees and the effect on residential amenity.

Policies CS10, 11, 12, 13 and CS27 are relevant, together with saved Policies 51, 54, 58, 99 and 120 of the Local Plan.

Suitability of the site for residential development

The site is a vacant, overgrown, piece of land, understood to be left over after the construction of the railway. Immediately adjacent to the north western end of the site is a pair of semi-detached Victorian cottages on this side of Station Road (nos. 26 and 27).

The previous application for 8 dwellings was refused, inter alia, because it failed to demonstrate that a satisfactory level of amenity would be provided for occupiers of the new dwellings. The current scheme has been amended to reduce the number of dwellings from 8 to 4.

Although the site would be developed with relatively shallow rear gardens, each plot would remain commensurate in size with others in the immediate area, and indeed due to their wider frontages, larger in area than the aforementioned railway cottages at 26 and 27 Station Road. Concerns have been expressed that the proposal for four dwellings would be an overdevelopment of the site. Nevertheless, the layout would provide sufficient car parking for each dwelling in accordance with standards, good spacing with adjoining properties and sufficient private amenity space to the rear of each dwelling. Although, at between 3 to 6 metres, the rear gardens are shallow when judged against the minimum 11.5 metres set out in Appendix 3, the guidance states that gardens below this depth, but which are of equal depth to adjoining properties will be acceptable. The garden depths will be commensurate with 26 and 27 Station Road in the case of Plots 1 and 2. Moreover, in the case of Plots 3 and 4, given their greater width of some 30 metres in the case of Plot 4, and over 15 m in the case of Plot 3, it is considered that the garden space will remain functional and compatible with the surrounding area. The overall density of the scheme at 30 dph is not considered to be excessive or out of keeping with the surrounding context, and is in line with policy make good use of urban land. In view of the above, the proposal is not considered to be an overdevelopment of the site and would accord with saved Policy 10 which seeks to ensure the use of urban land is optimised.

Design, layout and effects on appearance and character of Conservation Area

Whilst the application site does provide a green space within the urban area which undoubtedly helps to screen the yard and railway to the north and provides some visual amenity to the surrounding area, the vegetation is not all of high quality and the unmaintained appearance detracts from the character of the area, which is not helped by the informal parking against its southern edge.

National Planning Policy requires that development in conservation areas should preserve or enhance the character and appearance of those areas. This is supported by saved Policy 120 of the Local Plan and Policy CS27 of the Core Strategy which also requires that development enhances the character and appearance of conservation areas.

These policies are in turn supported by the Conservation Area Character Appraisal and Policy Statement for Berkhamsted which identifies Station Road as falling within the Grand Union Canal Identity Area.

A Conservation Appraisal has been carried out by the applicants with the DAS. This has taken account of the Area Based Policies SPG 2004 and the Berkhamsted Conservation Area Appraisal adopted in 2014. The appraisal explains what has been considered and how they arrived at the submitted proposals.

The Area Based Policies describes the surrounding context as:

"Original late 19th/early 20th century residential design is of a simple but very high quality. Most dwellings front onto the road; many directly abut the footway on strict building lines. This makes for a very urban feel with little street landscaping. The housing is predominantly two stories. Some infill development has occurred, particularly of flats exploiting the canal side setting. Traffic flows are high on some roads. There is little off-street parking. This creates on street congestion and clutter."

It sets out a number of principles, the most relevant of which is as follows:

"Infill proposals are acceptable where the high density pattern of development typical of the area can be maintained, the building line is followed and the bulk and mass is at the scale of adjacent and nearby development."

The Berkhamsted Conservation Area Appraisal provides more detailed advice regarding this area and notes that although the houses are of brick, reflecting a solidly middle class lifestyle, and present strong building lines, there is nevertheless great variation in design details. The applicant has recognised that the site forms an important edge to the Conservation Area and that there is a need to respect its character by following the strong building line set by the existing pair of former railway cottages (26 and 27) with suitable spacing to maintain an attractive street scene and detailed elevations, materials, heights, fenestration, etc. designed to reference the established pattern within Station Road.

The proposal comprises two pairs of semi-detached two storey houses of traditional brick and pitched tiled form and would follow the building line set by Nos. 26 and 27 Station Road with similar depth front gardens enclosed by walls/railings and landscaping. The proposed development would follow the established character of the semi-detached pair and would provide defensible space within the front gardens together with habitable rooms to the frontages, both providing activity to the street and good surveillance in order to deter crime. Whilst the dwellings opposite exhibit limited gaps between long terraces, the proposed development would provide a greater level of spacing between the units in order to avoid a cramped form of development and reflect the semi-detached pair on this side of the road.

In terms of detailed design, whilst noting the variety in detail of the existing dwellings opposite, the proposal seeks to reflect some of the traditional features they make up the character of the existing dwellings, viz: traditional two storey scale and form, eaves and ridge lines comparable to existing dwellings in the area and the front elevations including features such as bay windows, arched brick headers, painted timber sash windows, materials and chimneys which feature strongly in the area.

The Council's Conservation Officer considers that the layout, scale, form and design of the dwellings are acceptable in principle and is reflective of the surrounding existing development within this part of the Conservation Area. However, he has recommended improvement inter alia to the design and proportions of the bay windows, and amended plans have been requested.

Subject to the satisfactory receipt of these and to control over materials and details, the proposal is considered to preserve, if not enhance, the character and appearance of this part of the Berkhamsted Conservation Area. The proposal would comply with Policies CS12 and 27 of the Core Strategy and saved Policy 120 of the Local plan.

Impact on highway safety, access and parking

Residents have raised objections to the development on the grounds that the development would result in a loss of on-street parking availability, displacing cars to surrounding streets and causing residents to have to walk further. Concerns are also raised regarding additional traffic congestion from the development and danger from vehicles reversing onto Station Road from the dwelling accesses and proposed four

public bays.

The majority of houses along Station Road and many in the immediately surrounding area do not have off street parking. There is therefore a considerable amount of on street parking in the area, worsened by the fact that the roads are close to the station (with people choosing to park for free along the adjoining roads rather than pay to park in the station car park) and the area is also close to the shops.

The situation of parking within the area is recognised in the Councils Conservation Appraisal as being dominated by on-street parking. High levels of on-street parking are experienced due to; lack of off-street parking for the historic residential building forms; proximity to the train station and town centre. The existing site is dominated by informal parking, with both resident and commuter parking contributing to the situation. Due to the nature of the parking, straddling the edge of the highway and overlapping the verge, including at points very close to the junction with Gravel Path, the situation is not ideal in terms of highway safety or appearance with regards to the character of the conservation area.

This is an existing situation unrelated to the current planning application and it must be assumed that people who bought properties would have been aware of the potential parking problems, even if it is accepted that people with shopping, children, etc would find it difficult if they have to park some distance from their house.

The planning system does not require new planning applications to solve existing problems in an area, but only to ensure that a new development doesn't worsen the situation.

The proposed development includes two forms of parking; (1) on-site parking for the proposed development, and (2) public parking for the surrounding area.

(1) In terms of on-site parking to serve the development, this should accord with parking standards as assessed against Policy 58 and Appendix 5 of the Borough Plan. As 3-bedroom dwellings a maximum of 2.25 parking spaces per dwelling should be provided. The policy however does state that parking provision can be reduced in locations close to town centres, train stations and sustainable locations. As the site is in a sustainable location, within walking distance of these facilities, and in close proximity of Zone 2 where reduced parking standards of 1.5 spaces per dwelling are accepted, the proposal accords with the policy with the provision of two off-street spaces per dwelling. Provision for cycle parking in accordance with Appendix 5 would be satisfied through the provision of storage sheds on site to serve each dwelling which would provide occupants with a viable sustainable alternative.

(2) In terms of public parking for the surrounding area, this is to be provided in the form of a parking court of four bays at the east end of the site, and in the form of six parallel parking bays on-street, equating to ten parking spaces in total. The applicant has advised that the intention is to provide this area of hard surfacing, marked out as four parking bays with no restriction to access (such as bollard's) allowing any standard vehicle to access the area and park.

To ensure this is made available for public use, the applicant has agreed to accept a condition defining the area as such, and stating that no physical barrier may be

installed and that signage should be agreed and then installed to clearly notify the public that the spaces are for public use.

Whilst the provision of 10 spaces is a reduction in the level of parking available to the public (figures vary from 17 to 22 presumably depending on how closely people park - Google Earth currently shows 17 with space for one more), when viewing the impact of the development in the wider context and with regards to the policy tests, the following points should be noted:

- Improvement to flow of traffic – The proposal would create a number of crossovers located along the highway which would form informal passing places, allowing vehicles to pass and therefore an improvement over the existing situation.
- Benefit to Highway Safety - The proposal would include the provision of a footpath on the northern side of Station Road, thereby improving pedestrian safety and reducing the potential for pedestrian / vehicular conflict.
- Benefit to Highway Safety - Parked cars at the junction with Gravel Path currently reduce the junction area where they overlap the highway. The creation of the four bay parking court would prevent cars being parked on the junction, improving visibility for highway users, and also improving the flow of traffic.
- Capacity within the surrounding area - The applicant's submitted parking beat survey highlighted a small level of capacity within surrounding streets. This has been criticised by objectors as being unrepresentative as it was undertaken on a day when 6th form students were not at school and therefore not parking in Station Road and surrounding streets. The applicant's can't really be criticised for choosing this day as they likely wouldn't have been aware of this situation and it may just be an unfortunate coincidence. The above said, it is likely that on-street parking within the surrounding streets is already largely at capacity as a result of commuters and town centre shoppers. Displacement of parking as a result of the development would therefore be unlikely to make much difference to the availability of parking in surrounding roads, and it is likely that parked cars associated with train station commuters would be displaced into the Station Car Park rather than surrounding streets.

It is acknowledged that the verge along the site is used as informal parking by residents and commuters. This is however an informal arrangement and only the highway authority, which own the land, could insist that it must remain as informal parking. It is noted, as on the previous 8 dwelling scheme, that the highway authority has not objected to the planning application and therefore accepts that sufficient off street parking has been provided for the new properties, that some public off street parking is provided (10 spaces) and that displacement of vehicles to other surrounding roads is not detrimental to highway and pedestrian safety.

Given the site's close location to the station and shops, it is considered that the provision of two parking spaces for each of the houses is an acceptable level of off street parking for the proposed residential dwellings. Comments concerning tandem parking and the need to back into the road are noted, but the fact is that approximately 18 cars currently park on the highway verge and all seen on the officers site visit had driven straight onto the verge and therefore would have to back out into the road; the

current proposal would in fact reduce the number of such manoeuvrers.

Taking account of the above, the proposed development meets the policy requirements for parking; there are some benefits to the highway safety and flow of traffic and the furthermore the Highway Authority has raised no objection to the proposal, subject to conditions seeking further details.

Revised plans seek to address some of the Highway Authority's request for further details as follows:

- Bins would be within 25 m of highway and can be brought to frontage on collection day by the occupants
- Sheds added for cycle storage in addition to fixings for cycles
- Parking space dimensions annotated

The Highway Authority has been reconsulted and an update will be provided at the meeting.

The Highway Authority has raised no objection to the new accesses, noting that swept path diagrams show that vehicles can manoeuvre without conflict with other vehicles or obstructions. With regards to the four parking bays, the Engineer has pointed out that there may be conflict with the existing telegraph pole, signage and double yellow lines and therefore has requested further details. These details have not been received at this stage and the applicant has asked that they be subject to a condition. This is acceptable, but it would be expedient to make any permission subject to a Grampian condition that ensures no development takes place until these details have been submitted to and agreed by the LPA and shown not to be a constraint on the provision of the four parking bays.

Subject to the above, it is considered that the proposal would accord with Core Strategy Policy CS12 and saved Policies 51, 54 and 58.

Impact on Landscape and Trees

Policy CS12 and saved Policy 99 seeks the retention and protection of visually important trees as part of development proposals where reasonably possible and Policies CS11, 12 and 13 and saved Policy 100 seek soft landscaping as an integral part of new development to help integrate it into the surroundings.

Although there are a number of mature trees on the north eastern boundary of the site (outside the site) that provide a mature setting and green backdrop to this part of Station Road, the site is generally overgrown by scrubby vegetation and tree growth of varying maturity but limited quality. These have been surveyed by the applicant and given a C categorisation (Trees of low quality with an estimated remaining life expectancy of at least 40 years, or young trees with a stem diameter below 150mm.). Contrary to the applicant's DAS, a total of 13 C category trees would be removed from the frontage (not 3) to facilitate the development. However, the Council's Tree Officer does not object to this and has previously advised that trees on the site would not be worthy of a TPO. Two Category C Hornbeam would be retained and protected on the Gravel Path frontage (outside the site) and new tree planting is proposed as part of the development proposal together with generous shrub planting.

To the rear boundary (outside the site) there are some 10 individual trees (mainly category B) together with a group of Sycamore and Elm (category C) which make a significant contribution to the visual amenities of the area by virtue of their height, maturity and quality and help screen views of the timber yard and railway. The Tree Officer has not recommended that they are of TPO quality although they are afforded some protection due to the fact that the site is in a conservation area. Nevertheless the applicant proposes to protect and retain these trees as part of the development, albeit the overhanging canopies are to be pruned back to the retaining wall.

The Tree Officer has advised that, compared with the previous 8 dwelling scheme, the dwellings would be further away from the boundary trees, thereby easing pressure on root damage / soil compaction during construction activity and also easing pressure on the amenity space around the dwellings.

It is worth noting that the boundary trees would still make a contribution to the verdant character of the street scene, being visible between and above the roofs of the dwellings to passers by and residents.

With regards to the tweaks suggested by the Tree Officer, these have been addressed on revised plans and the Tree Officer has confirmed that the tree planting is now more sensible.

A condition securing tree protection in accordance with Section 8 of the Arboricultural and Planning Integration Report, and landscaping details, is recommended.

Subject to the above, the proposal would comply with Development Plan Policies.

Impact on Ecology

The site is not part of a designated wildlife site or nature reserve, or green corridor, as set out in saved Policy 102. Nevertheless, Policy CS26 (Green Infrastructure) states inter alia, that development will contribute towards the conservation and restoration of habitats and species. Given the site does include mature trees, it is considered that there would be a high probability of fauna and flora, including protected species, being affected. A number of residents have raised this as a concern which has not been addressed by any surveys.

In response to this, the applicant has provided two assessment reports:

Habitat and Protected Species Site Assessment Report September 2015
Badger and Reptile Survey Report September 2015

The Habitat and Protected Species Site Assessment Report notes in the desk study that protected species (bats, Badgers, Great Crested Newts and reptiles) could occur within the proposed development footprint. However, The subsequent site assessment found that there is no suitable habitat present for bats to occur within any part of the proposed footprint and the Great Crested Newt population is located at too great a distance from the site and with a significant barrier to their dispersal. The report therefore recommends that targeted species surveys be undertaken to determine the presence or absence of Badgers and reptiles only.

In the Badger and Reptile Survey Report The badger survey did not locate any

evidence of badger presence within the proposed development footprint. The report recommends that no further action is required in respect of this protected species.

With regards to reptiles, the survey identified the presence of a population of common lizards on the site but only a "low population" is present. However, the report nevertheless recommends that these will need to be captured and translocated from the site during the active season (approximately March – early October depending upon prevailing weather conditions) in advance of any development works commencing on the site.

The report recommends that a detailed method statement is prepared to document the protection and mitigation measures required in order to comply with the Wildlife & Countryside Act (1981, as amended).

It is considered that this can be requested and provided by condition.

The HCC Ecology Advisor has considered the reports and advises that there are no fundamental ecological constraints sufficient to object to the development proposals on this site but recommends a condition be attached to any approval requesting a detailed method statement for the translocation of common lizard from the site. An informative regarding badgers is also recommended.

Subject to the above, there are not considered to be any constraints to the development of the site by reason of harm to protected species.

Noise impact

The site lies adjacent to railway track and a potential noise nuisance from trains that could impact adversely on the living conditions of the new occupants. NPPF Para 109 states that

"The planning system should contribute to and enhance the natural and local environment by...preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by, unacceptable levels of...noise pollution."

Para 123 also states inter alia that:

"Planning policies and decisions should aim to: avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development..."

The applicants have submitted a BS8233 noise assessment to assess if there would be unacceptable noise issues for the new properties.

The Environmental Health Officer (EHO) has considered the report and has advised that a satisfactory acoustic assessment of noise and vibration has been received and that, with appropriate noise mitigation measures, satisfactory internal noise levels can be achieved.

These have been designed to not exceed an average of 35 dB LAeq in living rooms and 40 dB LAeq in dining rooms during the day, and 35 dBA LAeq and 30 dB LAeq in

bedrooms respectively during the day and night. Maximum noise levels would not exceed 45 dB L_{Amax} in bedrooms at night and where possible, average noise levels in external amenity areas during the day would be lower than 50-55 dB L_{Aeq}.

The EHO does acknowledge that a small percentage of rear gardens (Plots 1 and 4) exceed the recommended level of 55dBA. However, she considers this to be acceptable. In this respect, BS8233 recognises that these guideline values will not always be achievable in urban areas adjoining main roads or other transport sources. In these cases, BS8233 states that the development should be designed to achieve the lowest practical noise levels in the amenity spaces.

Impact on Neighbours

There is general concern from residents that the removal of vegetation will create increased railway noise. However, it is well understood that vegetation is a poor noise barrier, and its effect is more perception than actual.

The issue of noise has been considered above and not found to be a reason that could be used to refuse this development.

The matter of increased air pollution from traffic is considered marginal if any, as the increased traffic associated with the new dwellings would in this case be likely to be offset by the reduction in vehicles using Station Road to park.

19 Gravel path has Loss of privacy to 19 Gravel Path

The proposal is not considered likely to cause any significant loss of amenity for surrounding properties.

There are no residential properties located to the north (rear) of the site.

No. 26 Station Road lies adjacent to Plot 1, and given the reasonable separation and orientation is not likely to be impacted through overlooking or loss of light. There are no windows proposed in the side elevations.

Neighbouring properties are located on the south side of Station Road, including No. 23 which has objected on grounds of overlooking. As the development site is due north of these properties the potential for loss of light is very low and would not amount to a negative impact. Similarly, mutual overlooking between windows would be across the public realm of Station Road, and a similar situation to most front to front relationships in other parts of the town. It is not considered to be a matter on which a refusal could be based.

No. 19 Gravel Path which flanks onto Station Road has raised objections on grounds of overlooking of the rear garden. There would be a small element of overlooking from the first floor windows in Plot 4. However, the dwelling on Plot 4 would be offset in relation to the garden 19 Gravel Path such that there would be no direct overlooking. Furthermore, the nearest window in Plot 4 relates to an en-suite bathroom and could be specified to have obscure glazing by condition. Therefore the nearest window from which overlooking could occur would be the dressing room window which is set midway along the elevation to Plot 4. Finally there would be a minimum separation distance of approximately 15 metres to the nearest part of the garden to No. 19,

increasing to some 23 metres at its rear wall and sitting out area. There are no minimum front to side relationships, but typically 12 metres is taken as a rule of thumb in such situations in back to side relationships. Therefore the proposal more than surpasses these distances and is not considered to result in significant overlooking that would warrant refusal.

Based on the above analysis, it is concluded that there would be no significant harm to adjoining residential amenities as a result of the development.

The proposal would therefore accord with Policy CS12.

Sustainability

Policy CS29 of the Core Strategy seeks to ensure that development within the Borough is carried out sustainably and meets a number of criteria, inter alia, in respect of water conservation, SUDS, energy conservation, waste reduction, reuse of materials, etc. A Policy CS29 checklist has been submitted which is considered acceptable and addresses the criteria of the Policy. In particular it is stated, inter alia, that all timber based products will where possible be from sustainable sources; recycled aggregate will be used where available; water consumption on site will be minimised through use of ready mixed materials and concrete; a site waste management plan will be in operation, energy performance will conform with Building Regulations; internal layouts are designed to make best use of southerly aspect; use of permeable paving for parking spaces.

The details are considered acceptable. However, there is concern that surface water drainage is said to be to existing sewers which does not therefore demonstrate a sustainable approach whereby surface water should be disposed on site via soakaways / SUDS. Some concern has been expressed by neighbours to surface water flooding in the area. As no details of SUDS are shown on plan, it is recommended that these be provided and secured by condition.

No solar panels are proposed which is welcomed in conservation terms. However, it is noted that solar panels could be installed to the roofs fronting the highway without planning permission which would be considered detrimental to the appearance of the development and the character and appearance of the Conservation Area. It is therefore recommended that permitted development for Class A, Part 14 be removed by condition to enable proposals to be considered on their merits at the time.

Policy CS29 and Para 18.22 also expects developers to complete a Sustainability Statement which, in accordance with the Sustainable Development Advice Note (March 2011), should be completed online through the carbon compliance toolkit, C-Plan. A C-Plan statement has been provided and is considered to demonstrate compliance with sustainability principles.

A compliance condition is recommended.

S106 Planning Obligation

There is no requirement for contributions to physical and social infrastructure as required by the Council's adopted Planning Obligations Supplementary Planning Document as a result of the following two material changes:

1. The written Ministerial Statement of 28 November 2014 (House of Commons Written Statement - reference HCWS50) which set out proposed changes to national policy with regard to Section 106 planning obligations affecting small developments. This is reflected in an amendment to the National Planning Practice Guidance (NPPG). Paragraph 012 of Planning Obligations notes the following:

'There are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development.'

The NPPG goes on to state that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm.

This ministerial guidance and note within the NPPG was however quashed recently by the High Court following a judicial challenge by Berkshire CC and Reading BC. The Policy therefore reverts to that within the Borough Plan and Affordable Housing SPG, the latter guidance introduces a waiver for units of 4 or less.

2. The above notwithstanding, Dacorum has now introduced CIL from 1st July 2015 which means that levies are now applicable in place of s106 contributions.

The proposal therefore complies with saved Policy 13 and CS35 of the CS.

Other matters

There is no need for any affordable housing within the development, because the number of homes proposed and the site area are below the thresholds in Core Strategy Policy CS19. Furthermore, a financial contribution is not required in view of the waiver in paragraph 8.3 of the Council's Affordable Housing Supplementary Planning Document (September 2013).

No information has been provided about potential contamination on the site and no comments have been received from Environmental Health. However, the Council's Scientific Officer previously advised that there may be land contamination issues associated with the former use of the site as a goods shed / works, and given its location adjacent to the railway line and within the vicinity of potentially contaminative former land uses. Consequently she advised that there may be land contamination issues associated with the site and recommended that the standard contamination condition be applied to this development should permission be granted.

There is no reason to think that this situation has changed in the mean-time.

Conclusions

The principle of residential redevelopment is acceptable here in accordance with policy CS4. The proposal would provide satisfactory private amenity space to serve the dwellings. The size, scale and appearance of the development would not be harmful to the Conservation Area and would preserve, if not enhance its character and appearance. Some low category vegetation would be removed from the site to enable the development to take place, but the existing backdrop of trees to the rear boundary

would be retained and protected during development and new soft planting is also proposed. Adequate parking and safe access would be provided to the development to which no objection is raised by the Highway Authority. Whilst some existing on-street parking would be displaced to the surrounding roads as a result of the development, the Highway Authority has raised no objection on this ground. The amenity of neighbouring occupiers would not be adversely affected. The proposal is therefore considered acceptable for approval.

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

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

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

- 2 No development shall take place until samples and / or details of the materials proposed to be used on the external walls and roofs of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. The approved materials shall be used in the implementation of the development.**

Reason: To ensure a satisfactory appearance to the development in the interests of the character and appearance of the Berkhamsted Conservation Area in accordance with saved Policy 120 of the Dacorum Borough local Plan 1991-2011 and Policies CS12 and CS27 of the Dacorum Core Strategy September 2013. The details are required before commencement of development as if they are deferred until after the development has begun, the design will already have been agreed and finalised, and the materials potentially ordered and used, thereby undermining the control of the local planning authority and potentially increasing costs and delays for the applicant if they have to be changed.

- 3 The development shall be carried out in accordance with the approved plans and elevations and no development shall take place until 1:20 details of the design of the following shall have been submitted to and approved in writing by the local planning authority:**

- **all new windows (including bay windows), roof lights, external doors and openings (including materials, finishes, cills, window headers and vertical cross sections through the openings). The details shall include vertical and horizontal cross-sections through the openings to show the position of joinery within the opening, depth or reveal, heads, cills and lintels. Glazing bar and moulding details shall be shown at 1:1 scale;**
- **eaves joinery and corbelling detail;**
- **Front boundary wall and railings.**

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the character and appearance of the Berkhamsted Conservation Area in accordance with Policies CS12 and 27 of the Dacorum Core Strategy (September 2013) and saved Policy 120 of the Dacorum borough Local Plan 1991-2011. The details are required before commencement of development as if they are deferred until after the development has begun, the design will already have been agreed and finalised, and the materials potentially ordered and used, thereby undermining the control of the local planning authority and potentially increasing costs and delays for the applicant if they have to be changed.

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

- **hard surfacing materials;**
- **means of enclosure;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **biodiversity features such as bat boxes;**
- **proposed finished levels or contours;**
- **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);**
- **minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);**
- **retained historic landscape features and proposals for restoration, where relevant.**

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

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with saved Policies 99 and 100 of the Dacorum Borough Local Plan 1991-2011

and Policies CS12 and 13 of the Dacorum Core Strategy September 2013. The details are required before commencement of development as if they are deferred until after the development has begun, the design will already have been agreed and finalised, and the materials potentially ordered and used, thereby undermining the control of the local planning authority and potentially increasing costs and delays for the applicant if they have to be changed.

- 5 **The development hereby permitted shall be carried out in accordance with the approved C-Plan Sustainability Statement and Policy CS29 Sustainability Checklist.**

Reason: To ensure the sustainable development of the site in accordance with Policy CS29 and Para. 18.22 of the Dacorum Core Strategy September 2013.

- 6 **Notwithstanding any details submitted, no development shall take place until plans and details showing how the development will provide for sustainable urban drainage shall have been submitted to and approved in writing by the local planning authority. The approved measures shall be provided before any part of the development is first brought into use and they shall thereafter be permanently retained.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policy CS29 of the Dacorum Core Strategy September 2013 and adopted Supplementary Planning Guidance. The details are required before commencement of development as if they are deferred until after the development has begun, the design will already have been agreed and finalised, and the materials potentially ordered and used, thereby undermining the control of the local planning authority in respect of achieving a sustainable form of development and potentially increasing costs and delays for the applicant if they have to be changed.

- 7 **No development shall take place until details of the proposed slab, finished floor and ridge levels of the buildings in relation to the existing and proposed levels of the site and the surrounding land shall have been submitted to and approved in writing by the local planning authority. The buildings shall be constructed in accordance with the approved levels.**

Reason: For the avoidance of doubt and to ensure a satisfactory form of development in accordance with Policies CS11, 12 and 13 of the Dacorum Core Strategy September 2013.

- 8 **Notwithstanding any details submitted, no development shall take place until a further detailed plan setting out parking dimensions and access arrangements shall have been submitted to and approved in writing by the Local Planning Authority. The details shall indicate access widths in accordance with Roads in Hertfordshire Highway Design Guide 3rd edition. The details approved shall, prior to the occupation of any dwelling, be laid out, demarcated, levelled, surfaced and thereafter retained in the positions approved available for that specific use. Arrangements shall be made for surface water drainage to be**

intercepted and disposed of separately so that it does not discharge from or onto the carriageway.

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities, satisfactory access into the site and to avoid the carriage of extraneous material or surface water into the highway in the interests of highway safety in accordance with saved Policies 51, 54 and 58 of the Dacorum Borough local Plan 1991-2011 and Policy CS12 of the Dacorum Core Strategy September 2013.

- 9 **Prior to the first occupation of the development hereby permitted pedestrian visibility splays shall be provided in full accordance with the details indicated on the approved plan 15066_AL(0)010 G and 15066_AL(0)011 G. The splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway.**

Reason: In the interests of highway safety in accordance with saved Policy 51 and 54 of the Dacorum Borough local Plan 1991-2011 and Policy CS12 of the Dacorum Core Strategy September 2013.

- 10 **No development shall take place until a completed Stage 1 Road Safety Audit, for the proposed highway improvements and access junction, shall have been submitted to and approved in writing by the local planning authority.**

Reason: In the interests of highway safety.

- 11 **No development shall take place until a Construction Management Plan shall have been submitted to and approved in writing by the local planning authority. The statement shall provide for:**

- the parking of vehicles of site operatives, contractors and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- construction access arrangements;
- wheel washing facilities;
- measures to control dust and dirt during construction;

The details shall include a plan showing the proposed location of these areas. The approved statement shall be adhered to throughout the construction period.

Reason: To minimise danger, obstruction and inconvenience to users of the highway in accordance with saved Policy 51 of the Dacorum Borough Local Plan 1991-2011. The details are required before commencement of development as it is necessary to ensure that the measures are planned and in place at the start of construction.

- 12 **No part of the development shall be occupied until such time as a management plan relating to the provision of the 4 public parking spaces identified on approved plan DPL/16/01 - 1B shall have been**

submitted to and approved in writing by the Local Planning Authority. The management plan shall provide details on how these spaces will be reserved and made available for use by the general public in perpetuity, including details of appropriate signage and maintenance. The parking area shall remain unrestricted and available for public use and no physical barrier or obstruction shall at any time be installed to prevent their unrestricted use.

Reason: To ensure the benefits of the proposal are delivered and to ensure that adequate and satisfactory provision of off-street vehicle parking is provided in accordance with Policy CS12 of the Core Strategy and Saved Policy 51 of the Dacorum Borough Local Plan.

- 13 **The trees shown for retention on the approved Drawing Nos. DPL/16/01-1B and Tree Protection Plan Rev B shall be protected during the whole period of site clearance, excavation and construction in accordance with the details included in Section 8 of the approved Arboricultural and Planning Integration Report: Ref: GHA/DS/13360:161, March 2016.**

Reason: In order to ensure that damage does not occur to the trees during building operations in accordance with Policy CS12 of the Dacorum Core Strategy September 2013 and saved Policy 99 of the Dacorum Borough Local Plan 1991-2011.

- 14 **The development shall not be occupied until the noise mitigation measures, specifically glazing and ventilation criteria (section 4.18), earth bund and 2m acoustic fence to the western, northern and eastern site boundaries (section 4.26) detailed in Noise and Vibration Assessment, reference RP01-15352, version 2, May 2016 shall have been installed. Once implemented, the measures shall be permanently retained and maintained.**

Reason: To protect the residential amenity of future residents in accordance with Policy CS12 of the Dacorum Borough Local Plan 1991-2011.

- 15 **No development shall take place (including any tree clearance) until a detailed method statement for the translocation of common lizard from the application site shall have been submitted to and approved in writing by the local planning authority. The statement should also describe:**

- **The location of the proposed receptor site;**
- **The receptor site's current condition;**
- **The management required to maintain and enhance the receptor site to ensure it remains in a condition sufficient to support the translocated population for at least the following 5 years, consistent with their otherwise continued presence at the development site.**

Reason: To ensure the protection of badgers/slow worms and their habitats in accordance with saved Policy 102 of the Dacorum Borough Local Plan 1991-2011.

16 **Notwithstanding any details submitted with the application, no development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the local planning authority. This assessment shall be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it shall include:**

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

(a) human health;

(b) property (existing or proposed) including buildings, crops, livestock,

pets, woodland and service lines and pipes;

(c) adjoining land;

(d) groundwater and surface waters; and,

(e) ecological systems.

(f) archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS32 of the Dacorum Core Strategy September 2013. The details are required before commencement of development as if they are deferred until after the development has begun, the opportunity to decontaminate the land will have been lost to the detriment of human health and other receptors.

17 **No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural environment has been submitted to and approved in writing by the local planning authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, proposed preferred option(s), and a timetable of works and site management procedures. The scheme shall ensure that the site does not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The remediation scheme shall be implemented in accordance with the approved timetable of works.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to

controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS32 of the Dacorum Core Strategy September 2013. The details are required before commencement of development as if they are deferred until after the development has begun, the opportunity to decontaminate the land will have been lost to the detriment of human health and other receptors.

- 18 **Within 6 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) shall be submitted to the local planning authority for its written approval.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS32 of the Dacorum Core Strategy September 2013.

- 19 **In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing within 7 days to the local planning authority and once the local planning authority has identified the part of the site affected by the unexpected contamination, development shall be halted on that part of the site. An assessment shall be undertaken in accordance with the requirements of Condition No 16, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, shall be submitted to and approved in writing by the local planning authority in accordance with the requirements of Condition No 17. The measures in the approved remediation scheme shall then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report shall be submitted to and approved in writing by the local planning authority in accordance with Condition No 18.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS32 of the Dacorum Core Strategy September 2013.

- 20 **The roof light in Plot 4 serving the en-suite at first floor level on the South West elevation of the development hereby permitted shall be non opening and shall be permanently fitted with obscured glass.**

Reason: In the interests of the amenity of adjoining residents in compliance with Policy CS12 of the Dacorum Core Strategy September 2013.

- 21 **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 and C
Part 2 Class A
Part 14 Class A**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the character and appearance of the Berkhamsted Conservation Area and preventing overdevelopment of the plots and the enlargement of the individual dwellings, which may result in additional car parking demand and overlooking and loss of privacy to surrounding residential properties, in accordance with Policies CS12 and 27 of the Dacorum Core Strategy (September 2013) and saved Policy 120 of the Dacorum Borough Local Plan 1991-2011.

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

**Site Location Plan
DPL/16/01-1B
DPL/16/01-2**

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

Article 35 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the pre-application stage and determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

INFORMATIVES:

Thames Water

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

discharge from the site shall not be detrimental to the existing sewerage system.

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.

Highway Authority

S278 Agreement: Where works are required within the public highway to facilitate the new vehicle 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. Before works commence the applicant will need to apply to Hertfordshire County Council Highways team to obtain their permission and requirements. Their address is County Hall, Pegs Lane, Hertford, Herts, SG13 8DN. Their telephone number is 0300 1234047.

Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Mud on the Road: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Environmental Health

1) Piling Works

If piling is considered the most appropriate method of foundation construction. Prior to commencement of development, a method statement detailing the type of piling and noise emissions, shall be submitted to and approved in writing by the Local Planning Authority. All piling works shall be carried out in accordance with the agreed details.

Reason: In the interests of the amenities of residents of neighbouring properties and in accordance with and to comply with Dacorum Borough Councils Policies

2) Noise on Construction/Demolition Sites

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. And the best practicable means of minimising noise will be used. Guidance is given in British Standard BS 5228: Parts 1, 2 and Part 4 (as amended) entitled 'Noise control on construction and open sites'.

3) Construction hours of working – plant & machinery

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: 0800hrs to 1800hrs on Monday to Friday 0800hrs to 1230hrs Saturday, no works are permitted at any time on Sundays or bank holidays

4) Dust

As advised within the application documentation, 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.*

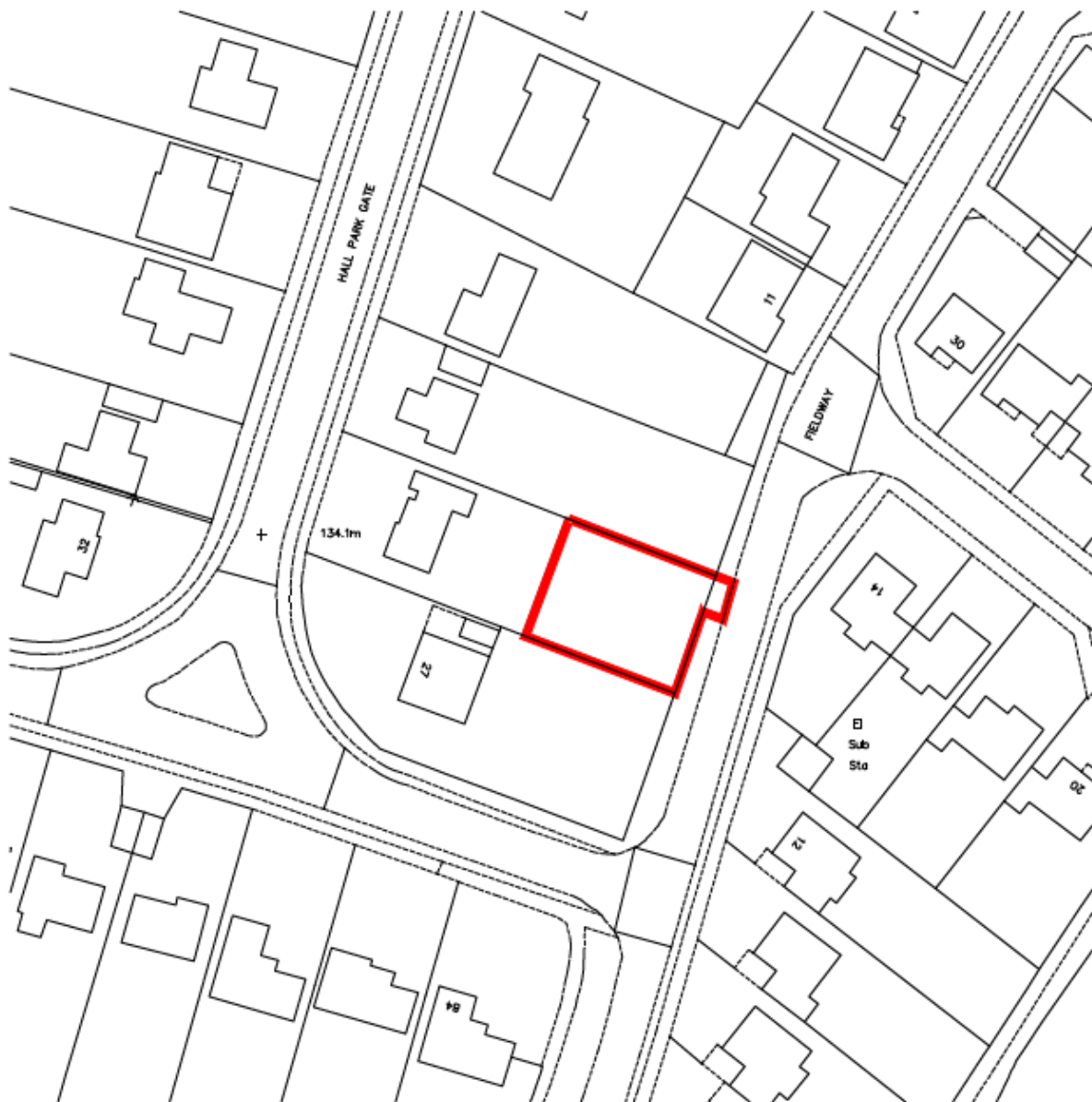
5) Bonfires

Waste materials generated as a result of the proposed demolition and/or construction operations shall be disposed of with following the proper duty of care and should not be burnt on the site. Only where there are no suitable alternative methods such as the burning of infested woods should burning be permitted.

Item 5d

**4/00524/16/FUL - CONSTRUCTION OF A NEW DETACHED DWELLING AND
NEW ACCESS TO FIELDWAY**

25 HALL PARK GATE, BERKHAMSTED, HP4 2NL



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Item 5d

4/00524/16/FUL - CONSTRUCTION OF A NEW DETACHED DWELLING AND NEW ACCESS TO FIELDWAY

25 HALL PARK GATE, BERKHAMSTED, HP4 2NL



**4/00524/16/FUL - CONSTRUCTION OF A NEW DETACHED DWELLING AND NEW ACCESS TO FIELDWAY.
25 HALL PARK GATE, BERKHAMSTED, HP4 2NL.
APPLICANT: Entasis Ltd.**

[Case Officer - Intan Keen]

Summary

The application is recommended for approval.

The principle of residential development is considered acceptable in the site's location noting its siting within a town. The proposed layout and development would not have any adverse implications on the character and appearance of the street scene and surrounding area including the Hall Park character area, when taking into consideration the recently allowed appeal for two dwellings at No. 27 Hall Park Gate.

The development would not have an adverse impact on the amenity of neighbouring properties. The access and car parking arrangements are satisfactory. The proposal is therefore in accordance with the aims of the National Planning Policy Framework, Policies CS4, CS11 and CS12 of the Dacorum Core Strategy (September 2013) and saved Policies 18, 21 and 58 of the Dacorum Borough Local Plan 1991-2011.

Site Description

The application site forms part of the rear garden of the dwelling at No. 25 Hall Park Gate. The site has a frontage to the western side of Fieldway and is located within the Hall Park character area. The immediate streetscene to Fieldway features an approximately 4m high hedge with interspersed trees up to the road frontage. This vegetation forms the rear boundaries of four consecutive dwellings. Evidence has been provided to demonstrate that the entire site is within the ownership of the applicant.

The surrounding area is suburban in character. Further north are detached one to two-storey dwellings fronting Fieldway. On the opposite side of Fieldway (east) are two-storey detached dwellings. Immediately south is a corner property at No. 27 Hall Park Gate, which has been cleared to accommodate two recently approved detached dwellings to front Hall Park Gate and Upper Hall Park.

Proposal

The proposal is based on amended plans. The amended plans include the following changes:

- Roof lights have been moved from the front to the rear elevation;
- Internal reconfiguration so that Bedroom 3 / study has been moved to the back of the house;
- Ground floor side window (previously serving Bedroom 3 / study) facing No. 23 Hall Park Gate has been removed;
- Front window (to the right hand side of the front door) now only serves the bathroom and not a habitable room;
- Climbing planting shown to the front wall.

Planning permission is sought for a detached dwelling fronting Fieldway and involves the subdivision of 25 Hall Park Gate. The proposed dwelling would be part single part two-storey with habitable roof space. The main part of the dwelling would feature a hipped roof with smaller forward gable projection and hipped side projection. The side projection would extend rearwards of the main building with a small area of crown roof.

The proposed dwelling would contain three bedrooms. Private open space would be located to the rear, a depth of 11.5m. The front garden would be predominantly soft landscaped, with a brick paved driveway leading to an integral single garage. A total of three car parking spaces would be provided on site.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Berkhamsted Town Council.

Planning History

Application 4/01841/15/FUL for new 3 bedroom detached dwelling and creation vehicle crossover was refused for the following reasons:

1. *The proposal would fail to preserve attractive streetscapes nor enhance spaces between buildings contrary the Core Strategy policy CS11, integrate with streetscape character or respect adjoining properties in terms of layout, scale and height contrary to policy CS12 by virtue of its awkward relationship with 27 Hall Park Gate and placing a visually intrusive building which would appear excessively tall given the topography and isolated position in Fieldway exacerbated by the removal of verdant hedging which contributes to the overall positive character of this part to Fieldway.*

2. *The proposal would fail to respect adjoining properties with respect to garden layout and amenity space by virtue of neighbouring properties having far larger garden sizes being immediately characteristic and failing to maintain average garden depth of 11.5m contrary to Core Strategy policy CS12 and saved DBLP appendix 3 - Layout and Design of Residential Areas.*

Furthermore the development would fail to respect adjoining properties in particular 27 Hall Park Gate and 14 Fieldway causing harmful loss of privacy contrary to Core Strategy policy CS12 and saved DBLP appendix 3 - Layout and Design of Residential Areas. The development would fail to respect the 23m distance minimum relationship between front to back and back to back relationship between properties. In the case of 27 Upper Hall Park Gate there would be approx. 17m between facing habitable room windows and the immediate patio area behind which considered the most private element of the garden would be even closer. This harm is repeated for 14 Fieldway the front to rear elevation relationship is approx. 20m with harmful loss of privacy caused by first floor windows and the rooflight at second storey level from habitable room windows views into the rear garden and intervisibility with habitable room windows and direct views into the garden area.

Also of relevance is a subsequent appeal decision, associated with application 4/03613/14/FUL at No. 27 Hall Park Gate (adjacent property to the south). The appeal allowed the demolition of existing house and replacement with two detached

dwellings with associated access arrangements. The area of the approved House 2 would be located adjacent to the application site. As mentioned above, works have appeared to have been commenced on this site (which shall keep this permission extant).

Also of relevance is 4/03492/15/FHA which approved a rear extension and raised roof ridge to create loft conversion at No. 13 Fieldway.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS17 - New Housing
CS18 - Mix of Housing
CS19 - Affordable Housing
CS25 - Landscape Character
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 10, 13, 18, 21, 51, 57, 58, 63, 99, 100, 101
Appendices 1, 3 and 5

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Area Based Policies (May 2004) - Residential Character Area BCA1 - Hall Park
Water Conservation & Sustainable Drainage (June 2005)
Energy Efficiency & Conservation (June 2006)
Accessibility Zones for the Application of car Parking Standards (July 2002)
Planning Obligations (April 2011)
Affordable Housing (Jan 2013)

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

Summary of Representations

Neighbours

Several items of correspondence were received from Nos. 23 and 21 Hall Park Gate, Nos. 78, 82 and 84 Upper Hall Park, Nos. 1, 11, 12, 14, 16, 17, 18 and 40 Fieldway and an unknown address on Fieldway. All were in objection to the proposal and can be summarised as follows:

- Impact on streetscene and character of the area noting that existing dwellings on same side of Fieldway are small bungalows with shallow roofs, dug well into the hillside;
- Development with three levels would dwarf the neighbouring bungalow;
- Out of scale with development in streetscene in terms of height and mass, this would further draw the eye to this incongruous form of development and be visually overbearing to pedestrian users of Fieldway at street level;
- Overdevelopment of site;
- Crown roof would be out of character and visible from neighbouring properties;
- Proposed dwelling would be isolated with high hedges either side of its frontage to Fieldway and therefore would not form a coherent pattern of development;
- Proposal would set precedent for buildings of similar design;
- Although House 2 at No. 27 Hall Park Gardens has planning approval, until it is built this must serve only as a notional comparator;
- Development would result in loss of vegetation which was considered a key issue in previous application;
- Previous Highways comments required further hedging to be removed to achieve the required vehicular visibility splays;
- As there is no footpath in front of the application site, pedestrians will need to cross Fieldway to use the footway opposite or worse walk in the carriageway up to Upper Hall Park;
- Insufficient garden size and does not comply with space standards;
- PV panels would be east-facing which is unsuitable;
- Due to its height the proposed development would be visually intrusive to properties on Fieldway as well as Nos. 23 and 25 Hall Park Gate;
- Potential overlooking from approved House 2 at No. 27 Hall Park Gate to proposed dwelling;
- Loss of privacy and overlooking to rear of Nos. 23 and 25 Hall Park Gate and dwelling and rear garden of No. 14 Fieldway;
- Impact of amenity of rear garden room at No. 21 Hall Park Gate;
- Overshadowing to neighbouring properties;
- Access steps to main entrance would not be suitable;
- Proposed parking would be close to road and would need to be reversed in or out of with no turning circle within plot;
- Access to garage is also unclear;
- Parking along the road frontage of the application site with no footpath could be hazardous to traffic coming from the Upper Hall Park junction;
- Visitors would need to park on the road which has blind spots;
- Proposal fails to comply with Policies CS11 and 12 of the Core Strategy, guidance in the Local Plan, saved Policies 51 and 58 and saved Appendix 3;
- Fieldway is not gritted in winter and residents cannot use their cars when it is icy or in snow;
- No mention of owners of ransom strip between properties in Hall Park Gate and

Fieldway.

Comparisons have been made with the appeal scheme granted at the adjacent site No. 27 Hall Park Gate where the following is noted:

- New access serving dwellings is from Upper Hall Park and not Fieldway;
- Retention of the 4m high, dense hedges bordering Fieldway and extending around the corner to the Upper Hall Park frontage required;
- Only the roofscape of the proposed House 2 would be visible above the hedge from Fieldway;
- Current proposal is for a dwelling fronting Fieldway and access from Fieldway and will have a different impact on the character of the area;
- Proposed garden area would be smaller than adjacent gardens at No. 27.

Consultation was carried out in relation to amended plans. The following additional grounds of objection were received:

- Relocation of roof lights from front to the rear elevation is immaterial;
- Relocation of roof lights would normally be resisted as the occupants would lose the enjoyment of morning sun from the east;
- Application will soon follow for additional fenestration;
- Bedroom in basement features window proximate to highway;
- Objections previously raised by Highway Authority have not been overcome;
- Visibility splays require extensive elimination of existing verdant hedges providing privacy to rear gardens;
- Application has been granted to add another floor to bungalow on Fieldway despite restrictive covenant.

Berkhamsted Town Council

It was resolved to suspend standing orders to allow Mrs Lightfoot and Mr Dyke to speak. Mrs Lightfoot, who lives in Hall Park Gate, stated that unlike no 27, her property was not shielded by high hedges and the proposal would be visually intrusive and at odds with the streetscene. Privacy would be affected and there are also highways safety concerns because vehicles would be reversing in and out of the new property at a point where visibility is extremely poor. Mr Dyke, who lives opposite the proposed site, stated that the new plans did little to overcome previous concerns about size and bulk, incompatibility with the streetscape and loss of amenity (overlooking and overshadowing). Vehicular access is dangerous and because of limited parking on site visitors to the property would have to park on a narrow road with no pavement. The development did not comply with the Core Strategy.

The meeting was reconvened.

Object.

Although minor changes have been made to the landscaping concerns remain around the effect upon streetscape, amenity, height of building, and proposed scale of the property. It is purported to be 1.5 storeys but is really 2.5. It would be out of place in comparison to other properties in Fieldway and may also impact on traffic flow in the area. BTC concurs with neighbours that there could be a danger to pedestrians,

parking will be problematic and No 14 will be overlooked.

Contrary to Core Strategy CS11 (a, b), CS12 (c, f, g), Appendix 3 (3.1, 3.3, 3.5).

Hertfordshire Highways

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

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

AN1. Road Deposits: Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in condition such as not to emit dust or deposit mud, slurry or other debris on the highway. This is to minimise the impact of construction vehicles and to improve the amenity of the local area.

AN2. The applicant is advised that storage of materials associated with the development should take place within the site and not extend into within the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary further details can be obtained from the County Council Highways via the website <http://www.hertsdirect.org/services/transtreets/highways/> or telephone 0300 1234047 to arrange this.

AN3. The developer should be aware that the required standards regarding the maintenance of the public right of way and safety during the construction. The public rights of way along the carriageway and footways should remain unobstructed by vehicles, machinery, materials and other aspects of construction works. Prior to commencement of the construction of any development the applicant should submit a Construction Management Plan for the LPA's approval in consultation with the highway authority.

AN4. Where works are required within the public highway to facilitate access the highway authority require the construction of such works to be undertaken to their specification and by a contractor who is authorised to work in the public highway. In relation to vehicle crossovers the applicant is advised to see the attached website.

Vehicle crossover guidance <http://www.hertsdirect.org/docs/pdf/d/vxo.pdf> and to apply for vehicle crossover <http://www.hertsdirect.org/services/transtreets/highways/hhonlineservices/vxo/>

Details:

The planning application: The planning application is for erection of new detached dwelling and a new access from Fieldway.

Site and Surrounding.

Application site is along Fieldway in Berkhamsted. The site is approximately 1.5km to

the southwest of main town centre of Berkhamsted which provides access to various facilities. Fieldway is an unclassified local access road serving few properties.

Accessibility

Berkhamsted railway station is 2.0KM to the north east of the application site. The site is located close to public transport facilities with regular bus services serving both local and wider area.

Parking:

The applicant's proposal is to provide 2 on-site car parking spaces and the vehicular access is to be constructed from Fieldway. In constructing the parking spaces the applicant should make satisfactory arrangements for surface water from the site to be intercepted and disposed of separately so that it does not discharge on to the highway.

Conclusion:

Additional trips associated with the development are unlikely to have a material impact on the local road network. The Highway Authority does not wish to restrict the grant of consent subject to inclusion of the advisory notes listed above.

Hertfordshire Highways - footpath matters

Further advice was sought from the Highway Authority in response to concerns about the lack of a footpath immediately in front of the application site. The following response was provided:

This is a typical back land development with address 25 Hall Park Gate with the access from Fieldway. There is already a planning consent for House no 2 application no 4/03613/14. When you suggested a footway, are you seeking a piece of footway in front of the application site or are we expecting the single dwelling to provide the footway to the full length. There is footway opposite side and around. The road is a mixture of Cul-de-sac and low traffic area serving few properties. Previous years I would have secured financial contribution to put in a pot for future delivery of full length footway. I hope LPA is seeking money based on CIL for infrastructure improvement. It is very difficult to justify piecemeal pieces of footways.

Further comments regarding the footpath were provided:

The proposed site is at the end of a through road which a low traffic area. If there are few houses then there is justification for securing a continuous footpath. As part of this application a small piece of footpath in front of property is not helpful. The additional residents are likely to and from the development. May be one or two a day and need to take extra care.

Trees and Woodlands

Comments awaited. No comments were reported under the previous application.

Contaminated Land

I have no comment to make regarding this application.

Hertfordshire Fire and Rescue

We have examined the drawings and note that the access for fire appliances and provision of water supplies appears to be adequate.

Considerations

Policy and Principle

The NPPF states that housing applications should be considered in the context of the presumption of sustainable development. Similarly, Policy CS4 of the Core Strategy directs residential development to the towns and large villages, including Berkhamsted; and within established residential areas, where the application site is located. Policy CS17 of the Core Strategy seeks to promote residential development to address a need for additional housing within the Borough.

Specifically, the provision of new dwellings is supported in principle by Policy CS18 of the Core Strategy, and saved Policy 18 of the Local Plan.

In summary, the principle of residential development is acceptable in this location. Further, there is strong policy support for the provision of new housing.

Density and layout

The proposal would result in a density of 33 dwellings per hectare (based on one dwelling on a plot of 300m²). This would be higher than the existing density range of 15 dwellings per hectare as noted in the BCA1 - Hall Park area. Area Based Policies Supplementary Planning Guidance (Development in Residential Areas) states that numerical density is one factor to be considered and balanced against others in area policies.

The above-mentioned appeal decision (at No. 27 Hall Park Gate) granted two dwellings in the place of one. Paragraph 6 of the appeal decision is relevant where the Inspector stated:

Policy CS11a of the Dacorum Core Strategy (2013) (CS) states that development should respect the typical density of the area. Whilst the appeal scheme would increase the density of built form on the plot, in contrast to the larger neighbouring plots of Nos 21, 23 and 25 Hall Park Gate and of other nearby properties, there are also numerous examples of smaller plots associated with more recent developments in Upper Hall Park and Fieldway. In this regard, the appeal scheme would not therefore be unacceptably at odds with the overall density of the residential area.

Additionally, the proposed development accords with the layout guidance under BCA1 - Hall Park as it would adopt the existing subdivision pattern where dwellings are sited on regular shaped plots and front the road. The guidance also states that spacing should be within the wide range (5m to 10m). A 7.5m separation would be achieved between the flank wall of the proposed dwelling and the dwelling at Plot 2 of No. 27 Hall Park Gate. The development would also be sited over 1.5m from the northern side boundary (shared with the rear garden No. 23 Hall Park Gate). These distances

are similar to existing gaps between dwellings on Hall Park Gate.

The previous refusal on the application site related to garden area size. It is noted that both the proposed dwelling and the resultant curtilage of No. 25 Hall Park Gate would achieve garden depths of 11.5m taken from the main rear wall of the respective dwellings. It is also noted that the garden width for both properties at approximately 16m gives a sufficient garden area for these family dwellings.

The appeal decision at No. 27 Hall Park Gate notes the following justification for a smaller sized rear garden within the Hall Park area (under paragraphs 6 and 7):

The appeal proposal would split the plot into two and erect a two-storey house (house 1) and a chalet type dormer bungalow (house 2). Policy CS11a of the Dacorum Core Strategy (2013) (CS) states that development should respect the typical density of the area. Whilst the appeal scheme would increase the density of built form on the plot, in contrast to the larger neighbouring plots of Nos 21, 23, and 25 Hall Park Gate and of other nearby properties, there are also numerous examples of smaller plots associated with more recent developments in Upper Hall Park and Fieldway. In this regard, the appeal scheme would not therefore be unacceptably at odds with the overall density of the residential area.

House 1 would be similar in size, scale, bulk and mass to others in Hall Park Gate. Whilst house 2 would occupy a large part of its plot, the garden area would be broadly similar to other plots in the north western part of Fieldway and with the smaller than average corner plots in the older parts of the estate.

The following is a relevant extract with respect to layout (paragraph 8):

Further, the layout of house 1 and the size of its plot would be broadly similar to the layout of the opposite plot (No 32). In this respect the proposed development would be respectful of its surroundings in conformity with adopted policy CS12 that deals with amongst other things, the integration of new development into its surroundings.

The Inspector goes on to state (under paragraph 9):

I have had regard to the Council's argument that the proposed garden depths, although meeting the minimum standards set out in Appendix 3.6 (ii) of the Dacorum Borough Local Plan, would nonetheless be out of keeping with the larger, more spacious gardens within the area. However, as aforementioned, the plot of house 1 would be similar to that opposite and there are many examples of smaller plots within the area.

When considering the adjacent development allowed on appeal, the residential pattern along Fieldway and Upper Hall Park, and how the development performs against the BCA1 - Hall Park character area appraisal; the proposal would not conflict with the objectives of Policy CS11(a) of the Core Strategy.

Impact on street scene

The allowed appeal at the adjacent property No. 27 Hall Park Gate for the development of two dwellings is a material consideration in the assessment of the current application. In particular, this appeal allowed a dwelling at the Upper Hall

Park and Fieldway corner (previously referred to as house 2). This appeal also allowed the opening up of the previously dense tree line to Upper Hall Park (forming the side boundary of the adjacent appeal site). As such, this allowed appeal weighs in favour of the current application.

The Hall Park residential area is suburban in character, however there is a small stretch of Fieldway (length of four properties) which has not been developed and forms a long and thick tree line to the street. The application site forms a part of this and is one property removed from the corner with Upper Hall Park.

The previous reason for refusal noted a visually intrusive building which would appear excessively tall given the topography and isolated position in Fieldway. Since this refusal, the appeal at No. 27 was allowed and works have commenced on this property. In light of the approved house 2, it is no longer considered that the proposed dwelling would be isolated within Fieldway.

In terms of assessing the scale and height of the proposal, the form and appearance of surrounding buildings are taken into account. Development opposite the application site on Fieldway is two-storey (No. 14). Dwellings to the north on Fieldway are part single part two-storey.

Reference is made to recently approved roof additions to No. 13 Fieldway to facilitate a loft conversion with roof openings facing the street.

The construction of house 2 at No. 27 would be oriented to front Upper Hall Park, however it would be visible from Fieldway. House 2 is a chalet type dormer bungalow (as described in the appeal decision), featuring a two-storey gable element to Upper Hall Park. The part of house 2 that would be seen within the Fieldway street scene would be a side projection with gable and catslide roof, the roof which would be visible from Fieldway.

The height of house 2 from the perspective of Fieldway would be approximately 7m in height. The proposed dwelling would be 6.5m to 8m in height noting the slope of the road. It is not considered that the difference in height between the two buildings would be noticeable noting the drop in levels and the distance between them.

When considering these existing surrounding buildings and the chalet bungalow style of house 2, the proposed dwelling is considered to respect adjoining properties in terms of scale and height. The proposal is not considered to be excessively tall when viewed in this context.

The submitted proposed street scene for the proposed dwelling shows that there would be a gentle transition in height from the approved house 2 to the proposed dwelling as the land steeply falls to the north down Fieldway. The proposed development is also considered to achieve an appropriate transition in scale and height between the two-storey dwellings on Upper Hall Park and the lower pitched split level bungalows further north on Fieldway.

It is noted that the roof lights have been relocated from the front to the rear elevation, which simplify the appearance of the roof and no longer give it the appearance of a third storey when seen from the street.

Additionally, the proposed dwelling would be suitably balanced and the width of the dwelling would be broken up with projecting and recessed elements from the perspective of Fieldway. The half hip and sloping sides of the gable ensure that the proposed development would not be overly bulky. The two-storey element comprising the garage and kitchen and dining area would be recessed over 3m from the main front wall of the dwelling and would not appear prominent in Fieldway, particularly from the approach from Upper Hall Park.

External materials proposed include red facing brickwork and dark brown concrete plain tiles to the roof. Windows would be white upvc. The schedule of materials to the proposed dwelling would not raise any objections.

Impact on trees and landscaping

The loss of vegetation to Fieldway to accommodate the vehicle crossover and associated visibility splays is unfortunate. The balance between tree retention and provision of access and on-site parking to serve the new dwelling must be carefully considered. Comparisons from the appeal proposal at No. 27 can be made, as the former dwelling at No. 27 also featured a tall tree line to Upper Hall Park. With respect to vegetation removal, the Inspector noted (under paragraph 12):

I accept that the appeal proposal would result in a change to the current spaciousness of the site. However, the majority of boundary vegetation would be retained including the most prominent trees. Where vegetation would be removed, the appeal scheme proposes appropriate replacement planting.

Similarly, the current application proposes the retention of the side and part of the front

However, there are no significant trees on the front boundary (as confirmed by Trees and Woodlands). Replacement planting is proposed to help assimilate the development. If planning permission is granted, a condition would be attached requiring details of landscaping and planting to offset the loss of vegetation. Landscaping details would also include boundary treatment and block paving finish to be used for the driveway to ensure a satisfactory appearance to the development under Policy CS12 of the Core Strategy, and saved Policy 99 of the Local Plan.

Impact on neighbouring properties

The application site has four directly adjoining properties at Nos. 23 and 25 Hall Park Gate. The two new dwellings (house 1 and house 2) approved at No. 27 Hall Park Gate also adjoin the application site. The impact on No. 14 Fieldway must also be considered, this dwelling is located directly opposite the application site. Each will be discussed in turn.

No. 25 Hall Park Gate is the donor property and would share a rear boundary with the new dwelling. The rear elevation would directly face the development. A minimum 23m distance would be achieved between first floor windows of No. 25 and the rear windows and roof lights of the proposed dwelling, therefore the development would accord with saved Appendix 3 to avoid overlooking. At this distance the development would not have an adverse impact with respect to loss of light or visual intrusion, and no concerns were raised regarding these matters under the previous application.

Similarly, there were no issues raised relating to the impact on the residential amenity of the neighbouring dwelling at No. 23 Hall Park Gate with respect to visual intrusion, overlooking or loss of light. The amended plans show the removal of the ground floor side-facing window towards No. 23 to further limit any overlooking opportunities.

No. 27 Hall Park Gate had been demolished at the time of the site visit associated with the current application. The impact of the development on approved houses 1 and 2 shall be considered.

A minimum distance of 23m would be achieved between the rear openings of the proposed dwellings and those of house 1. There would be a sufficient separation between the two buildings so that there would be no adverse impacts with respect to visual intrusion, overlooking or loss of light.

House 2 at No. 27 Hall Park Gate would have an elevated siting relative to the application site. The proposal performs satisfactorily when assessed against the 25° line taken from ground floor windows of house 2. This demonstrates there would not be an adverse loss of light, also noting the proposed dwelling would be located due north of this neighbour. The lower position of the application site, together with an approximately 7.5m separation, would ensure there would be no negative effects on house 2 with respect to visual intrusion. There are no upper-level windows facing towards house 2, therefore no adverse overlooking would occur.

With respect to No. 14 Fieldway, the previous application was refused on the grounds of overlooking. These concerns have been overcome by the relocation of the front roof lights to the rear of the dwelling, and internal alterations such that the front window (to the right of the front door when viewed on the front elevation) serves a bathroom and would be obscure-glazed. There remains two clear-glazed windows within the front elevation which would exceed a 23m distance from the nearest windows of No. 14. It is also important to note that No. 14 does not directly face the application site, it would have an angled relationship with the proposed dwelling. Given these circumstances the development would not result in any adverse overlooking.

No issues with respect to visual intrusion or loss of light were raised relative to No. 14 Fieldway under the previous application.

It follows that the proposal would not have an adverse impact on the residential amenity of neighbouring properties in accordance with Policy CS12 of the Core Strategy.

Impact on access and car parking

The proposal proposes three parking spaces for a three-bedroom dwelling. A dwelling of this size would require a maximum of 2.25 parking spaces under saved Appendix 5 of the Local Plan. Provision above the maximum requirement can be justified given local concern with regard to parking and highway safety. The additional provision of 0.75 parking spaces will act flexibly as a visitor parking space for occupants of the proposed dwelling and will not cause harm to highway safety, noting the Highway Authority have not raised any objections relating to car parking. The proposal therefore accords with Policies CS8 and CS12 of the Core Strategy and saved Local Plan Policy 58.

The proposed vehicle crossover and visibility splay have not raised any objections from the Highway Authority.

Concerns relating to the lack of a footpath in front of the application site have been raised. Advice has been sought from the Highway Authority that given the nature of the road, a residential street with cul-de-sacs and serving few dwellings, it would not be reasonable to raise an objection on the lack of footpath. The number of additional pedestrian movements created by the development is likely to be limited (as noted in Highways comments above). It is noted that a continuous footpath is located on the opposite side of Fieldway. On this basis a request for a footpath across the application site would not be justified.

Sustainability

The application has been accompanied by a Policy CS29 sustainability checklist. The development would ensure an appropriate overall sustainable performance through the implementation of modern building regulations. It is considered the application meets the objectives of Policy CS29 of the Core Strategy. The sustainability checklist shall form part of the approved plans if planning permission is granted.

The bins for the proposed development can be contained on site.

Community Infrastructure Levy (CIL)

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

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

Affordable housing

The application does not trigger any affordable housing contributions and the pooling of collections by Section 106 agreements is not considered appropriate in this instance.

Contaminated land

No issues have been raised with regards to contaminated land.

Other matters

Due to the garden size and the impact that further development may have on the amenity of neighbouring properties, permitted development rights of Classes A (extensions and alterations) and C (roof lights) would be removed by condition if planning permission is granted.

RECOMMENDATION – That the application be DELEGATED to the Group Manager of Development Management and Planning with a view to approval subject to the expiry of the notification period.

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

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

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

- **hard surfacing materials;**
- **means of enclosure;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **trees to be retained and measures for their protection during construction works;**
- **proposed finished levels or contours;**
- **car parking layouts and other vehicle and pedestrian access and circulation areas.**

All hard and soft landscape works shall be carried out in accordance with the approved details. The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted or in accordance with a programme agreed with the local planning authority.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policy CS12 of the Dacorum Core Strategy 2013 and saved Policy 99 of the Dacorum Borough Local Plan 1991-2011.

4 In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998: 1989 Recommendations for Tree Work.

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policy CS12 of the Dacorum Core Strategy 2013 and saved Policy 99 of the Dacorum Borough Local Plan 1991-2011.

5 The dwelling hereby approved shall not be occupied until details of the disposal of surface water from the new parking areas have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved before the dwelling is occupied.

Reason: To minimise danger, obstruction and inconvenience to highway users and to ensure the satisfactory disposal of surface water in accordance with Policies CS8 and CS31 of the Dacorum Core Strategy 2013.

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

Schedule 2 Part 1 Classes A and C.

Reason: To enable the local planning authority to retain control over the

development in the interests of safeguarding the residential amenity of the locality and retaining sufficient private amenity space in accordance with Policies CS12 of the Dacorum Core Strategy 2013.

- 7 **The development hereby permitted shall be carried out in accordance with the approved sustainability statement.**

Reason: To ensure the sustainable development of the site in accordance with Policy CS29 of the Dacorum Core Strategy 2013.

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

**ENT 173 SUR 001 Rev A (site location plan);
ENT 173 PA 001 (proposed block plan);
ENT 173 PA 100 (proposed floor plans, elevations, section and street scene); and
Energy and Sustainability Statement Rev A prepared by MSquare Architects Ltd).**

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 proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Hertfordshire Highways Informatives

Advisory notes as follows to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

AN1. Road Deposits: Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in condition such as not to emit dust or deposit mud, slurry or other debris on the highway. This is to minimise the impact of construction vehicles and to improve the amenity of the local area.

AN2. The applicant is advised that storage of materials associated with the development should take place within the site and not extend into within the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary further details can be obtained from the County Council Highways via the website <http://www.hertsdirect.org/services/transtreets/highways/> or telephone 0300 1234047 to arrange this.

AN3. The developer should be aware that the required standards regarding the maintenance of the public right of way and safety during the construction. The public rights of way along the carriageway and footways should remain unobstructed by vehicles, machinery, materials and other aspects of construction works. Prior to commencement of the construction of any development the applicant should submit a Construction Management Plan for the LPA's approval in consultation with the highway authority.

AN4. Where works are required within the public highway to facilitate access the highway authority require the construction of such works to be undertaken to their specification and by a contractor who is authorised to work in the public highway. In relation to vehicle crossovers the applicant is advised to see the attached website.

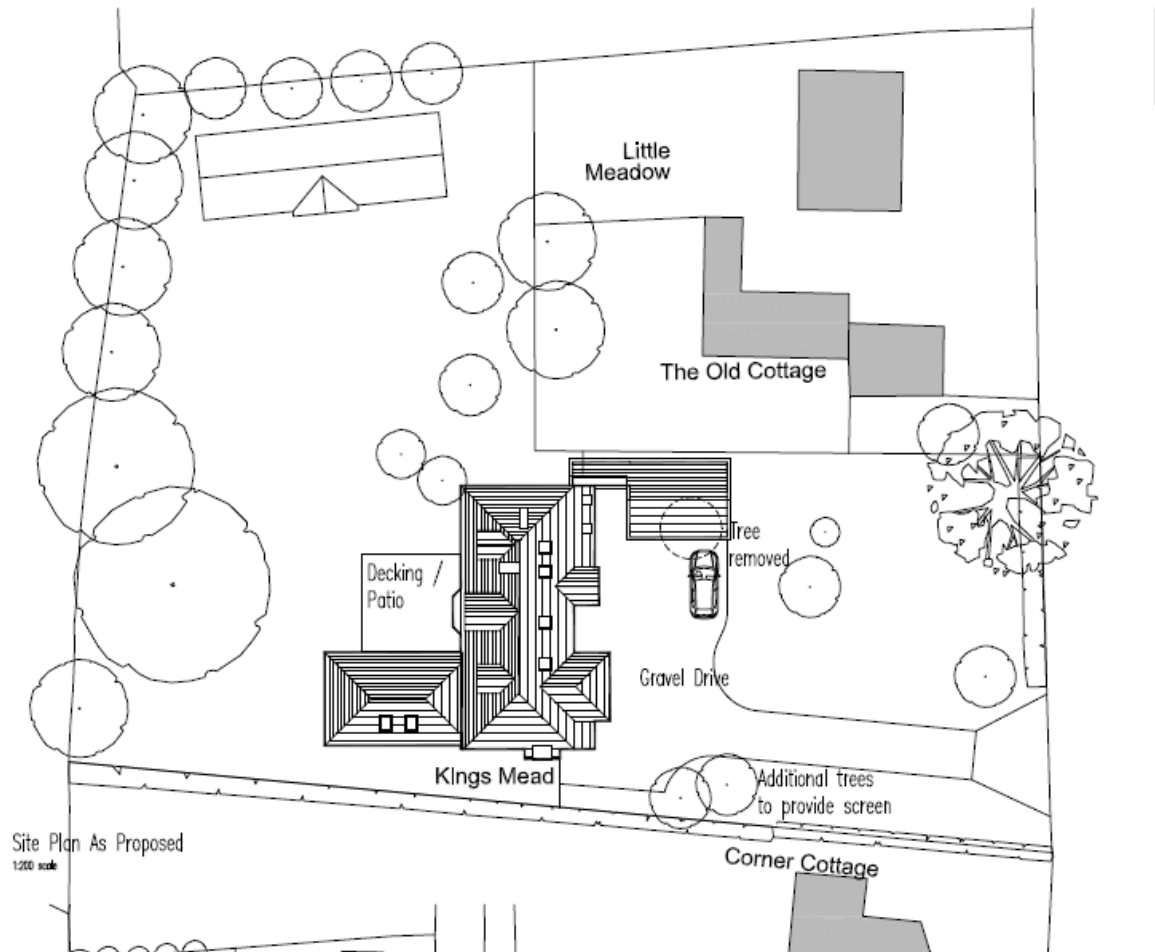
Vehicle crossover guidance <http://www.hertsdirect.org/docs/pdf/d/vxo.pdf> and to apply for vehicle crossover <http://www.hertsdirect.org/services/transtreets/highways/hhonlineservices/vxo/>

Agenda Item 5e

Item 5e

4/00544/16/FHA - TWO STOREY SIDE AND SINGLE STOREY REAR EXTENSION, NEW CAR PORT AND ALTERATIONS TO APPEARANCE OF THE HOUSE

KINGSMEAD, KINGS LANE, CHIPPERFIELD, KINGS LANGLEY, WD4 9EN



Item 5e

**4/00544/16/FHA - TWO STOREY SIDE AND SINGLE STOREY REAR
EXTENSION, NEW CAR PORT AND ALTERATIONS TO APPEARANCE OF THE
HOUSE**

KINGSMEAD, KINGS LANE, CHIPPERFIELD, KINGS LANGLEY, WD4 9EN



Proposed North East Elevation showing car port
1:100

Proposed North West Elevation
1:100



Proposed South-West Elevation
1:100



**4/00544/16/FHA - TWO STOREY SIDE AND SINGLE STOREY REAR EXTENSION,
NEW CAR PORT AND ALTERATIONS TO APPEARANCE OF THE HOUSE.
KINGSMEAD, KINGS LANE, CHIPPERFIELD, KINGS LANGLEY, WD4 9EN.
APPLICANT: MRS DUNCAN.**

[Case Officer - Rachel Marber]

Summary

The proposed two storey side extension, single storey rear extension, loft conversion with associated rear dormers and detached car port would not detriment the visual amenity of the existing dwelling house, Chipper field Conservation Area, immediate street scene or the residential amenity of neighbouring residents. The proposal is therefore in accordance with saved appendices 3, 5 and 7 and policy 120 of the Dacorum Local Plan (1991), policies CS6, CS11, CS12 and CS27 of the Core Strategy (2013), and the NPPF (2012).

Site Description

The application site features a two storey detached dwelling located on the west side of Kings Lane which falls within the Chipper field Conservation Area and designated small village in the Green Belt. The site is set back from Kings Lane on a generous gravel front drive with front boundary treatment shielding the dwelling from being overtly visible from the street scene; however, the rear of the property is visible from the open fields to the rear of the application site.

Kings Lane is predominantly characterised by detached properties situated on generous plots. Each property is varied in terms of character, build line, size and architectural detailing. The overall area has a verdant character aspect emphasised by the surrounding Green Belt fields.

Proposal

The application seeks permission for a detached carport, single storey rear extension, two storey side extension and loft conversion with three additional rear dormers. The proposed alterations would increase the dwelling from a four bed into a six bed property.

The proposed scheme has been amended in order to recess the rear extension, smaller rear dormer windows and a reduction in the scale and size of the detached carport.

Referral to Committee

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

Planning History

4/02247/13/TC WORKS TO TREES INCLUDING FELLING OF YEW, HOLLY, TWO
A CYPRESS AND TWO BIRCH TREES.

Raise no objection

25/02/2015

4/01330/07/TC WORKS TO TREES

A

Raise no objection

12/07/2007

Policies

National Policy Guidance (2012)

National Planning Policy Framework (NPPF)

Adopted Core Strategy (2013)

CS6 – Small Village in the Green Belt

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

CS27 - Quality of the Historic Environment

Saved Policies of the Dacorum Borough Local Plan (1991)

Policy 13 – Planning Conditions and Planning Obligations

Policies 120- Development in Conservation Areas

Appendix 3- Gardens and Amenity Space

Appendix 5- Parking Provision

Appendix 7 - Small-scale House Extensions

Constraints

Established residential area of Chipper field

- Small Village in the Green Belt
- Special Control for Advertisements
- Chipper field Conservation Area

Summary of Representations

Comments received from consultees:

Chipper field Parish Council

Objection

The application is not in keeping with The Design Statement

More detail is needed on the size, it appears it is over the 30%

Comments received from local residents:

The Old Cottage

Objection

*"We are writing to raise serious concerns and objections with respect to proposed buildings in planning reference number 4/00544/16/FHA. We believe that the proposed suggested buildings, in particular the triple car port adjoining our property, will seriously block light and overshadow our home thereby compromising our quality of life, in addition to a serious visual intrusion in a designated conservation area and loss of privacy. In addition, we would like to draw attention to the very large building that has already been recently constructed to the rear of our home, which has already resulted in substantial loss of privacy and light to the rear of our home, and ask that this new proposal should jointly consider this recent building work in order to assess 'overall impact' as the approval of these plans we mean we would become overshadowed from **ALL** sources of natural light into the downstairs area of our home. We would welcome your inspector into our home for you to assess this for yourselves.*

*In addition to the visual and privacy intrusion of the overall proposed works on not just our home but this conservation area and surrounding homes we would like to **categorically reject the triple car port in its current proposed position** because of the unacceptable impact it will have on us for the following reasons:*

- (1) The position of this very large car triple port will mean it will completely overshadow our kitchen and substantially block natural light into the downstairs area of our home. In addition to the recently built building to the rear of our house, this will mean our entire home will be overshadowed. This will necessitate the use of unnatural light at all times in our home downstairs and will seriously compromise our quality of life.*
- (2) Grant of this planning application will mean our own modest extension to our home, that we worked hard to ensure was in keeping and proportion to a conservation area and has already been started, will not be possible to complete (Planning reference number: 4/02265/08/FHA).*

It is important to contextualise that a number of substantial works have already been carried out at Kingsmead in recent years that I am unsure of how much the planning department was involved, including but not limited to: the creation of a new vehicle access point and driveway, external redecoration and addition of windows to the front roof of the building and most notably a very large, dominating building to the rear of our property. We directly approached our neighbours about the large building they have recently built to the rear of our home as it seriously compromised the privacy of our own, an issue which they reduced, but did not resolve by planting a line of trees (we have lost light into our living room as a consequence, but it was a compromise to our

substantial loss of privacy). They informed us planning permission was not required for this property to the rear, but with this recent application, in particular the very large car port, we are deeply concerned that the light into our home will be shut off from all natural sources and very much hope you will support us in turning down this planning application."

Objection

"Thank you for alerting us to the recent amendment/additional information on the planning application submitted by Kings Mead, Kings Lane our immediate neighbour. We would like to re-iterate our serious concerns and objections with respect to proposed buildings in planning reference number 4/00544/16/FHA and the objections we made in our previous statement dated 18th March, 2016 all remain. We have inputted into and support the views of our neighbours and the response sent to you collectively on the wider development in response to the amended plans and will not repeat that here. However, due to the serious threat to our quality of life we wanted to complement this collective objection with more in-depth information on the proposed car port. We believe the car port (including if a two car port) adjoining our property, will seriously block light and overshadow our home thereby significantly compromising our quality of life, in addition to a serious visual intrusion in a designated conservation area. The positioning and proximity of the current house and carport relative to our home as shown on the plans in the application are misleading. In Diagram 1. (see below, Diagram 1, Exhibit A-D) we have shown a copy of the plan submitted (Diagram 1, Exhibit A) alongside an 'actual' aerial view of the properties (Diagram 1. Exhibit B), so that you can contrast these. We have then combined the two in order to represent a more realistic representation of the proposed work (Diagram 1, Exhibit C). We would request that an inspection is carried out so that an accurate understanding of the genuine impact of the plans can be seen. You will note the following:

- We have just over a car width between our property and the boundary fence, it is in close proximity (one car fits in to our narrow driveway but we struggle to open doors on both sides at once) (Diagram 1, Exhibit D).*
- On the opposing side of our house to the carport we have no windows /source of natural light as this part of our home backs onto our other neighbour's house (See Diagram 1., Exhibit B).*
- At the far end of our building to the front we also have no windows or light as the neighbour on the other side already has a garage in front of our home, immediately juxtaposing our house (See Diagram 1, Exhibit B).*
- We will become near enclosed on our already very narrow driveway /entrance to our home We believe permission granted for this carport/courtyard will lead to the entrance to our home becoming a 'dark alleyway' and will infringe on our right to light into our home (our main source of light is from the windows facing the back of the proposed carport, we have no windows facing frontwards towards the road at all downstairs).*

- *The carport will block light to the windows of our kitchen and a main source of light into our living room and poses a significant threat to our quality of life in our home, necessitating artificial light in daylight hours.*

In summary, we totally reject the statement made in the submission that this carport would in any way be mutually beneficial, it would only be beneficial to the Kings Mead property and would seriously detract from our life in our home. The neighbouring property at Kings Mead has multiple windows facing towards the road and would retain their light, while our home life would be seriously impacted through lack of natural light as the majority of our windows face the back of the proposed carport and would be in very close proximity. As highlighted in the application, Kings Mead have a generous plot and there are many other places where a carport could be constructed where the light into our home would not be compromised. However, with the extensive re-development being proposed we appreciate that some of those potential areas of land will become developed in themselves (e.g. the other side of the house), thus re-highlighting the issue of overdevelopment of this plot.

We do not believe this development will be sympathetic to its surroundings in terms of local character, design, scale, landscaping and visual impact in any way, creating a very dominating building in our street and will seriously detract from this conservation area (as detailed further in the collective response with our neighbours), including blocking views towards our own home, which originated in the 1600s (despite the current application implying the surrounding homes were built in the 20th century)."

(Received 11/05/16

Little Copthall

I would like to register my concerns regarding the above application as I feel that the scale of the development would not be in keeping with a conservation area. I feel that the plans to expand the property on an already exposed plot, as there is no hedging to the front of the property would not be in keeping with village feel.

My own property (little Copthall) is not currently overlooked by Kingsmead but due to scale of the plans to have a significant loft conversion this would all change and I would lose a significant amount of privacy as a result.

I hope the council serve to protect this beautiful village from excessive development.

Copthall Cottage

Objection

As a direct neighbour, I find it necessary to object to several aspects of the above planning application relating to Kingsmead, Kings Lane, Chipperfield. I would like the following points to be taken into account when this application is considered:

1. The planning application does not state that the property is in a conservation area and that it affects the character of a conservation area.

2. The extensions planned are out of proportion to the plot, dramatically altering the current house and would result in a property out of keeping with a conservation area in
3. The increased amount of windows at first and second floor level will impact hugely on the privacy of several neighbouring properties, including The Old Cottage, Corner Cottage, Koh-in- Noor, Copthall Cottage, Little Copthall and Pale Farm House.
4. The roof conversion would greatly impact the skyline and previous applications for loft conversions in the conservation area have been refused.
5. The property has already been substantially developed with a block-brick building, (originally two wooden sheds) built recently in the rear garden.
6. The location map provided does not show that the adjoining land to the rear boundary of Kingsmead is part of Copthall Cottage.
7. Whilst Kingsmead could be considered for extending to some degree, I believe that this application exceeds what is suitable or reasonable for a conservation area.

Corner Cottage

Objection

"We are the immediate neighbours of Kingsmead which is the property relating to this application.

- *The land is a conservation area and this information appears to be missing from the application. Clearly any development needs to be appropriately in keeping with the adjacent properties and the ethos of the conservation area. Our first primary objection is therefore the enormous scale of the proposed extensions. The original house was of modest proportions set back from the road and centrally in a large square plot so that it was quite discrete, proportionate and with attractive gardens. The application is now for a mansion which will extend to both boundaries on either side.*

- *The owners have already built the largest (and noisy) gravel drive on the lane by an order of magnitude and in so doing have damaged our rear garden hedge, which we have carefully maintained for 27 years. We have had to pay several hundred pounds to install replacement wattle fencing. They also uprooted and killed a 35-yr-old Cypress tree, which cannot be replaced, in what was otherwise an immaculately trimmed front hedge.*

- *The planned development has enormous picture windows and an attic development with windows which will be higher than the other properties around. We find this surprising as we understand that other such plans for loft conversions in this conservation area have not been deemed appropriate.*

- *The current house is set back from the road and not in line with the other properties so that it is halfway down our back garden. The left hand border is*

approximately 10 yards from our hedge but with the new development it will be immediately adjacent the hedge and tower over our garden. This will leave us looking at a large wall but more importantly the large upper side windows of their property will have a direct view down the whole length of our garden, on to our patio and into our patio windows, dining room, kitchen and three back bedrooms. There will be no area of the back of our house which is not overlooked by these windows and this constitutes a gross invasion of privacy. Furthermore these same upper windows will provide a direct view over the back gardens of all our neighbours on Kings Lane, including Rivendell, Koh-i-nor, Copthall Cottage, Little Copthall, and even across the paddock of Copthall Cottage to Pale Farm House.

- We have one further serious concern which is that when we moved into our property 27 years ago there was a row of very tall beech trees between our properties in addition to the current hedge. The previous owner of Kingsmead was compelled by his insurance company to have these removed because they were causing subsidence to our property and we had to have strengthening and repair work done. We would be very worried if the extension of Kingsmead towards our house with new foundations dug into the same area were to cause a recurrence of this problem*

- A very large permanent bungalow-sized building has already been erected in the back garden of the property and we feel very concerned for our neighbours in Old Cottage, on the other side of Kingsmead, whose view has been completely blighted by the back of this bungalow in their back garden and now threatened by the building of a very large car port backing on to them at the front. We are also disturbed to find that very few of the affected neighbours listed above have been officially informed.*

In summary the planned development is grossly disproportionate to our narrow country lane and not in keeping with the surrounding properties or a conservation area. It represents a serious intrusion on our privacy and potential risks to our property.”

(Received 17/03/16)

Corner Cottage

Objection

“As the immediate neighbours on the southern side of Kingsmead we have not seen any design changes that address our main concerns. The house is being extended much closer to our boundary so that the main house and rear extension will overlook our whole rear garden, patio and rear windows of our house, 3 bedrooms, dining room and kitchen. It also overlooks the gardens of all our neighbours on the southern side and will therefore be very intrusive into several families' privacy. The development is not sympathetic to its surroundings and certainly not to its neighbours all of whom have objected.

Because the house is set back half way down our rear garden extension closer to the boundary will clearly infringe the 45 degree rule in terms of the line of sight from our rear windows

Any windows on the southern aspect of the extensions (main house and rear extension) should be as small as possible, fixed (non-opening) and frosted glass.

Mention is made of plans for additional trees at the front of the house to provide screening. The occupants have previously removed the hedging screen that was already in place. Some types of tree might be suitable but they need to be mindful that the previous owner planted beech trees and had to remove them because the roots were causing subsidence to our property."

(Received 09/05/16)

Rivendell, Kings Lane

Objection

"This is of great concern to me as I am retired and spend a lot of time in my garden. The plans show that I will be overlooked from the new windows resulting in a loss of my privacy which is very important to me."

(Received via Parish Council 29/03/16)

Objection and petition signed by 7 neighbours (as summarised):

Size- new build is approximately 85% larger than the current house.

Roof Conversion- front and rear gable ends greatly enlarge an already dominant roof, impacting upon front and rear skylines. Detrimentially affecting the privacy of several surrounding properties.

Car Port- has only been marginally reduced and will still affect the light into The Old Cottage due to its height and width, breaking the 25 degree rule applied by the LPA. In addition, the car port will "hide" from view one of the oldest houses in the village.

Windows- the greatly increased size and number of windows result in extreme loss of privacy for neighbours on all sides and do not complement the current house or meet the Village Design Statement criteria. The side windows overlooking adjacent properties should be small, fixed and use frosted glass.

Design- The design is not sympathetic and does not maintain or enhance the character of the conservation area. The Arts and Crafts design will be lost.

Side Extension- by extending 50% to the side a loss of light will be experience by Corner Cottage and Rivendell and this oversteps the light rule both vertically and laterally. Large excavations here also seriously risk causing subsidence to Corner Cottage's foundations.

Location Plan- this is inaccurate and misleading as The Old Cottage is only a car width from the boundary fence and not as shown.

Key Considerations:

Principle of Development

The application site is located within a selected small village in the Green Belt, wherein accordance with policy CS6 of the Core Strategy the principle of a residential extension is acceptable subject to compliance with the relevant national and local policies outlined below. The main issues to the consideration of this application relate to the impact of the proposed extension's character and appearance on the existing dwelling house, surrounding conservation area and impact upon the residential amenity of neighbouring properties.

Effect on Appearance of the Conservation Area and Existing Building

Saved appendix 7 of the Dacorum Local Plan (1991), policies CS11 and CS12 of the Core Strategy (2013) and the NPPF (2012) all seek to ensure that any new development/alteration respects or improves the character of the surrounding area and adjacent properties in terms of scale, massing, materials, layout, bulk and height.

Paragraph 64 of the NPPF states that permission should be refused for developments of poor design which fail to improve the character and quality of an area. Policies CS27 of the Core Strategy (2013) and saved policy 120 of the Dacorum Local Plan (1991) reinforce this, in addition to stating that great weight should be given to the conservation of designated heritage assets in considering the impact of proposed developments within a Conservation Area.

In accordance with the submitted application the proposed extensions and associated alterations would comprise of facing brickwork walls to be part painted in white render, powder aluminium windows and doors and plain roof tiles. These materials are considered acceptable and in-keeping with the existing dwellinghouse; complying with policies CS12 of the Core Strategy (2013) and saved policy 120 of the Local Plan (1991).

Due to the sensitive location of the dwelling house, a DBC Conservation Officer was consulted on the proposal and the suggested amendments were to marginally set in the single storey rear extension and reduce the size of the proposed rear dormers; the subsequent amendments were made. The relevant Conservation Officer provided the following comments in regards to the amended scheme:

“Although the footprint of the house is being significantly enlarged, the extensions are appropriately designed. The extension has been pinched in and dormers reduced in size. The garage has been reduced from three to two bays and is now proportionate to the scale of the house.”

The proposed extensions and alterations would retain the character of the original

property. The existing front gable feature would be replicated within the proposed two storey side extension, and respect is paid to existing front and rear build lines and roof form. Furthermore, the proposed carport has been reduced to a maximum 4 metre height to reduce dominance in relation to the visual appearance of the main property.

The dwelling house is marginally visible from the street scene due to its location within the site and existing front boundary treatment. Similarly, the immediate street scene contains no uniformed architectural style of property and as a result no objections are raised in regards to the design of the proposed alterations to the dwelling house.

The application site is situated significantly further back from Kings Lane than the immediately neighbouring properties; in this regard the proposed forward situ of the carport would not project beyond the neighbouring properties build lines and therefore would not appear out of context, or prominent within the established building lines.

As a result the proposal is not considered to have an adverse impact upon the character and appearance of existing dwellinghouse or Chipper field Conservation Area. The proposal is therefore in accordance with saved appendix 7 and policy 120 of the Dacorum Local Plan (1991), policies CS11, CS12 and CS27 of the Core Strategy (2013) and the NPPF (2012).

Effect on Amenity of Neighbours

The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved appendix 3 of the Local Plan (1991) and policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact upon neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light or privacy.

Due to the further forward build lines of neighbouring properties, Corner Cottage and The Old Cottage the proposed single storey rear extension would not result in loss of outlook, daylight or privacy to neighbouring properties. Similarly, the rear extension would be located 38 meters (approximately) away from neighbouring properties, Rivendell and Noh-I-Nor, located adjacent to the site.

Concerns have been raised in regards to loss of privacy and overlooking which may result from the two storey side extension. In order to mitigate such an externality from occurring, a condition for obscure glazed first floor windows has been attached to the grant permission. This has been further enforced by a condition ensuring the implementation of replacement boundary hedging.

The proposed carport would run adjacent to the boundary with, The Old Cottage. Nonetheless, the proposed structure is not considered to result in a severe loss of light or privacy to neighbouring residents due to the existing side elevation of The Old

Cottage featuring a blank façade except for a single ground floor window which would be situated before the proposed carport. Furthermore, the proposed 4 metre height and hipped roof form of the carport, which would be pitched away from the neighbouring property, would reduce the any loss of daylight to The Old Cottage which may result.

As a result the proposal in regards to residential amenity is acceptable in terms of the NPPF (2012), saved appendices 3 and 7 of the Local Plan (1991) and policy CS12 of the Core Strategy (2013).

Impact on Car Parking Provision

The Council's Parking Guidelines outlined within saved appendix 5 of the Local Plan (1991) requires three off street parking spaces for four+ bed dwellings within Residential Zone 3-4. The application seeks to increase the number of bedrooms from four to six, which would not require an increase in parking provision. Furthermore, the off street parking provision is sufficient to accommodate at least four domestic cars. As a result it is not considered that the proposal would impact upon the safety and operation of the adjacent highway. The proposal meets the requirements of policy CS12 of the Core Strategy (2013) and saved appendix 5 of the Local Plan (1991).

Consultation Response

Several concerns were received as a result of the application. The main concerns are addressed below:

Overdevelopment in the Greenbelt- The application site is located within a designated small village in the Greenbelt and therefore household extensions are acceptable in principle subject to compliance with other policies in the plan. There is no capped percentage allowance in the small villages.

Loss of light to neighbouring property, The Old Cottage, as a result of the proposed carport- this has been addressed within the residential amenity section above. In short, the marginal proposed height and roof form of the carport is not considered to severely impact upon the neighbouring property- taking into consideration both the existing site circumstance and granted side extension.

Outbuilding constructed in rear garden- This outbuilding has been constructed without planning permission under Class E of the General Permitted Development Order and does not form part of the consideration for this planning application. Nonetheless, due to the orientation of the outbuilding to the North of the application site, it is not considered that the structure results in a significant loss of daylight to the rear garden of the Old Cottage.

Removal of existing hedging to the front of the property- The proposed site location

plan features front and side boundary treatment to shield the proposal from both neighbouring residents and street view. To ensure this boundary treatment is implemented/retained a condition in this regard has been attached to the grant recommendation.

Not in-keeping within the Conservation Area- The proposal has been amended in line with the Conservation Officer's comments, who supports the amended scheme.

Loft conversion resulting in loss of privacy to neighbouring properties- The west facing orientation of the dormer windows would not overlook the adjacent properties (Little Copthall, Copthall Cottage, Koh-I-Nor, Rivendell, Corner Cottage).

Additional windows proposed resulting in loss of privacy- The additional windows proposed on the south-east two storey side extension would not result in an adverse loss of privacy to adjacent properties due to a 38 metre (approximate) separation distance. Nonetheless, to protect the privacy of the rear garden of Corner Cottage a condition for obscure glazed windows has been attached to the Grant permission. No additional windows are proposed to the North- West elevation.

Structural problems caused by extension- this is not a Development Management consideration and will be addressed at Building Control stage.

Installation of noisy gravel driveway- Under Class F of the General Permitted Development Order the resurfacing of driveways with a permeable material does not require planning consent.

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

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

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

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

Reason: To ensure a satisfactory appearance to the development and Chipperfield Conservation Area; in accordance with policy CS12 and CS27 of the Core Strategy (2013) and saved policy 120 of the Local Plan (1991).

- 3 The windows at first floor level in the South-East elevation of the side extension hereby permitted shall be permanently fitted with obscured**

glass.

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings; in accordance with policy CS12 of the Core Strategy and saved appendix 3 of the Local Plan (1991).

- 4 **All hard and soft landscape works shall be carried out and maintained in accordance with the approved details on site plan (3207 01 Rev B). The works shall be carried out prior to the occupation of any part of the development or in accordance with an agreed timescale.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the verdant character aspect of Chipperfield Conservation Area; in accordance with policy CS12 of the Core Strategy and saved policy 120 of the Local Plan (1991).

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

3207 06 Rev E
3207 05 Rev E
3207 01 Rev B
3207 09

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

Article 35 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

Item 5f

4/03957/15/FHA - SINGLE STOREY REAR AND TWO STOREY REAR EXTENSION, FORMATION OF A LOFT CONVERSION WITH A REAR DORMER. NEW VEHICULAR ACCESS WITH DOUBLE CAR HARDSTAND TO REAR

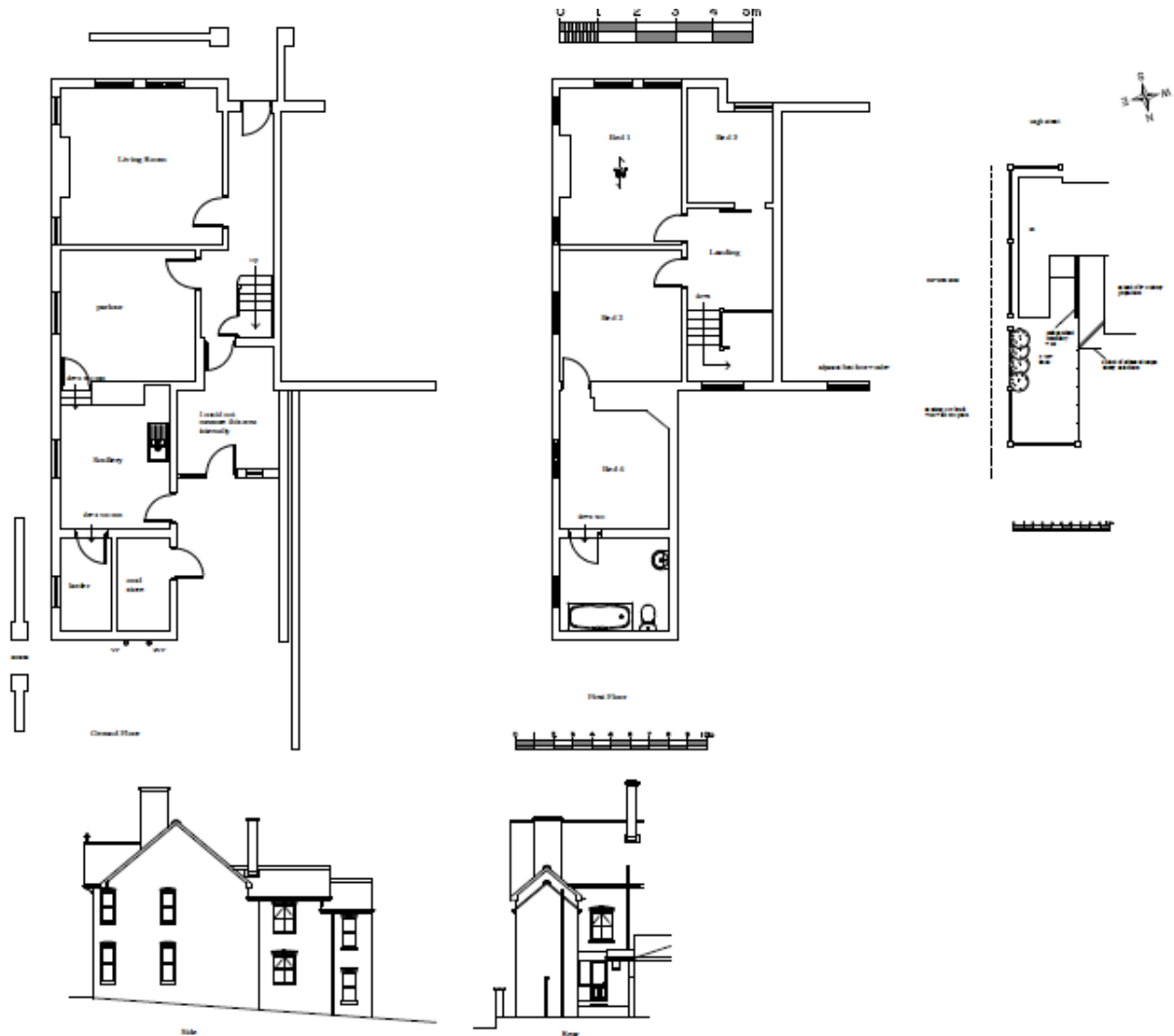
66 HIGH STREET, BERKHAMSTED, HP4 2BW



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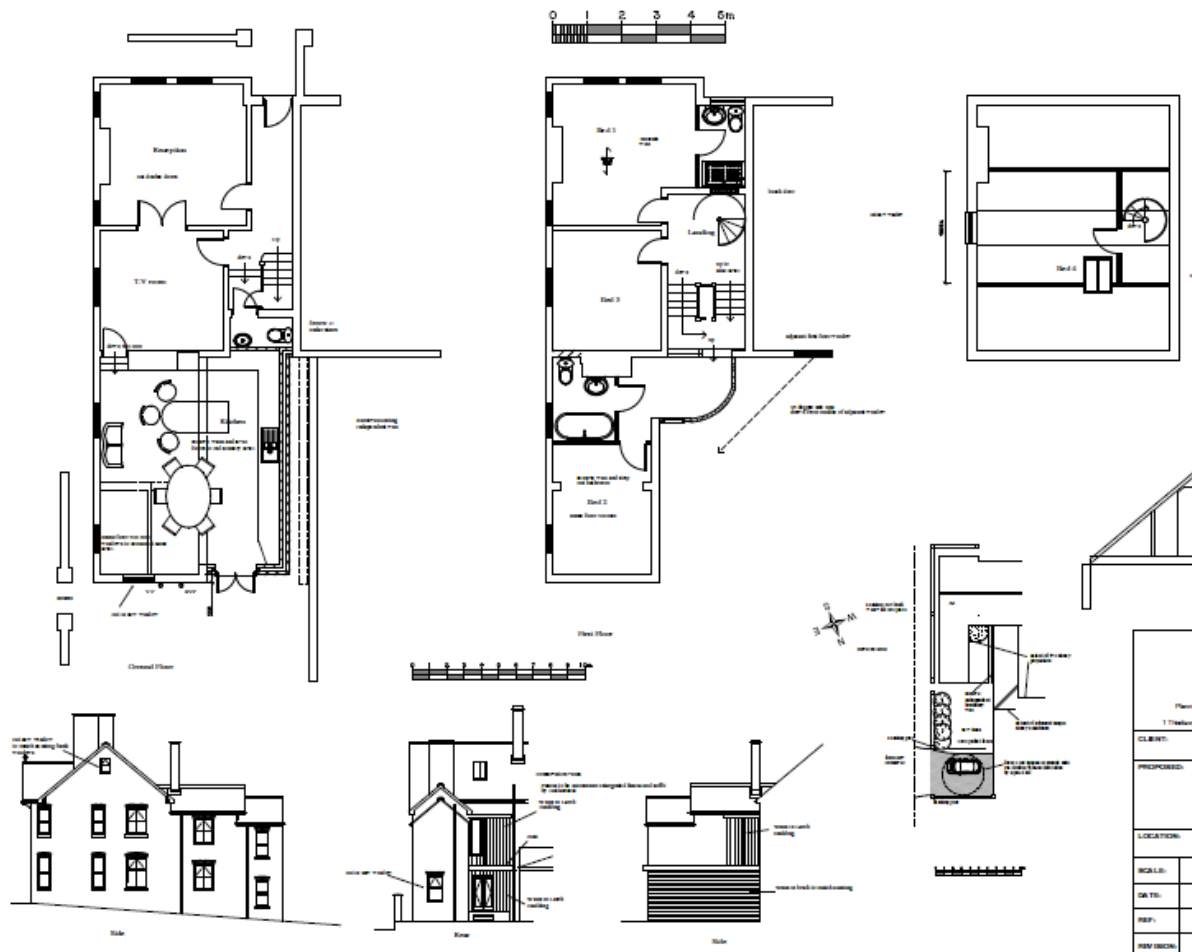
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66 HIGH STREET, BERKHAMSTED, HP4 2BW.
APPLICANT: Mr Kirchgaesser.**

[Case Officer - Ross Herbert]

Summary

The application is recommended for approval. The proposals have been significantly improved and refined through proactive engagement with the Conservation Team. The scheme is now considered to be acceptable for approval. There would be no adverse impact on the character and appearance of the locally listed terrace, the street scene, or the Conservation Area. There would also be no adverse impact on the amenity of the neighbouring properties. The Highway Authority has raised no objections to the propose off-street parking area.

Site Description

The application site is located to the north of Berkhamsted High Street, within the town centre, Conservation Area, area of archaeological interest and adjacent to a Grade II listed building. 66 High Street comprises of a two storey, Victorian end of terrace dwelling located on the south side of the High Street, on the junction with Ravens Lane. The property forms a part of 'Sibdon Place', a terrace of five houses (66 – 74, even). The terrace is included upon the list of locally important buildings in Berkhamsted.

Proposal

The application seeks planning permission for a single and two storey rear extension, loft conversion, together with a new car parking bay (two spaces) to the rear of the site, requiring a new cross over. The proposal has been significantly amended throughout the application process following negotiation with both the planning and conservation officers.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Berkhamsted Town Council.

Planning History

None

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
NPPG

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS27 - Quality of the Historic Environment
CS29 - Sustainable Design and Construction

Saved Policies of the Dacorum Borough Local Plan

Policies 10, 12, 13, 15, 18, 19, 21, 120
Appendices 3, 5, 7

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Accessibility Zones for the Application of car Parking Standards (July 2002)

Advice Notes and Appraisals

Conservation Area Character Appraisal for Berkhamsted

Summary of Representations

Berkhamsted Town Council

Object

The Council objected on the grounds of loss of on-street parking space, scale, and the deleterious effect on the Conservation Area. Additionally, the vehicular access on to a busy through road would be hazardous.

Reference CS11 and CS12.

Conservation and Design

Initial comments

66 High Street is a two storey, Victorian end of terrace dwelling located on the south side of the High Street within the Berkhamsted Conservation Area. The property forms a part of 'Sibdon Place' (the name plaque remains in situ), a terrace of five houses (66 – 74, even). The terrace was architect designed and built in the 1860s, it is a fine example of a remarkably unaltered Victorian terrace and is included upon the list of locally important buildings in Berkhamsted; the terrace makes a strong positive contribution to the Conservation Area.

Sibdon Place is of red brick construction with buff brick and stone dressings, flower and leaf moulded patterned brick panels in the front gables. There is moulded brick

banding across the whole façade, the uppermost band has a repeating sycamore fruit motif along its length. It is an attractive, balanced terrace with nos. 66 and 74 having shallow gabled front bays; to the rear are two-storey projecting wings. No. 66 is on the corner of the High Street and Ravens Lane – its red brick side elevation with windows is visible and prominent in the street scene. The rear of 66 is also visible in views up Ravens Lane. The terrace has retained its timber sash windows to the front elevation, in part due to the Article 4(2) Direction that covers the terrace. At present no. 66 looks to be vacant with one of the front windows boarded up.

A request for pre-application advice was submitted in 2015. The current application proposes various alterations to the property, these are as follows:

Two storey rear extension - The property already has a two storey rear wing, with a later two storey extension attached. The application proposes a shallow gabled two storey rear extension, adjacent to the existing rear wing. Whilst it does not project out all that far, the proposed additional gable gives a rather cluttered appearance to this rear elevation. The original rear wall line would be lost through the proposed two-storey extension and the rhythm of rear elevation of the terrace would be disrupted, this part of the proposals is considered to detract from the design and appearance of the terrace.

Dormer in rear roof slope- The proposed dormer, which would sit above the proposed two storey rear extension looks out of character within this terrace. Whilst it is set down from the ridge and is fairly small in relation to the existing roof slope it is still rather bulky, this is exacerbated by the amount of slate hanging either side of the window.

The principle of inserting rear dormers within this terrace is also an important consideration. A previous application for a rear dormer to no. 68 High Street (adjacent) was strongly resisted by Conservation and the current loft conversion to this property has rear roof lights only. A large dormer was constructed on the rear roof slope of no. 74 High Street but this was before the architectural interest of the terrace was recognised, this dormer is also not visible within the street scene. Any dormer to no. 66 High Street would be very visible from Ravens Lane, as such it is suggested the loft is converted without the use of a dormer, a couple of conservation roof lights to the rear roof slope would be a better alternative.

The application shows an en-suite bathroom within the attic, this may be acceptable in principle however it is not clear whether any alteration to or removal of the shared chimney stack would be required; the loss of this chimney stack would not be acceptable.

A window within the upper part of the gable end is proposed, as part of the loft conversion. The window size should be reduced and it should adopt the same detailing and material construction as the existing windows on this side elevation.

Single storey side extension in side yard, No objection to this, the extension would infill the side yard and not project out beyond it. It is of modest design and proportion and will not be a visible element within the street scene – it is suggested the roof incorporates some glazing to give the extension a more lightweight feel and appearance.

The application also proposes the demolition of part of the side boundary wall to create a parking area to the rear of the property. The boundary wall steps up Ravens Lane, it is of brick construction with rounded stone capping, the railings are missing. At regular intervals along the wall are tall brick piers. The two piers at the end of the wall would be retained according to the plans but the wall between them removed, the loss of some of this boundary wall would be unfortunate – the wall and railings are included in the description of this locally listed building and are considered to enhance the Conservation Area. To allow two cars to park in this small space a car turntable is proposed. More details are required in relation to the design and appearance of the turntable, to assess whether it would preserve the character / appearance of the conservation area.

An additional consequence of creating the parking area will be to make views of the rear elevation from Ravens Lane much clearer than they are at present.

As outlined above, whilst some aspects of the proposal are acceptable the proposed two storey rear extension and the roof dormer would fail to preserve or enhance the Berkhamsted Conservation Area or the Locally Listed terrace 'Sibdon Place'. Recommend refusal.

Further comments

Further to our meeting this morning I have the following points / suggestions:

The plans are currently inaccurate, two further windows need to be shown on the side elevation (facing Ravens Lane) and the side elevation (proposed plans) shows the former pre-app proposal (for raising the ridge of the rear gabled), this needs to be omitted.

The levels inside (within the rear wing) are to be raised by c 300mm as part of the proposed alterations, it would be helpful if a plan showing a section through the rear wing could be produced showing the new floor levels and ceiling levels and their relationship with existing windows / openings. The existing windows should not be moved / blocked / raised as part of the alteration works.

At the site meeting it was agreed that the dormer and loft conversion were to be omitted from the proposed scheme - this is welcomed.

The main issue related to the proposed two-storey rear projection to allow access from the current stairs through to the rear wing, avoiding bedroom 3. The gabled projection proposed is not acceptable, it is overly assertive in its design, disrupts the traditional form of the Victorian property and harms its character / appearance. At the site meeting it was agreed that officers would meet to discuss any options for extending the property in this location.

Further to this it is suggested that sketch drawings are produced for a small two-storey extension with flat roof.

The extension should be no larger than necessary to allow for access from staircase through to rear wing, it should not project the full width of the rear or project out so far. The flat roof should preferably sit under the eaves of both rear wing and main roof. A contemporary approach to its finish is suggested, perhaps with oak cladding or similar. An extension of this type may still be considered to harm the character / appearance

of the conservation area and the locally listed property however it is an option that is worth exploring.

The ground floor extension infilling the side yard could also be flat roofed (to relate better to the possible 2-storey rear projection), perhaps with a small lantern to allow light to the kitchen. Otherwise the extension could have a monopitch slate roof as previously discussed.

I hope this covers the main points discussed,

Further comments

As discussed, some comments on the latest draft plan:

The first floor extension. This seems to be going along the right lines but is there scope to reduce the width of the first floor element and possibly its depth? The curve, timber cladding and a zinc roof make this a clear modern addition.

The ground floor extension should be set back slightly from the existing rear wing. Will this element require any roof lights?

The window within the gable end (to serve the loft conversion) should be reduced in size (smaller 1-over-1 sash) and a brick window head added. The 3 roof lights within the rear roof slope should be reduced to 1 or 2.

The bathrooms will require soil vent pipes and other pipe work, running pipework down the front or side elevation of the property would not be acceptable.

The levels inside (within the rear wing) are to be raised by c 300mm as part of the proposed alterations. The existing windows should not be moved / blocked / raised as part of the alteration works. The side windows (ground and first floor) within the rear wing facing Ravens Lane should not be moved or altered in any way to accommodate this 300mm raising of floor levels.

HCC Highways

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

Decision Hertfordshire County Council has no objection to the principle of the proposed rear extension, subject to the inclusion of the following informatives to the grant of planning permission.

Condition SHC 08: Prior to the commencement of the use hereby permitted the vehicular access shall be constructed to a maximum width of 5.4m plus the transition kerb in accordance with the Hertfordshire County Council residential access. Arrangements 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: In the interest of highway safety and traffic movement.

SHC 18: Prior to the first occupation of the development hereby permitted, pedestrian visibility splays measuring 2m x 2 metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway . Note this may mean lowering the existing brick piers to archive this safety requirement.

Reason: In the interests of highway safety.

Informatives

New or amended crossover – construction standards AN1) Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the 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. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Storage of materials

AN2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Description of the Proposal The location of the proposed development is at the rear of 66 High Street, Berkhamsted. The proposed development is for a single storey and two storey rear extensions. The applicant also wishes to create two off street parking spaces to the rear garden area by having a new simple vehicle crossover off Ravens Lane. This is shown on the submitted plan.

Site Description The site is situated in a residential neighbourhood and close to the town centre. There does not appear to be any existing off street parking associated with this site, hence the request to allow off street parking to the rear garden.

Analysis

A Transport Statement or Assessment are not required as part of this application due to the small size of the proposed development. This is in line with Roads in Hertfordshire: Highway Design Guide requirements.

Highway Impact

Trip Generation

The trip generation profile is not required as the development proposed for a new access and is unlikely to impact on the overall function of the local highway network.

Road Safety

There are no collisions recorded within the vicinity of the development site. ie junction with High Street and Ravens Lane. Given that the development is unlikely to add trips to the road network, it is also unlikely that the changes to the development site will negatively impact the safety of the highway.

Vehicle Access

The proposed double width access will pass through the last section of a section of on street parking at the top end of Ravens Lane. Opposite and further down there is a combination of limited waiting and controlled parking spaces (permit). However, this section from the end of the junction protection double yellow lines with the High Street to some thirty metres past this point to the start of some more no waiting at any time waiting restrictions allows for approximately 5 cars top park, all day long. The proposed new access will prevent approximately the last 5m of this free to park section of Ravens Lane from being parked upon by all except the owners or visitors to 66 High Street. Outside of this use it could help by freeing up space and forming a longer section of passing room at the junction with the High Street. Currently there is a bottle neck pinch point due to this on street parking.

Car Parking and Cycle Parking

Car Parking

The car parking provisions for the development site are off-street. The proposed changes will require the lowering of kerb. However, the parking provision will need to accord to The Dacorum Borough Council's Parking Standards and it will be for the Dacorum Borough Council to determine the appropriateness of the level of parking provided.

Cycle Parking

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

Servicing Arrangements

The servicing arrangements are not expected to change with the proposed new access.

Accessibility

The overall accessibility of the site will remain unchanged as part of this planning application. There are bus stops are along the A4251, High Street. The services run

frequently, in both directions linking the towns of Berkhamsted with Hemel Hempstead and Tring. The train station is close to the development site too. There are no formal cycling facilities in the vicinity of the development site. There is part of one near the junction of Bank Mill but it is not a complete system. There are footways on both sides of Fieldway with acceptable pedestrian connectivity within the local area.

Travel Plans

The applicant has not submitted a travel plan as part of this application. The scale of the development falls below the threshold that requires either a Travel Plan or a Statement

Planning Obligations/ Community Infrastructure Levy (CIL)

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

Conclusion

The highway authority would not wish to restrict the grant of planning permission subject to the above conditions and informatives.

HCC Historic Environment

In this instance, due to the small scale of the proposed development and its nature, the impact on the historic environment is likely to be small, and therefore no archaeological condition is required. However, the development site is in an archaeologically sensitive area, adjacent to the High Street (which follows the line of Roman Akeman Street) and in the core of the medieval town.

I would therefore request that you attach an informative to the planning permission (if you are minded to grant consent) for the applicant to contact this office prior to the commencement of groundworks, so that a site visit may be made at the appropriate time. I suggest the following wording:

'Prior to the commencement of development the applicant must contact the archaeology team via historic.environment@hertfordshire.gov.uk to enable the inspection of groundworks in order to ensure a record is made of any significant assets of archaeological or historic interest that may be present.'

Comments received from local residents:

68 High Street

I am emailing you today to comment on planning proposal 4/03957/15/FHA at 66 High St Berkhamsted. Living directly next door at 68 High St I feel, in general the proposal looks fine! But I do have 1 main concern and 1 slight concern! My slight concern is the dormer window for the loft conversion!

When we went for planning for our loft conversion, we were only allowed Velux conservation Windows! Not a dormer! As it wasn't in keeping with the conservation look required, if a dormer window now goes next to our windows, this would look very odd!

But my main concern is the rotary turntable for parking at the bottom of the garden! For the applicant to get access to this it would mean losing 1-2 car park spaces in Ravens lane!

When I moved into my property 25 years ago I could park outside my house! Now I have to park down either Ravens lane or Victoria rd! As you are probably aware parking is at a premium in this area and with the addition of the roundabout at the bottom of Victoria rd and the planning given to the Rex cinema (with no parking allocated) In the last 10 years it has become very difficult to park at any time of day! I am sure Highways are aware of this!!! If we lose any more spaces we may have to park in other side roads in the area! Causing more issues for Highways!

38 Clunbury Court

Raised concerns in relation to access to rear of Clunbury Court for maintenance, and loss of on-street parking spaces on Ravens Lane.

8 Ravens Lane

Raised objection due to removal of on-street parking spaces.

Considerations

The main issue of relevance to the consideration of this application relates to the impact of the proposal upon the character of the existing dwelling and the Conservation Area, however with the impact of the proposed parking to Highway Safety and Parking. Other issues of relevance relate to the impact of the proposal on neighbouring properties.

Policy and Principle

The site is located in an urban area and the principle of providing domestic extensions is acceptable in accordance with Policy CS4 of the Core Strategy. Policy CS27 of the adopted Core Strategy requires all development to positively conserve and enhance the appearance and character of conservation areas.

Effects on appearance of building

The proposed scheme now is considered to facilitate the necessary extension of the property to allow functionality of the first floor whilst still retaining the original character and design of the parent house. The single storey extension now has a flat roof and is set slightly back from the existing rear build line of the rear wing. It would be constructed in brick to match existing, with the rear elevation being clad in larch cladding. It is considered to assimilate well with the proportion and form of the parent house. The proposed two storey extension has been significantly refined and reduced in size from the original proposal in order to avoid a bulky addition. Indeed the two storey element has been designed having specific regard to the advice of the Conservation Team by simply providing a link through the existing first floor space, without competing with the parent house. The first floor extension is of a modern contrasting design and form, which would complement the original dwelling and offer the important link at first level needed to allow the property to be brought to modern

day standards. The first floor link extension would be clad in larch cladding and would have a zinc roof, like the ground floor extension.

The proposals would now be in-keeping with the character and appearance of the host building in compliance with Core Strategy Policy CS12.

Impact on the street scene/Conservation Area

The site is located within Berkhamsted Conservation Area and there are prominent and clear views to the side and rear of the property from Ravens Lane. The property also forms part of a locally listed terrace. In liaison with the Conservation Team, the scheme has been substantially altered to remove the dormer windows to the rear together with significant modification to the two storey rear extension and improvements to the single storey extension. As such the proposal is now for a single storey rear extension, together with a small first floor link. This is considered to allow movement and utilisation of the first floor of the dwelling without compromising the character of the property or indeed resulting in a negative feature within the Conservation Area. The dormer windows have also been removed, with only a single conservation style roof light proposed on the rear roof slope.

It is considered that the proposed scheme would now preserve the character and appearance of this part of the Berkhamsted Conservation Area, in compliance with Core Strategy Policy CS27. The proposals would be in-keeping with the character and appearance the street scene in compliance with Core Strategy Policy CS12.

Impact on Neighbours

Policy CS12 states that, with regards to the effects of a development on the amenity of neighbours, development should avoid visual intrusion, loss of light and loss of privacy. The proposed scheme would have no adverse effect on the amenity of the neighbouring properties through loss of daylight, sunlight or privacy. The proposal has been amended significantly with the first floor rear element now simply forming a link through to the existing rear wing. The ground floor extension would not project as far as that of the immediate neighbour and would have no detrimental impact. The dormer window has been removed from the scheme and there would be no overlooking as a result of the proposals.

Impact on Highway Safety

The Highway Authority has been consulted on the application and has raised no objections to the proposed off-street parking area and turn-table, subject to the imposition of conditions in relation to the width of the access and visibility splays. These have been added to the recommendation accordingly. It is therefore considered that the proposals would result in no adverse impact on highway safety or the freeflow of traffic. The proposals would allow cars to exist the site in forward gear with adequate visibility splays maintained.

The existing property currently has no off-street parking available. It is considered that the creation of two off-street parking spaces at the property will help to alleviate on street parking on Ravens Lane in the immediate vicinity of the property, by taking up to two cars off the street. Neighbouring residents in Ravens Lane have raised the issue of the creation of the new parking area removing an on-street parking space. Whilst a

section of on street parking would be lost through the creation of the new access, the proposals would still result in an improvement to the existing parking situation locally by creating two off-street spaces, and so the proposals are considered to be an improvement.

RECOMMENDATION - That planning permission be GRANTED subject to the following conditions:

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

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

- 2 **The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings.**

Reason: To ensure a satisfactory appearance to the development and in the interests of the visual amenities of the Conservation Area.

- 3 **The vehicular access hereby permitted shall be constructed to a maximum width of 5.4m plus the transition kerb in accordance with the Hertfordshire County Council residential access. Arrangements 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: In the interest of highway safety and traffic movement.

- 4 **Pedestrian visibility splays of 2 m x 2 m shall be provided before any part of the development is first brought into use, and they shall thereafter be maintained, on both sides of the entrance to the site, within which there shall be no obstruction to visibility between 600 mm and 2 m above the carriageway.**

Reason: In the interests of highway safety.

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

WREN NAJ 24 2015
WREN NAJ 24c 2015 Scheme C
Location Plan

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

Article 35 Statement

Planning permission has been granted for this proposal. The Council acted

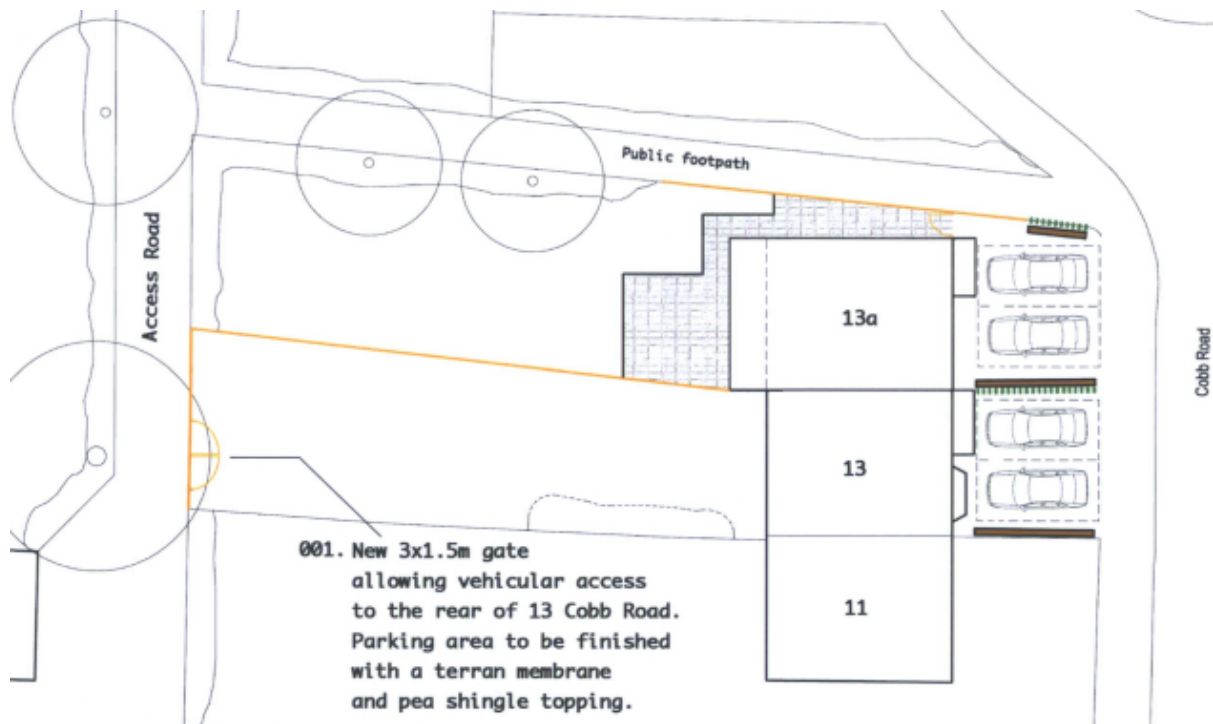
pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning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

Agenda Item 5g

Item 5g

4/00738/16/FHA - VEHICULAR ACCESS TO WESTERN BOUNDARY FROM SERVICE ROAD

13 COBB ROAD, BERKHAMSTED, HP4 3LE



**4/00738/16/FHA - VEHICULAR ACCESS TO WESTERN BOUNDARY FROM SERVICE ROAD.
13 COBB ROAD, BERKHAMSTED, HP4 3LE.
APPLICANT: Mr P Byrne.**

[Case Officer - Briony Curtain]

Background

The application is recommended for approval.

Given the site's location within a town and residential area, the principle of residential development is acceptable in accordance with Policy CS4 of the Core Strategy. Furthermore there is some question as to whether planning permission is actually required for the development. An application has been submitted for the avoidance of doubt.

The proposed development would not have any adverse layout implications, and would not detract from the character or appearance of the street scene.

The development would not have a detrimental impact on the residential amenity of neighbouring properties.

The new access and car parking arrangements to the rear would be satisfactory and not give rise to an adverse impact on the safety or operation of adjacent highways. There are numerous similar examples in the immediate area.

The proposal is therefore in accordance with the aims of the National Planning Policy Framework, Policies CS4, CS11, CS12 and CS25 of the Dacorum Core Strategy (September 2013) and saved Policies 18 and 21 of the Dacorum Borough Local Plan 1991-2011.

Site Description

The application site is currently occupied by a two-storey mid-terrace dwelling located on the western side of Cobb Road. The application property was until recently one half of a semi-detached pair but an attached two storey, 3-bedroomed dwelling has been constructed immediately to the north.

The site is located within an established and regularly planned residential neighbourhood forming part of the BCA16 - Durrants character area and on a valley slope where levels fall in a northerly direction. Dwellings in the street are predominantly semi-detached with a row of terraces to the north at the end of the court bowl of Cobb Road, and are otherwise similar in terms of design and materials.

Proposal

Planning permission is sought for the insertion of vehicular access gates to the rear of the site and the formation of a single parking space. The access would be created via the introduction of inward opening timber gates whilst the parking area would comprise a terran membrane with pea-shingle topping.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Berkhamsted Town Council.

The application is also referred to the Development Control Committee as a previous application was refused by the committee.

Planning History

4/00476/15/DR C DETAILS AS REQUIRED BY CONDITIONS 6 (PEDESTRIAN VISIBILITY), 7 (CAR PARKING), 9 (LANDSCAPING) AND 10 (PROTECTION OF TREES) OF PLANNING PERMISSION 4/001970/14/FUL (DEMOLITION OF GARAGE AND CONSTRUCTION OF ONE THREE-BEDROOM DWELLING)
Granted
02/04/2015

4/03013/14/FU L DEMOLITION OF GARAGE AND CONSTRUCTION OF THREE BEDROOM HOUSE
Refused
04/12/2014

4/01970/14/FU L DEMOLITION OF GARAGE AND CONSTRUCTION OF ONE THREE-BEDROOM DWELLING
Refused-allowed on appeal
06/10/2014

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance

Dacorum Core Strategy (September 2013)

Policies NP1, CS1, CS4, CS11, CS12, CS17, CS18, CS25, CS29, CS31 and CS35

Dacorum Borough Local Plan 1991-2011 (saved policies)

Policies 13, 18, 21, 58 and 99
Appendices 3 and 5

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Area Based Policies (May 2004) - Residential Character Area BCA16 - Durrants

Summary of Representations

Comments received from local residents:

None Received

Hertfordshire County Council Highways

Formal comments awaited

Berkhamsted Town Council

A discussion took place and following a vote it was agreed to record a

Concern.

The proposals would effectively create a car park in the rear garden although there is already parking for two cars at the front. In this context a precedent might be set. Additionally, there were concerns about increased traffic movement in a narrow service road and the consequent potential hazards.

Furthermore, the proposals are contrary to Core Strategy policies 11 (a) and 12 (e, g).

Trees and Woodlands

There are trees opposite the proposed access but nothing that would be adversely affected by the works.

Considerations

Policy and Principle

The application site is located in the residential area of Berkhamsted town wherein in accordance with Policy CS4 of the Core Strategy, the proposed development would be acceptable.

Furthermore it is important to note that the provision of a parking pad to the rear garden and the introduction of vehicular gates would not normally require formal planning permission. These would be lawful under Part 1, class G and Part 2 class A of the GPDO 2015 and would not require planning permission.

In this instance, however, the current proposal would be different to an approved landscaping scheme (4/0476/15/DRC) associated with the construction of an attached new dwelling which was allowed at appeal (No. 13a 4/01970/14/FUL). Whilst the inspector required details of the hard and soft landscaping, and the means of enclosure be submitted to and approved by the Local Planning Authority, the condition did not require the approved details be thereafter maintained as such. There is thus some question as to whether or not permission is actually required as the LPA could not control the proposed development via the wording of that condition alone. The relevant classes of permitted development were not removed. For the avoidance of doubt an application has been submitted.

The main considerations in the determination of the current application are thus; the visual impact of the development; its impact on residential amenity; and its impact on the safety and operation of the adjacent highway.

Effects on appearance of site / street scene

The proposal would not have an adverse impact on the character or visual appearance of the site or the wider street scene. From public vantage points, the visual impact of the proposal would be negligible, the existing timber pedestrian gate merely being widened to facilitate vehicular access. The rear of the application site is only visible from a narrow access track to the west, which itself serves the rear of only 8 dwellings and a garage court. Given the number of properties it serves, and the fact it provides rear access only, the lane is not widely used.

The Town Council have expressed concern and consider the proposal contrary to Policy CS11 (a) and CS 12 (e & g) of the Core Strategy. These policies are concerned with the Quality of Site Design and requires amongst other things that (e) plants trees and shrubs to help assimilate development and softly screen settlement edges; (g) respect adjoining properties in terms of layout, site coverage, scale, landscaping and amenity.

Despite the town councils comments, the proposal **is** considered to comply with the policies for the following reasons;

- Layout and Site Coverage - at least 3 out of the 8 properties along this side of Cobb Road already exhibit garages / parking areas to the rear, within their garden areas and are accessed via the same track. The current proposal seeks consent for a modest, single parking space, which in layout and site coverage terms is therefore either identical to other sites in the immediate vicinity or in fact lesser in terms of the amount of hard standing / development.
- Plants / shrubs / landscaping - the rear of the application site currently comprises a hedge with a pedestrian gate set mid way along. The proposal seeks to amend this to a wider timber gate to facilitate parking. As a result only a very small section of the existing hedge would be removed to facilitate the double inward opening vehicular gates. The remainder of the hedge would remain and would soften the overall appearance of the rear of the application site. This is considered acceptable and would ensure an acceptable assimilation into the area. The rear boundary of most of the sites to this side of Cob Road are enclosed entirely by close boarded fencing, and no soft landscaping at all. The proposal would thus assimilate far better than other existing examples which have no soft landscaping at all.

The proposal would comply with all the requirements of Policy CS11 and CS 12.

Impact on Neighbours

The proposal would not have a significant adverse impact on the residential amenities of surrounding properties. The parking area would be situated to the rear of the existing garden, some distance from the adjacent neighbours and would merely consist of the laying of a hard surface in place of the existing lawn. The existing close boarded fencing between the sites would ensure no privacy or overlooking issues and despite being visible from the first floor of neighbouring properties, there would be no significant visual harm. With regard to noise and disturbance associated with the

development, given the scale of the proposal, a single parking space, the use of the land would not significantly intensify and no significant harm would be caused. Moreover there would be no further noise and disturbance than that associated with the similar adjacent parking areas already referred to.

Highways and Parking

Berkhamsted Town Council has expressed concern about increased traffic movements in this narrow lane as a result of the development. These concerns are not shared by the LPA or the Highways Authority. The proposal seeks consent for a single parking space associated with an existing residential dwellinghouse. The scale of the development means the use of the existing access would not significantly intensify to such a level as to adversely affect its safe use or operation.

The gates open into the site and as such would not pose a danger to pedestrians or other users of the lane.

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

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

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

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

No. 1 - LOCATION PLAN 1:1250

No. 2 - BLOCK PLAN

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

Article 35

Planning permission/advertisement consent/listed building consent 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 2012.

Agenda Item 5h

Item 5h

4/00736/16/FUL - TWO-STOREY/PART REAR SINGLE STOREY EXTENSION TO SIDE OF NO. 2 MARLIN CLOSE TO FORM NEW DWELLING. DIVISION OF PLOT INTO 2 SITES. FORMATION OF NEW CROSSOVERS TO SITE AND PROVISION OF ON-SITE PARKING

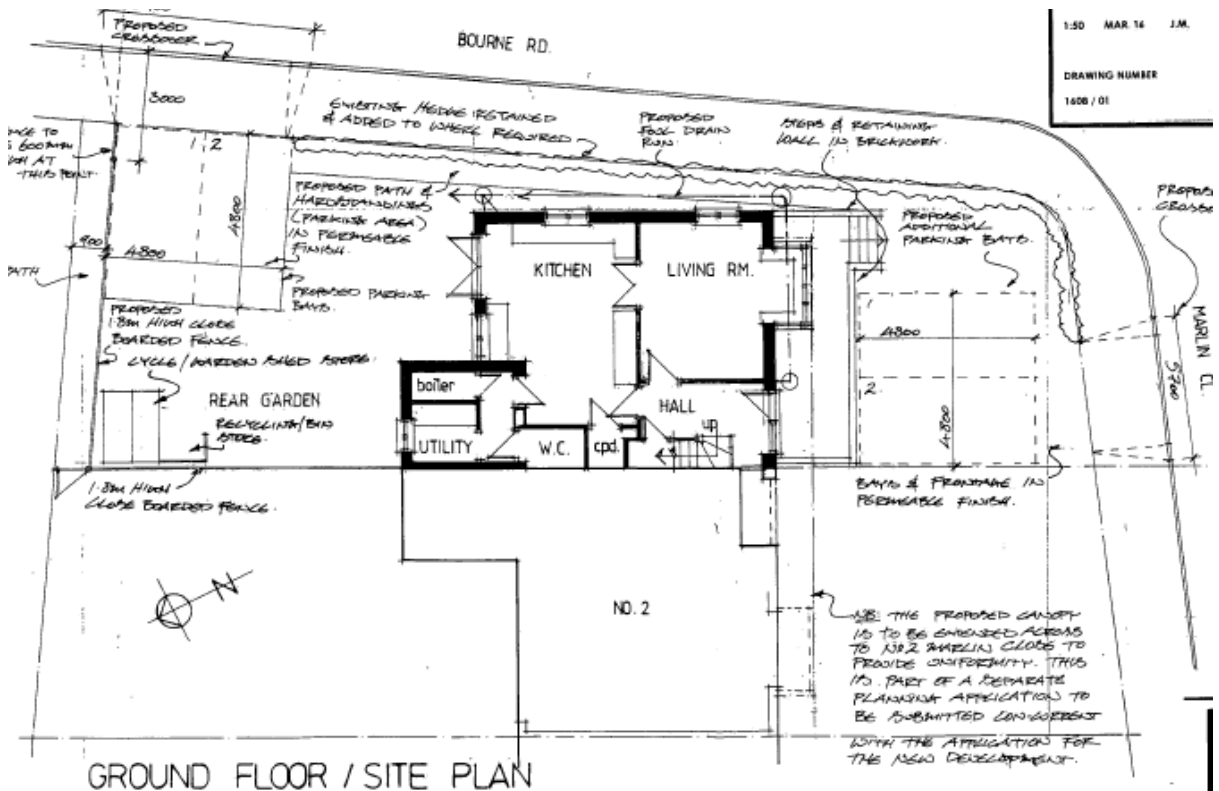
2 MARLIN CLOSE, BERKHAMSTED, HP4 3JX



Item 5h

4/00736/16/FUL - TWO-STOREY/PART REAR SINGLE STOREY EXTENSION TO SIDE OF NO. 2 MARLIN CLOSE TO FORM NEW DWELLING. DIVISION OF PLOT INTO 2 SITES. FORMATION OF NEW CROSSOVERS TO SITE AND PROVISION OF ON-SITE PARKING

2 MARLIN CLOSE, BERKHAMSTED, HP4 3JX



**4/00736/16/FUL - TWO- STOREY/PART REAR SINGLE STOREY EXTENSION TO SIDE OF NO. 2 MARLIN CLOSE TO FORM NEW DWELLING. DIVISION OF PLOT INTO 2 SITES. FORMATION OF NEW CROSSOVERS TO SITE AND PROVISION OF ON-SITE PARKING.. 2 MARLIN CLOSE, BERKHAMSTED, HP4 3JX.
APPLICANT: MRS GEORGINA PRETTY.**

[Case Officer - Rachel Marber]

Summary

The application is recommended for approval.

The principle of residential development in this location is considered acceptable. The proposed new development would not result in detrimental impact to the visual amenity, or spatial form of the street scene. In addition the new dwelling is not considered to have an undue impact upon the residential amenity of the neighbouring properties. The proposed development therefore complies with the National Planning Policy Framework (2012), policies CS1, CS4, CS10, CS11 and CS12 of the Core Strategy (2013), saved policies 10, 13, 18, 21, 58, 99, 100, 101, 111 and appendices 3, 5 and 7 of the Local Plan (1991), and the Durrants (BCA16) Character Area Appraisal (2004).

Site Description

The application site is located on the north side of Marlin Close, Berkhamsted, located within the Durrants Area Character Appraisal (BCA16). The site comprises a corner plot semi-detached property and its side, which adjoins Bourne Road. The boundary treatment for the site consists of 1 metre high hedge. The land falls steeply to the north, No. 16 Bourne Road to the rear of the site is at least 1 storey lower in height compared with 2 Marlin Close.

Marlin Close is characterised by 1940s and 1950s semi-detached and terraced dwellinghouses which are relatively uniformed in regards to architectural detailing, separation gap, size and height.

Proposal

The application seeks permission for a two storey side extension and single storey rear extension to the side of No.2 Marlin Close to convert the semi-detached properties into a terraced unit. A total of six on-site parking spaces have been proposed to serve both No.2 Marlin Close and the new unit.

The current proposal has been amended to feature two rear roof lights instead of the originally proposed rear dormer.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary

views of Berkhamsted Town Council.

Relevant History

4/00737/16/FHA CONSTRUCTION OF BAY WINDOW.CANOPY ROOF TO FRONTAGE.
APERTURE INFILL (SIDE) AND REPOSITIONING OF FRONT DOOR.
ADDITIONAL ON-SITE PARKING.
Granted

4/02441/15/LDP ALTERATIONS TO ROOF FROM HIPPED TO GABLE AND ADDITION OF
REAR DORMER AND FRONT ROOFLIGHTS.
Granted
20/08/2015

Policies

National Policy Guidance

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

Adopted Core Strategy

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

Saved Policies of the Dacorum Borough 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 21- Density of Residential Development
Policy 58 - Private Parking Provision
Policy 99 - Preservation of Trees, Hedgerows and Woodlands
Policy 100 - Tree and Woodland Planting
Policy 101 - Tree and Woodland Management
Policy 111 - Height of Buildings
Appendix 3 - Gardens and Amenity Space
Appendix 5 - Parking Provision
Appendix 7 - Small-scale House Extensions

SPG Area Based Policies (2004)

Durrants (BCA16)

Summary of Representations

Comments received from consultees:

Berkhamsted Town Council

Objection

"The committee agree with the concern expressed by o neighbour that the development would effectively create a terrace from what is currently a semi detached property pair. The newly created residence would extend right up to the road boundary. The proposed rear dormer window does not comply with the 1 metre rule. If car parking for the unit is supplied in the current front garden, this will alter the street scene detrimentally on that corner of the road.

Contrary to CS 11 (a, b), CS 12 (f, g), Appendix 3 (3.1, 3.3, 3.6)."

(Received 06/04/16)

HCC Highways

No Objection

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

Condition 1. Before commencement of the approved development, details of the proposed access Bourne Road shall be submitted first to the highway authority and shall be completed in accordance with the approved drawing.

Reason: To ensure that the proposed access is designed and constructed to the current Highway Authority's specification as required by the Local Planning Authority and to comply with those policies of the development plan.

Condition 2: Before being brought in to use the new parking areas hereby approved shall be surfaced in tarmacadam or similar durable bound material and arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge in to highway.

Reason: To avoid the carriage of extraneous material surface water from the site into the highway so as to safeguard the interest of highway safety.

Condition 3: A 2mx2m pedestrian visibility sight splay, free from obstruction between a height of 600mm and 2.0m and relative to the back of the footway shall be provided on both sides of vehicular access prior to the operational use and thereafter.

Reason: To ensure a satisfactory standard of the development in the interest of highway safety

Informative: I recommend inclusion of the following advisory note to ensure that any works within the highway are to be carried out in accordance with the provisions of the highway Act 1980.

AN1 . Road Deposits: Best practical means shall be taken at all times to ensure that all

vehicles leaving the development site during construction of the development are in condition such as not to emit dust or deposit mud, slurry or other debris in the highway. This is to minimise the impact of construction vehicles and to improve the amenity area.

AN2. The applicant is advised that storage of materials associated with the development should take place within the site and not extend into within the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary further details can be obtained from the County Council highways via either the website <http://www.hertsdirect.org/services/transtreets/highways/> or telephone 0300 1234047 to arrange this

AN3. Where works are required within the public highway to facilitate access, the highway authority require the construction of such works to be undertaken to their specification and by a contractor who is authorised to work in the public highway. In relation to the crossover the applicant is advised to see the attached website.

Vehicle crossover guidance

<http://www.hertsdirect.org/docs/pdf/d/vxo.pdf>

and to apply for vehicle crossover

<http://www.hertsdirect.org/services/transtreets/highways/hhonlineservices/vxo/>

Details: The proposed development is in a corner plot at Marlin Road junction with Bourne Road. Marlin Road junction with Bourne Road is a four arm slightly staggered junction with Ash Ridge Road. All three roads are unclassified local access roads. Marlin Road 119 m in length serving some 20+ properties and is a cul-de-sac. Bourne Road is some 248m in length and a through route. There is considerable on-street parking along Marlin Road.

Highway Authority does not wish to restrict the grant of consent, however there is inadequate information on the proposed cross over at Bourne Road. No details are provided on the existing give way , road priority arrangement or on the existing street furniture. The access detail drawing should demonstrate that providing a crossover will have minimum impact on the existing road layout."

(Received 11/04/16)

Thames Water

No Objection

Waste Comments

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

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you email us a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to developer.services@thameswater.co.uk to determine if a building over / near

to agreement is required.

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

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.

Building Control

No Objection

“Regarding the above development, I am pleased to confirm that I have no issues or further comments and proposal is satisfactory.”

(Received 29/03/16)

DBC Trees and Woodlands

No Objection

There are no trees or significant landscape features on this site.

(Received 21/04/16)

Constraints

No specific policy constraints, established residential area of Berkhamsted

Key Considerations

The application site is located within a residential area, wherein accordance to policy CS4 of the Core Strategy (2013) the principle of residential development is generally held to be acceptable subject to compliance with the relevant national and local

policies outlined below. The main issues to the consideration of this application relate to impact upon visual amenity, residential amenity, amenity provision, trees and landscaping, and parking and access. These matters are assessed against the relevant policies in the following paragraphs of this report.

The proposed development would be located on residential garden land. As outlined in the Core Strategy (2013) the LPA recognise that residential gardens are not always suitable for development however, the best use of urban land is sought through the relevant Residential Character Area Appraisals and Local Policies in these circumstances.

Impact on Visual Amenity

Paragraph 60 of the NPPF states that, *'planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.'*

In addition, paragraph 64 of the NPPF states that *'permission should be refused for development of poor design that fail to take opportunity available for improving the character and quality of an area and the way it functions.'*

Core Strategy (2013), policies', CS1, CS4, CS10, CS11 and CS12 highlight the importance of good design in improving the character and quality of an area; seeking to ensure that developments are in keeping with the surrounding area in terms of size, mass, height and appearance. This guidance is reiterated in the Local Plan (1991) saved policies' 10, 13, 18, 21, 111, Appendixes 3 and 7 and Supplementary Planning Guidance Document, the Durrants Area Character Area Appraisal (2004).

Spatial layout

The spatial layout of the immediate area (Marlin Close and Bourne Road) comprises predominantly of semi-detached and terraced residential dwellings which all have a relatively linear relationship to the street scene, and curvature around adjoining junctions, to add interest. Each property is regimented in regards to build line, size, separation gap and height. The relevant SPG states that in terms of spatial form, *"semi-detached dwellings are encouraged. Terraces and detached houses may be acceptable where the character and appearance of nearby and adjacent development would be respected"*.

The proposal seeks to erect a two storey side extension and subdivide the dwelling into a separate self-contained end of terraced house. The proposed new unit would reflect the immediately neighbouring properties in terms of front and rear build line, height and detailing. As a result the proposed would appear congruous within the

street scene.

The proposed dwelling would remain be located a maximum 1.5 metres from the site boundary and four metres (approximately) from Bourne Road. This would retain the 2 – 5 metre separation distance between properties encouraged with the BCA16 Area Character Appraisal.

The proposed terraced unit would not appear as an incongruous feature within the street scene due to other terraced units on Marlin Close, Nos. 10- 16 and 9 -15. Further attention must be given to recent appeal decisions within the immediate area, such as:

- 41 Tresco Road (4/00116/14/FUL) where a proposed detached dwelling between semi-detached pairs, on a corner plot was granted permission at appeal and costs were awarded against the LPA.
- 13 Cobb Road (4/01970/14/FUL) where permission for a new dwelling on a pair of semi-detached properties to form an end of terraced unit was granted permission at appeal and costs were awarded against the LPA.

Architectural approach and built form

The application site features the side garden of No.2 Marlin Close, which offers very little by way of architectural merit, although adds to the verdant aspect character of the area. Other similar open spaces can be found within the immediate area, especially at junctions. For this reason the loss of this green space would not severely detriment the verdant aspect character of the area. Consequently, there is no objection in principle to the redevelopment of the site into an additional residential unit.

In accordance with the submitted application the proposed dwelling would be of simple, traditional design, comprising of brickwork walls, a plain tiled roof, and white UPVC windows and doors. These materials are considered acceptable and in-keeping with the existing materials of No.4 and 2 Marlin Close. With regard to the fenestration, the windows are considered to be well spaced and proportionate to the size of the dwelling's elevation and similar in style to the neighbouring properties.

Moreover, hipped roofs are prominent in the area, and encouraged as the only architectural requirement in BCA16 SPG Area Character Appraisal. The proposed unit would retain this feature proposing a half hipped roof to create a symmetrical unit with the reflective half hip of No. 4 Marlin Close.

The two proposed areas of hardstanding would reduce the verdant aspect of the area, however, the proposed would remain in-keeping with similar front drive installations in the area; such as No.19 Marlin Close (4/01353/03/FHA) and No.4 Marlin Close (4/00737/16/FHA) and other properties on Bourne Road.

In conclusion, it is considered that the architectural style and built form of the proposed

dwelling would not result in a detrimental impact upon the visual amenity of the area. Therefore, the proposed adheres with saved policies 10, 13, 18, 21, 111 and appendices 3 and 7 of the Dacorum Local Plan (1991) and policies CS1, CS4, CS10, CS11 and CS12 of the Core Strategy (2013), the National Planning Policy Framework (2012) and the Durrants BCA16 Character Area Appraisal (2004).

Impact on Residential Amenity

The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Appendix 3 of the Local Plan (1991) and policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact on neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way of visual intrusion and loss of light and privacy. Moreover, saved Appendix 7 of the Local Plan advises that alterations should be set within a line drawn at 45 degrees from the nearest neighbouring habitable window.

The proposed new dwelling would not breach the 45 degree line as drawn from the front or rear habitable windows of neighbouring properties 2 Marlin Close or 16 Bourne Road. Owing to the change in site levels, No. 16 Bourne Road is at least 1 storey lower in height than Marlin Close. However, No. 16 Bourne Road was recently extended two storeys to the rear, at 4.6 metres deep (4/00816/14/FHA). As a result it is not considered that the proposed dwelling would result in a further loss of daylight to the rear garden of No. 16 Bourne Road due to the resultant shade caused from their own two storey rear extension. For these reasons the proposed new dwelling would not cause a significant loss of sunlight to the rear garden of No. 16 compared with the existing situation on site.

Moreover, the new dwelling would be located 28 metres (approximately) away from No. 1 Marlin Close (located opposite); 18 metres (approximately) away from No. 16 Bourne Road's side elevation (located to the rear) and 23 metres (approximately) away from No. 24 Ashridge Rise (located adjacent). As a result, due to this distance it is not considered that a significant loss of outlook or privacy to neighbouring residents would result from the proposed dwelling.

Saved Appendix 3 of the Local Plan (1991) states that a dwelling house should be provided with a minimum 11.5 metre deep garden space. The proposed rear garden depth, for the new unit would be 11 metres and No.2 Marlin Close would be 13 metres deep (approximately). Although, the new unit for fall marginal short of this guidance it is not considered reason enough to refuse the proposal.

Thus, the proposed dwelling house is considered sufficient in terms of meeting the external dimension standards as set out within saved Appendix 3 of the Local Plan (1991). Furthermore, given the above the proposed development would not result in a significant loss of outlook, sunlight or privacy to neighbouring residents, the proposal

accords with the NPPF (2012), saved Appendix 3 and 7 of the Local Plan (1991) and policy CS12 of the Core Strategy (2013).

Impact on Trees and Landscaping

Saved policies 99, 100, 101 of the Dacorum Local Plan (1991) and Policy CS12 of the Core Strategy (2013) seek to ensure that retained trees are protected during development and that new planting is a suitable replacement for any removed trees.

No Tree Preservation Orders reside near the site. The DBC Trees and Woodlands Department were consulted on the proposed scheme and provided the following representation:

“There are no trees or significant landscape features on this site.”

Details of a landscaping scheme have been submitted alongside the application to provide soft and hard landscaping to the side and rear of the site. It is considered that such landscaping would be of benefit to the overall visual appearance of the development and its setting. The proposed boundary treatment and retention/restoration of the existing boundary hedge is considered sufficient provision for the area, retaining the verdant aspect character on Bourne Road.

In sum, the proposed development would accord with saved policies 99, 100, 101 of the Dacorum Local Plan (1991) and Policy CS12 of the Core Strategy (2013).

Impact on Parking and Access

Parking arrangements have a major impact on the quality and consequence of the development. The Council's Parking Standards within saved policy 58 and Appendix 5 of the Local Plan (1991) requires 2.25 off street parking spaces for three bed dwellings and 3 parking spaces for four bed properties within Residential Zones 3-4.

No.2 Marlin Close featured no off street parking. However in app ref: 4/00737/16/FHA No.2 Marlin close was granted permission for two parking spaces to the front of property. Further off street parking provision has been provided in the proposed scheme for two bays at the front of the new unit, and a further two parking spaces to the rear of the application site to accommodate further No.2 Marlin Close. Henceforth, the proposal improves upon existing circumstance, proposing sufficient provision for six domestic parking spaces to be shared between No.2 Marlin Close and the proposed new dwellinghouse. Although, the proposed six parking spaces would marginally exceed the 5.25 maximum standard provision the site is able to accommodate this further provision.

Hertfordshire Country Council Highways were consulted on the proposed parking provision and resultant introduction of crossovers; no objections were raised subject to

recommended conditions and informatives.

Due to Highways raising no objection and sufficient off street parking proposed, the development would not result in significant impact to the safety and operation of adjacent highway. Thus, the proposal would be considered compliant with policy CS12 of the Core Strategy (2013) and saved policy 58 and Appendix 5 of the Local Plan (1991).

Sustainability

An online Sustainability Statement and Energy statement through a carbon compliance tool called C-Plan was submitted alongside the application in addition to a sustainability statement. This provided detailing of a proposed sustainable dwelling which would minimise the use of energy and water, is in accordance with Policy CS29 of the Core Strategy.

Consultation Response:

Several concerns were received as a result of the application. The main concerns are addressed below:

Overdevelopment of site/high density development- The additional unit would retain the low range density (15-25 dwellings/ha) of the immediate area as outlined within the SPG for BCA16. Further to this both national and local policy encourage the redevelopment of plots to accommodate for required new homes; this is evident in the outlined appeals above. For this reason the LPA would support garden land development on the basis that it does not detriment the character or appearance of the immediate locality.

Creation of terraced unit- This would not appear despondent within the immediate street scene which features terraced units (please see spatial layout section above).

New dwelling extends to boundary of site- The proposed dwelling would remain four metres (approximately) from Bourne Road. This would retain the 2 – 5 metre separation distance between properties encouraged with the BCA16 Area Character Appraisal. It is also helpful to note that under Class A of the General Permitted Development Order the construction of side extensions to the boundary of the site would not require formal planning consent.

Rear dormer- Following concerns the proposed rear dormer has been omitted from the scheme.

Car parking in front garden- Although the proposed car parking in the front garden of No. 2 Marlin Close would reduce the verdant aspect of the area, planning permission is not normally required to create parking space within the front garden unless a raised

platform is proposed.

Community Infrastructure Levy (CIL)

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

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

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

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

- 2 The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match in size, colour and texture those used on number 2 Marlin Close**

Reason: To ensure a satisfactory appearance to the development, in accordance with policy CS12 of the Core Strategy (2013).

- 3 Notwithstanding the information submitted a detailed section plan regarding the proposed parking provision and retaining wall shown on Site Plan (1608/01) shall be submitted to and approved in writing by the Local Planning Authority prior to construction of the parking spaces and retaining wall.**

Reason: To ensure a satisfactory appearance to the development and vehicle safety; in accordance with policy CS12 of the Core Strategy (2013).

- 4 Before commencement of the approved development, details of the proposed access on Bourne Road shall be submitted first to the Local Planning Authority and shall be completed in accordance with the approved drawing.**

Reason: To ensure that the proposed access is designed and constructed to the current Highway Authority's specification as required by the Local Planning Authority, to comply with saved policy 58 of the Local Plan (1991) and policy CS12 of the Core Strategy (2013).

- 5 **Before being brought in to use the new parking areas hereby approved shall be surfaced in tarmacadam or similar durable bound material and arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.**

Reason: To avoid the carriage of extraneous material surface water from the site into the highway so as to safeguard the interest of highway safety; in accordance with saved policy 58 of the Local Plan (1991) and policy CS12 of the Core Strategy (2013).

- 6 **A 2mx2m pedestrian visibility sight splay, free from obstruction between a height of 600mm and 2.0m and relative to the back of the footway shall be provided on both sides of vehicular access prior to the operational use and thereafter.**

Reason: To ensure a satisfactory standard of the development in the interest of highway safety; in accordance with saved policy 58 of the Local Plan (1991) and policy CS12 of the Core Strategy (2013)

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

1608/03A
1608/02A
1608/01

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

Informative 1- Thames Water

Waste Comments

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

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you email us a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to developer.services@thameswater.co.uk to determine if a building over / near to agreement is required.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground,

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

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.

Informative 2- HCC Highways Guidance Notes

AN1. Road Deposits: Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in condition such as not to emit dust or deposit mud, slurry or other debris in the highway. This is to minimise the impact of construction vehicles and to improve the amenity area.

AN2. The applicant is advised that storage of materials associated with the development should take place within the site and not extend into within the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary further details can be obtained from the County Council highways via either the website <http://www.hertsdirect.org/services/transtreets/highways/> or telephone 0300 1234047 to arrange this

AN3. Where works are required within the public highway to facilitate access, the highway authority require the construction of such works to be undertaken to their specification and by a contractor who is authorised to work in the public highway. In relation to the crossover the applicant is advised to see the attached website.

Vehicle crossover guidance

<http://www.hertsdirect.org/docs/pdf/d/vxo.pdf>

and to apply for vehicle crossover

<http://www.hertsdirect.org/services/transtreets/highways/honlineservices/vxo/>

Informative 3- Article 35 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-

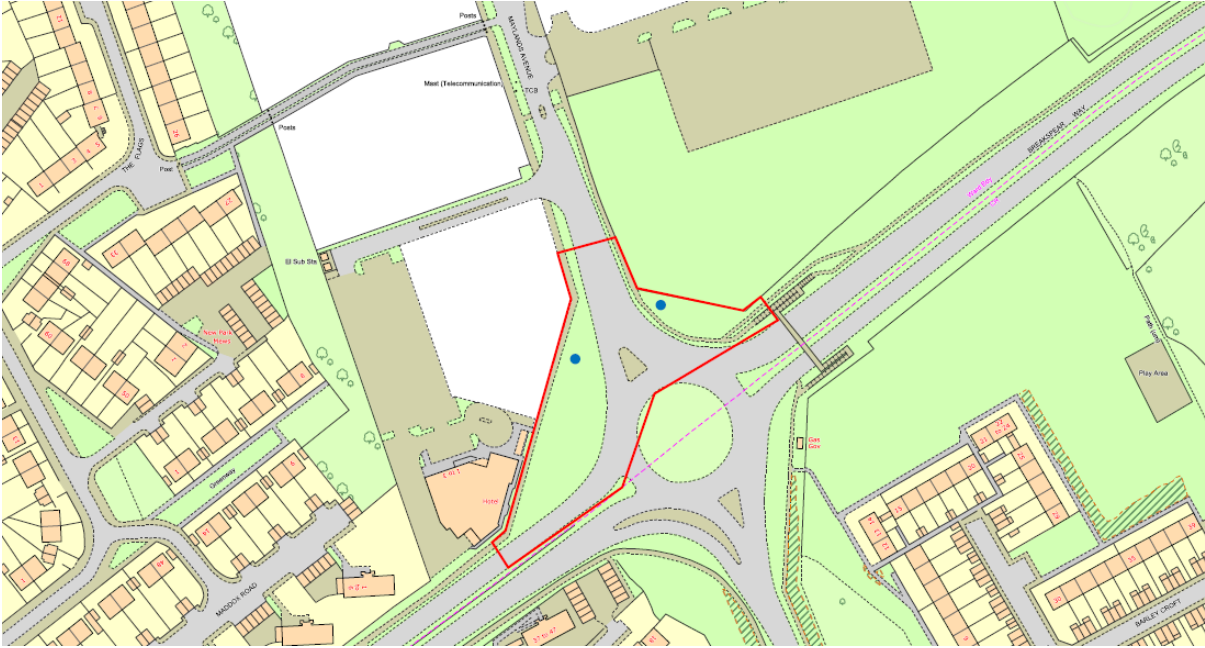
application stage which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

Agenda Item 5i

Item 5i

4/00944/16/ADV - TWO ILLUMINATED ENTRANCE SIGNS

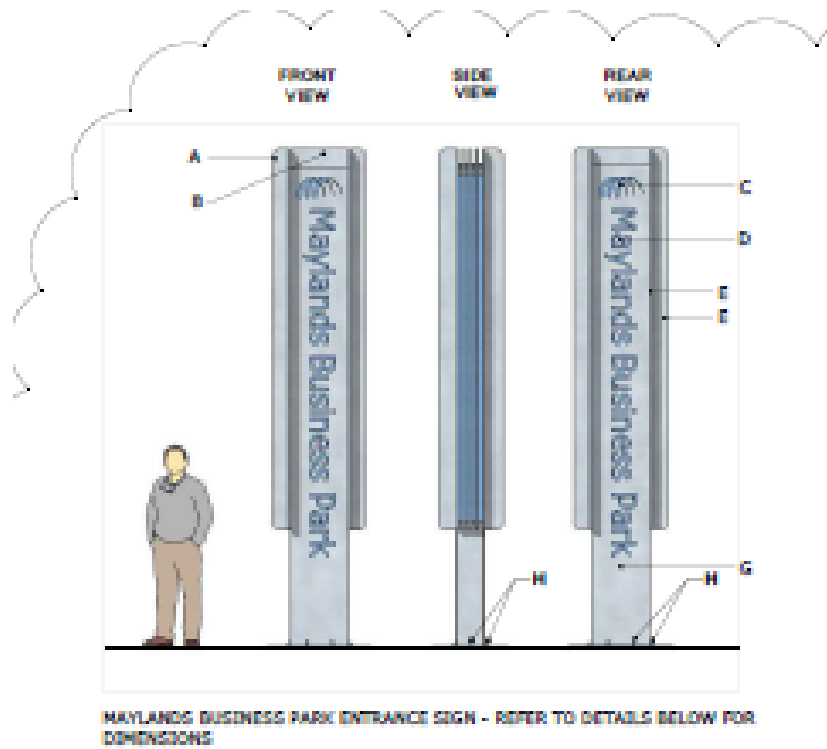
JUNCT OF MAYLANDS AVENUE AND BREAKSPEAR WAY, HEMEL HEMPSTEAD



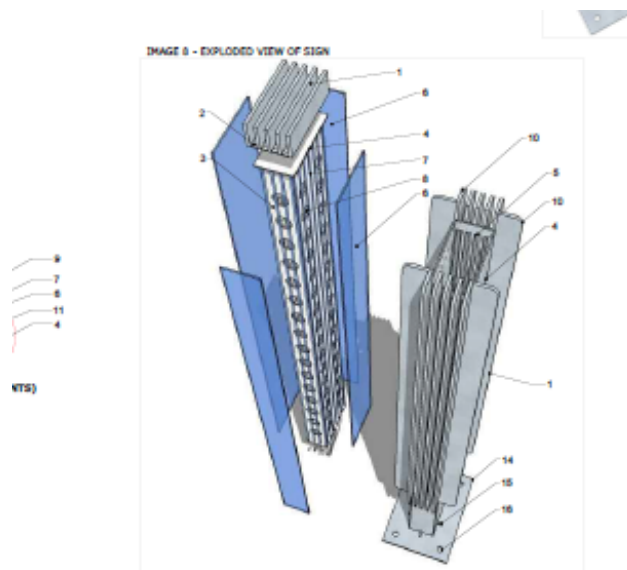
Item 5i

4/00944/16/ADV - TWO ILLUMINATED ENTRANCE SIGNS

JUNCT OF MAYLANDS AVENUE AND BREAKSPEAR WAY, HEMEL
HEMPSTEAD



MAYLANDS BUSINESS PARK ENTRANCE SIGN - REFER TO DETAILS BELOW FOR DIMENSIONS



DESIGN OF GATEWAY FEATURES SUBJECT TO FURTHER INSTRUCTION

**4/00944/16/ADV - TWO ILLUMINATED ENTRANCE SIGNS.
JUNCT. OF MAYLANDS AVENUE AND BREAKSPEAR WAY, HEMEL
HEMPSTEAD.**

APPLICANT: Dacorum Borough Council - Ms S Jayasinghe.

[Case Officer - Rachel Marber]

Summary

The application is recommended for **approval**.

The two proposed advertisement entrance signs to Maylands Business Centre would not detrimentally affect the visual appearance of the surrounding street scene. In addition, the proposal would not impact upon residential amenity, or the safety and operation of the adjacent highway and passing pedestrians. Thus, the proposal adheres with policies CS11 and CS12 of the Core Strategy (2013), saved policies 112 of the Local Plan (1991), the NPPF (2013) and the Supplementary Guidance for Advertisements (2004).

Site Description

The application site is located at the junction of Maylands Avenue and Breakspear Way to serve the Maylands Business Park. Given the prominent corner position of the application site the advertisement signs would be clearly visible from public vantage points.

The surrounding area falls within the Maylands General Employment Area and comprises of industrial and commercial units.

Proposal

Advertisement consent is sought for two illuminated entrance signs to form a gateway feature into the Maylands Business Park as part of Dacorum Borough Council wider scheme of regeneration for the surrounding area (Maylands Masterplan).

The two signs would be constructed from aluminium with laser cut letters which would read "Maylands Business Park".

Referral to Committee

The application is referred to Development Control Committee as Dacorum Borough Council is the applicant.

Relevant Planning History

4/00412/12/AD INTERNALLY ILLUMINATED TOTEM SIGN

V

Granted
10/04/2012

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

Adopted Core Strategy (2013)

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

Saved Policies of the Dacorum Borough Local Plan (1991)

Policy 112- Advertisements

Supplementary Planning Guidance (2004)

Supplementary Guidance for Advertisements

Summary of Representations

Comments received from consultees:

HCC Highways

No Objection

Decision

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

Decision: Hertfordshire County Council as Highway Authority has no objection to the principle of the proposed two illuminated entrance signs subject to the following advisory note.

Advisory Note: The entrance signs are to be installed by Dacorum Borough Council using the Project Agreement for Dacorum Highway Enhancement Schemes, 6 June 2014. The ownership and maintenance of signs is to be retained by Dacorum Borough Council. As-built drawings of the electrical supply are to be provided to HCC upon completion of the project.

Impact on the Highway: As 'gateway' features, HCC considers that these signs are acceptable items of street furniture. There are numerous gateway features around the County of different styles and sizes, indicating entrance to a locale. As Maylands

Business Park is a substantial generator of traffic, and is already included within the advance direction traffic signs, gateway features are thought to be useful to motorists in identifying arrival at their destination."

Constraints

No specific policy constraints, industrial area of Hemel Hempstead

- General Employment Area

Key Considerations

The main issues of relevance to the consideration of this application relate to the impact of the proposed advertisements upon the character and appearance of the immediate street scene and highway and pedestrian safety.

Effect on Appearance of Existing Building and Street Scene

Saved appendix 7 of the Dacorum Local Plan (1991), policies CS11 and CS12 of the Core Strategy (2013) and the NPPF (2012) all seek to ensure that any new development/alteration respects or improves the character of the surrounding area, adjacent properties in terms of scale, massing, materials, layout, bulk and height. Furthermore, saved policy 112 of the Local Plan (1991) and Supplementary Planning Guidance for Advertisements (2004) states that advertisements should be sympathetic in size, appearance, design and position to the site on which it is displayed.

The proposed design and scale (4.8 metre height, 0.50 metre width and 0.30 metre depth) of the two proposed entrance signs would be identical in both design and height, henceforth creating a clear entrance and character to the Maylands Business Park.

The location of the entrance signs would also be symmetrical in relation to their sitting either side of the junction to Maylands Avenue and within close proximity to surrounding street sign posting. In addition, the two advertisement signs would appear as a group and congruous within the industrial street scape and wider regenerative masterplan for the area.

Overall, it is considered that the proposed advertisement signs would assist in the enhancement of the character and appearance of the surrounding street scene and area. As such, the proposal accords with policies CS11 and CS12 of the Core Strategy (2013), saved policy 120 of the Local Plan (1991), the NPPF (2013) and the Supplementary Guidance for Advertisements (2004).

Effect on Amenity of Neighbours

The NPPF outlines the importance of planning in securing good standards of amenity

for existing and future occupiers of land and buildings. Policy CS12 of the Core Strategy (2013) seeks to ensure that new development does not result in detrimental impact on neighbouring properties and their amenity space.

The advertisement signs would be located on the grass verges either side of the Breakspear Way and Maylands Avenue Junction, and therefore would not be located adjacent to any residential properties, resulting in no negative harm.

Impact on Highway and Pedestrian Safety

Saved policy 56 of the Local Plan (1991) states that the advertisement displays must be appropriate to the site location and should not distract highway users.

The entrance signs would be illuminated to level 2 and located adjacent to major junction. Hertfordshire County Highways were subsequently consulted on the proposed advertisement signs and provided the following representation:

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

Decision: Hertfordshire County Council as Highway Authority has no objection to the principle of the proposed two illuminated entrance signs subject to the following advisory note.

Impact on the Highway: As ‘gateway’ features, HCC considers that these signs are acceptable items of street furniture. There are numerous gateway features around the County of different styles and sizes, indicating entrance to a locale. As Maylands Business Park is a substantial generator of traffic, and is already included within the advance direction traffic signs, gateway features are thought to be useful to motorists in identifying arrival at their destination.”

As HCC have raised no objection from Highways the proposed signs are not considered to impact upon the safety of Highway users and thus the proposal adheres with saved policy 56 of the Local Plan (1991).

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

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

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

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

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

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

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

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

4. Any advertisement displayed, and any site used for the display of advertisement, shall be maintained in a condition that does not impair the visual amenity of the site.

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

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

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

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

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

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

**47072954.LD.CD.002 REV F
47072954.LD.HL.002 REV F
47072954.LD.HL.003 REV F
SD/1400/01 REV A**

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

Informative

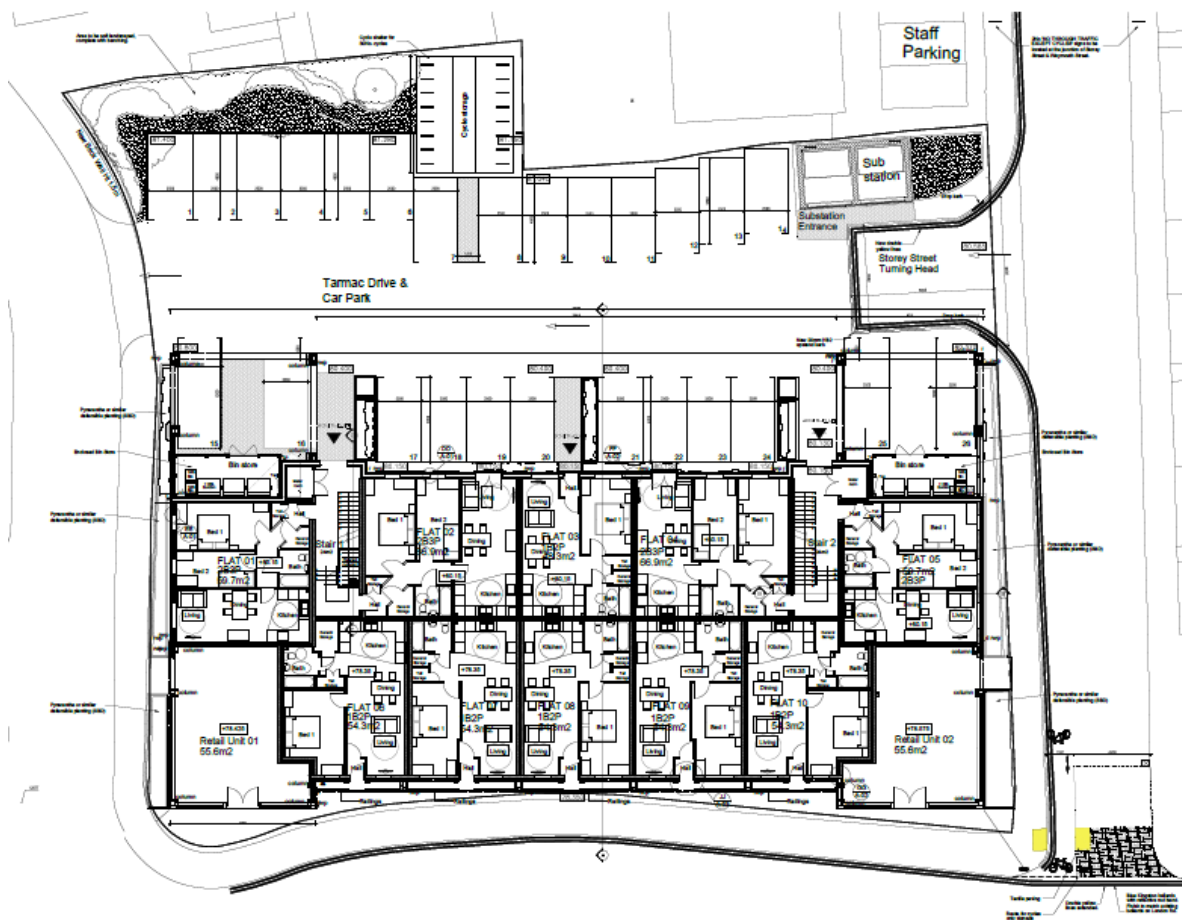
The entrance signs are to be installed by Dacorum Borough Council using the Project Agreement for Dacorum Highway Enhancement Schemes, 6 June 2014. The ownership and maintenance of signs is to be retained by Dacorum Borough Council. As-built drawings of the electrical supply are to be provided to HCC upon completion of the project.

Agenda Item 5j

Item 5j

4/02741/15/ROC - VARIATION OF CONDITION 26 (APPROVED PLANS) AND CONDITION 23 (REFUSE STORAGE FACILITIES) ATTACHED TO PLANNING PERMISSION 4/01010/13/MFA (A MIXED USE DEVELOPMENT OF THE SITE TO CREATE 36 APARTMENTS, RETAIL FLOOR SPACE (CLASS A1) REPLACEMENT ELECTRICITY SUBSTATION AND ANCILLARY CAR PARKING AND LANDSCAPING.)

175-189, LONDON ROAD, APSLEY, HEMEL HEMPSTEAD, HP3 9SQ



Item 5j

**4/02741/15/ROC - VARIATION OF CONDITION 26 (APPROVED PLANS) AND
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175-189, LONDON ROAD, APSLEY, HEMEL HEMPSTEAD, HP3 9SQ



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175-189, LONDON ROAD, APSLEY, HEMEL HEMPSTEAD, HP3 9SQ



4/02741/15/ROC - VARIATION OF CONDITION 26 (APPROVED PLANS) AND CONDITION 23 (REFUSE STORAGE FACILITIES) ATTACHED TO PLANNING PERMISSION 4/01010/13/MFA (A MIXED USE DEVELOPMENT OF THE SITE TO CREATE 36 APARTMENTS, RETAIL FLOOR SPACE (CLASS A1) REPLACEMENT ELECTRICITY SUBSTATION AND ANCILLARY CAR PARKING AND LANDSCAPING.).

175-189, LONDON ROAD, APSLEY, HEMEL HEMPSTEAD, HP3 9SQ.

APPLICANT: HILL PARTNERSHIP.

[Case Officer - Andrew Parrish]

Summary

The application is recommended for approval. The proposed amendments are considered minor and will not impact adversely on the appearance of the development or the character of the street scene. There would be no harm to residential amenities. There are no other material changes in policy since the original grant of permission in 2014 that would indicate that permission should be refused. It is therefore recommended that permission be granted subject to conditions and a Deed of Variation under s106 of the Town and Country Planning Act 1990.

Site Description

The site, which extends to 0.2 ha, is located in Apsley local centre. It is roughly rectangular in shape and is located on the corner of London Road and Storey Street. The site is currently being developed for a mix of residential and retail uses with associated car parking and landscaping / amenity provision following permission in March 2014. The proposed development comprises a 2½/3 storey C shaped building fronting London Road and wrapping around the two side streets of Storey Street and the new link road, Sealy Way.

Parking and a small amount of landscaping are accommodated to the rear with access off the two side streets utilising one way circulation through the site. Retail units occupy the ground floor corners including a return of the shop window around the two side streets. Residential development would comprise 15 x 1-bed flats and 26 x 2-bed flats occupying the ground, first and second floors with the provision of amenity space in the form of a roof garden accessible to all the flats via the communal staircases. The 36 dwellings would be for affordable rent.

The surrounding area comprises a mix of mainly older commercial and residential property along a rectilinear layout of roads. Residential uses are characterised by two-storey Victorian and Edwardian terraces and some detached and semi-detached villas in Weymouth Street and Storey Street. Florence Longman House occupies a position to the rear of the site, fronting both Weymouth Street and Storey Street.

Proposal

In March 2014 planning permission was granted for a mixed use redevelopment of the site to create 36 apartments, retail floor space (class A1) replacement electricity substation and ancillary car parking and landscaping (4/01010/13/MFA). The permission has been implemented and is largely complete.

This current application seeks amendments to the approved scheme through section

73 of the Planning Act, wherein the condition listing the approved plans under Condition 26 and the condition referencing an approved plan under Condition 23 (refuse storage facilities) is amended to list the updated plan numbers and formalise the amendments to the scheme.

The amendments relate to:

1. Increase in first floor height by 1 metre to London Road frontage
2. Dormer face & cheeks, changed from brickwork to lead
3. Arches above windows, removed from end projections to front elevation (in rendered areas)
4. Brick cills, replaced with stone
5. Grey PVC, Gutter & downpipes now black
6. Front elevation, render to ground floor surrounding apartment entrance doors replaced with facing brick
7. Stainless Steel railings, replaced with black ppc railings. Vertical, not horizontal
8. Rear elevation, ground floor apartment entrance door now matching front elevation
9. Water butts added
10. Communal entrance doors revised, from double doors to single with fixed light adjacent
11. Chimney setting out revised
12. Hedges to parking under-crofts replaced with low brick walls
13. Parapet height revised
14. Windows on front elevation to Plots 6,7,8, 9 and 10 amended to become 1500mm high instead of 1350mm – in order to afford safe egress/ escape as required by LABC officer to comply with AD part B volume 2.
15. Services risers internally increased to allow for installation of M+E and supplies ie – water, electricity + communications riser sizes resulted in loss of cycle storage within bin store, therefore standalone cycle store was introduced (Sized to also accord with CFSH requirements).
16. Fascia over Shop Fronts and between Ground and First Floor on Front elevation to be increased in width to 750 mm.
17. Central fascia to be in monocouche render.

The following which have not been referenced in the schedule of changes are also proposed:

18. Introduction of copper gas pipes / meter housings to external elevations, to be hidden by RWP's where possible or painted to blend with brickwork.
19. Introduction of boiler flues to elevations.
20. Omission of pilasters to front entrances.
21. Refuse storage facilities amended and cycle storage building added to rear landscaped area.

Referral to Committee

The application affects land in which the Borough Council has an interest.

Relevant Planning History

Application site (Phase 2)

4/01010/13/MF A MIXED-USE DEVELOPMENT OF THE SITE TO CREATE 36
A APARTMENTS, RETAIL FLOOR SPACE (CLASS A1)
REPLACEMENT ELECTRICITY SUBSTATION AND ANCILLARY
CAR PARKING AND LANDSCAPING.
Granted
12/03/2014

4/03963/15/DR DETAILS AS REQUIRED BY CONDITIONS 17 (NOISE
C ASSESSMENT), 18 (SOUND INSULATION) AND 19 (AIR
QUALITY) ATTACHED TO PLANNING PERMISSION
4/01010/13/MFA (A MIXED-USE DEVELOPMENT OF THE SITE
TO CREATE 36 APARTMENTS, RETAIL FLOOR SPACE (CLASS
A1) REPLACEMENT ELECTRICITY SUBSTATION AND
ANCILLARY CAR PARKING AND LANDSCAPING)
Granted
07/03/2016

4/00985/15/DR DETAILS REQUIRED BY CONDITION 4 (1:20 DETAILS)
C ATTACHED TO PLANNING PERMISSION 4/01010/13/MFA - A
MIXED-USE DEVELOPMENT OF THE SITE TO CREATE 36
APARTMENTS, RETAIL FLOOR SPACE (CLASS A1)
REPLACEMENT ELECTRICITY SUBSTATION AND ANCILLARY
CAR PARKING AND LANDSCAPING.
Granted
06/07/2015

4/00871/14/DR DETAILS OF MATERIALS, HARD LANDSCAPING,
C CONSTRUCTION MANAGEMENT PLAN, WHEEL WASHING,
TURNING HEAD, CONTAMINATION AND REMEDIATION,
SURFACE WATER DRAINAGE SYSTEM, SECURED BY DESIGN
AND WASTE MANAGEMENT STATEMENT AS REQUIRED BY
CONDITIONS, 2, 3, 7, 8, 9, 11, 12, 16, 20 & 22 OF PLANNING
PERMISSION 4/01010/13/MFA (A MIXED-USE DEVELOPMENT
OF THE SITE TO CREATE 36 APARTMENTS, RETAIL FLOOR
SPACE (CLASS A1) REPLACEMENT ELECTRICITY
SUBSTATION AND ANCILLARY CAR PARKING AND
LANDSCAPING)
Granted
21/08/2015

Public Car park incorporating 175-177 London Road, Hemel Hempstead (Phase 1)

4/01561/09/MF MIXED USE DEVELOPMENT COMPRISING NEW GP SURGERY,
A PHARMACY, RETAIL SPACE, 4 RESIDENTIAL APARTMENTS
AND NEW LINK ROAD BETWEEN LONDON ROAD AND
WEYMOUTH STREET, TOGETHER WITH CAR PARKING, CYCLE
PARKING AND BIN STORAGE, REPLACEMENT PARKING FOR
FLORENCE LONGMAN HOUSE AND NEW LANDSCAPING.

Granted
11/08/2010

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS9 - Management of Roads
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS16 - Shops and Commerce
CS17 - New Housing
CS18 - Mix of Housing
CS19 - Affordable Housing
CS25 - Landscape Character
CS26 - Green Infrastructure
CS27 - Quality of the Historic Environment
CS28 - Renewable Energy
CS29 - Sustainable Design and Construction
CS30 - Sustainability Offset Fund
CS31 - Water Management
CS32 - Air, Water and Soil Quality
CS33 - Hemel Hempstead Urban Design Principles
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 10, 12, 13, 18, 21, 51, 54, 58, 61, 62, 63, 76, 99, 100, 101, 111 and 129,
TWA8
Appendices 1, 3, 5, 6 and 8

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Area Based Policies (May 2004) - Residential Character Area HCA 12:
Water Conservation & Sustainable Drainage (June 2005)
Energy Efficiency and Conservation (June 2006)
Accessibility Zones for the Application of car Parking Standards (July 2002)
Planning Obligations (April 2011)
Affordable Housing (Jan 2013)

Advice Notes and Appraisals

Refuse Storage Guidance Note 2015

Summary of Representations

Conservation and Design

Comments on amended elevations

The elevations do not show the present position of gas pipes – confirmation is required that these will either be removed or hidden behind rwps.

The elevation shows there being flush flues at ground floor and not the projecting, clumsy and visually unacceptable white flues presently fitted.

The fascia to the recessed central section appears acceptable but has not yet been executed. The front of the ‘wings’ appear to show an additional band above the fascia – but no detail is given as to what this will be constructed of – this had not been discussed at site meetings, to my knowledge. No similar treatment of the side elevations appears on the drawings.

Comments on mock-ups

I visited the site today (4/04/16). The proposed mock ups are not what is required – the uPVC cladding used either horizontally or vertically with applied mouldings top and bottom make it appear as an awkward strip of cladding rather than a fascia. I recommended that they investigate a 750cm deep plain fascia (although they were arguing that only 500 deep uPVC cladding is available) I think we need to stick to the original concept and insist on a plain 750cm deep fascia.

This is particularly important as the really unfortunate decision not to paint the ground floor has left the poorly designed and executed door mouldings looking completely out of place. These either should be omitted (and the brickwork made good) – which will leave the ground floor looking stark and meanly designed – or the paint scheme re-introduced.

Comments on revised fascia options

The 750 option is an improvement – the 900 starts to be overwhelming.

Hertfordshire Highways

Comments on revised plans

We previously commented that further information is required to justify that the revised site layout is achievable and the proposed car parking spaces have sufficient manoeuvring space to ensure all vehicles can enter and exit the site, in a forward gear.

The additional information provided by the applicant indicates that vehicles will have sufficient space to enter and exit the site in a forward gear and the proposed parking arrangement is feasible.

Therefore, the objection from HCC can now be removed based on this additional information.

Initial comments (in summary)

Recommends that permission be refused. Further information is required to justify that the revised site layout is achievable and the proposed car parking spaces have sufficient manoeuvring space to ensure all vehicles can enter and exit the site, in a forward gear.

Site Layout: The revised site layout P-01 Rev 18 indicates that the access/turning head will be slightly altered from the approved plan (7868/001H). As a result it is unclear how vehicles will access the proposed disabled parking (parking bays 25 and 26). Further information is required to explain how these parking bays will be accessed.

In order to discharge the condition the applicant will need to submit more information justifying that the proposed car parking spaces have sufficient manoeuvring space to ensure all vehicles can enter and exit the site possible in a forward gear.

Cycle Parking: The revised site layout P-01 Rev 18 indicates that cycle storage will be located to the south of the site and accessed between car parking bays 7 and 8. This could result in conflict between vehicles parking in bays 7 and 8 and pedestrians/cyclists accessing the cycle storage space. Additionally, there may be visibility issues with cyclists leaving the cycle storage space. The applicant will need to ensure that visibility splays of 2x2 are provided for the proposed access to the cycle storage to ensure that there is sufficient pedestrian visibility.

Conclusion: Hertfordshire County Council objects to the application due to issues with the proposed parking layout. Further information is required to demonstrate that the parking arrangements are achievable.

Herts Fire & Rescue

No objections

HCC Ecology Advisor

No objection to the Variation of Conditions 23 and 26.

Crime prevention Advisor

On the basis of information available I am content with the proposals.

Trees and Woodlands

I have commented on this application previously at an earlier stage of development. No trees or landscape features are affected by the proposal at this stage.

Environmental Health

Does not wish to restrict the grant of permission

SPAR

No comments

Affinity Water

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

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

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

Contaminated Land Officer

Any comments received will be reported at the meeting

Building Control

Any comments received will be reported at the meeting

EDF Energy

Any comments received will be reported at the meeting

Refuse Service Manager

Any comments received will be reported at the meeting

Thames Water

Any comments received will be reported at the meeting

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

None

Considerations

Key issues

The principle issue is whether the amendments to the floor levels, windows, materials, and other details would be detrimental to the appearance of the development, the

character of the street scene, highway safety or the amenity of adjoining residential occupiers.

Condition 26 lists the approved plans. It is therefore proposed to substitute some of these with amended plans.

Background

Planning permission was granted in 2013 (4/01010/13/MFA). The principle of development has not changed since then and is still acceptable under Policy CS4 which encourages residential development in towns and large villages. The site is allocated for mixed uses under Proposal TWA8 of the Local Plan, the aim of which is to achieve the comprehensive and co-ordinated development of this site for a mix of uses, including offices and residential, incorporating a new road layout and closure of Storey Street. The planning permission achieves these aims.

The surrounding context (character area HCA12 Apsley) is characterised by small scale dwellings, with the exception of some more modern bulky developments such as Florence Longman House (FLH) to the rear of the site. In terms of design, the Victorian and Edwardian housing is simple and attractive, mostly in dark red brickwork. On the opposite side of London Road, there are one or two higher buildings such as Apsley Community Centre, which can be considered as “Landmark” buildings, but in vistas along London Road, buildings are predominantly two storey. There is some recent 3-storey development within the area at Apsley Mills, and of course Florence Longman House, but neither of these developments are prominent or figure strongly as a feature of London Road itself. On the south western side of London Road, adjoining the Phase 1 site, is a row of quite prominent 2 and a half storey gabled Victorian buildings which, due to levels, are set up at higher level than those 2 storey buildings opposite. The application for Phase 1 (4/1561/09/MFA) to the south, which has been completed, proposed 2½/3 storey buildings which are considered acceptable in the context of the adjoining gabled buildings.

The approved scheme (4/01010/13/MFA) for the application site relates to a single building showing a positive, continuous frontage to London Road, wrapping around the side streets with parking and amenity space to the rear, and a roof garden. It had a traditional appearance featuring steep pitched tiled roofs over a short span, sash windows and use of traditional brick, with a small element of painted render at the focal corner elements. The proposal had a height of 2½ storeys with rooms in the roof, increasing to 3 storeys at the main corners and dropping back to 2½ storeys on the return elevations facing Storey Street and Sealy Way.

Concerns were raised at the time by the Conservation and Design team to the height and scale of the building. However, the modulation of the roof heights together with their animation with chimney stacks was considered to satisfactorily integrate the building with the street scene and to be in scale with the adjoining Phase 1 Lincoln House development, whilst not appearing significantly out of scale with the adjacent 2-storey development in the area.

Discussion

The application proposes a number of amendments (retrospectively) which are considered in turn below in the context of the above.

Increase in first floor height by 1 metre to London Road frontage

This is considered to be perhaps the most contentious issue of all the amendments. The proposed amendments effectively relate to an increase in first floor height in relation to pavement level by 1 metre. The reason for this is understood when looking at the submitted section drawing comparing the amended with the approved scheme. It appears that levels were surveyed incorrectly when the original drawings were submitted and approved, thus the scheme was designed on the basis of London Road being 1 metre higher than it actually is. As a consequence the applicants have now sought to deal with this discrepancy (after virtual completion of the development) by lowering the whole ground floor relating to the frontage units whilst leaving the rear as approved.

The applicant states that it was brought to officers attention in June 2014 that there was a levels issue with the development compared with that approved. However, the case officer does not accept this. Whilst it is acknowledged that the issue of the retail side doors was mentioned in relation to immediately adjoining pavement level on Storey Street in that meeting there was no suggestion that there were wider levels issues that would require the whole ground floor to be lowered.

The above notwithstanding, the consequential increase in brickwork between ground and first floor windows is considered to result in an excessive solid to void ratio that harms the proportions of the building, appears overbearing / overwhelming in the street scene and out of scale with existing buildings in the vicinity. It is also noted that the amount of wall above the second floor windows on the west elevation (rendered section) is greater than the east, but moreover the eaves height appears to have increased compared to the approved elevations.

These concerns were relayed to the applicants following which a meeting on site was held on 22nd February 2016 with a view to seeking solutions to address this issue and others. The Conservation and Design Officer was involved in order to help find solutions short of demolishing and redesigning floor levels. It was agreed that the large gap between ground and first floor windows could be visually reduced by increasing the width of the proposed fascia band running just above the ground floor windows. Subsequently, two options were produced showing a 900 mm band and a 750 mm band. However, the former was considered to be rather overwhelming and it was agreed that the 750 mm band would present a reasonable compromise. Materials were also subsequently discussed but the mock ups on site in uPVC were considered unacceptable in detail by the Conservation and Design Officer. Subsequently it was agreed with officers that a through-coloured (Monocouche) render would be a better treatment to the central fascia band than uPVC. It was also agreed that there should be no change to the approved materials (painted timber) for the shop front fascias, except to increase the width to match the central fascia band.

Amended plans have now been submitted on this basis. Whilst the loss of the original proportions of the solid to void ratio on the front and side elevations and the increase in overall building height by 1 metre is disappointing considering how hard officers worked with the architect on the original approved scheme to maintain the modest character of this part of Apsley High Street, the amendments nevertheless help to mitigate the worst of the harm.

It must also be recognised that Apsley is not a conservation area and furthermore, in serial views looking south along London Road, the site cannot be seen until the last minute. Therefore its wider harm is arguably limited and the main view is terminated by the Phase 1 development of Lincoln House Surgery.

The proposal is therefore considered acceptable for approval in respect of levels and the consequential changes to the fascia width and detailing.

Dormer face & cheeks, changed from brickwork to lead

Arches above windows, removed from end projections to front elevation (in rendered areas)

Brick cills, replaced with stone

Grey PVC, Gutter & downpipes now black

These changes followed agreement with officers (including Conservation and Design) at a meeting in August 2015 and are considered acceptable in materials and design terms.

Front elevation, render to ground floor surrounding apartment entrance doors replaced with facing brick

This change was agreed with the applicant in October 2015 following concerns regarding the maintenance of previously agreed painted brickwork. The change would cause no harm to the street scene or appearance of the building.

Stainless Steel railings, replaced with black ppc railings. Vertical, not horizontal

The approved railings would present a climb risk, and therefore this change was agreed with the applicant in May 2014.

Rear elevation, ground floor apartment entrance door now matching front elevation

Approved planning drawings indicated a fully glazed entrance door to plot 3. As this is directly off a car park, privacy for this unit would be an issue. To ensure Continuity and security/ safety, this is proposed to be amended to be a black coloured entrance door to match those to plots 6-10 fronting onto London road. This detail is acceptable and raises no major design / street scene issues.

Water butts added

This has been added to comply with Code for Sustainable Homes compliance and is welcome.

Communal entrance doors revised, from double doors to single with fixed light adjacent

Approved planning drawings show a pair of double doors. In order to achieve a part M compliant clear width, both doors would need to open as a single leaf would not provide sufficient clear width. As such, this arrangement has been amended to be a single compliant width door with fixed sidelight. This change raises no major design /

street scene issues.

Chimney setting out revised

This follows a structural issue in trying to build this chimney half in the higher roof and half in the lower roof. It is now proposed to reposition the chimney to be completely within the higher roof section. This minor change was agreed in November 2014 and presents no street scene issues.

Hedges to parking under-crofts replaced with low brick walls

Due to the availability of existing gas services and means of providing gas to upper floor units, a dwarf wall is proposed in place of hedges to allow sufficient wall space to site gas meters. This was at the requirement of the gas board and was agreed with officers in October 2014.

Parapet height revised

Parapets are proposed to be increased in height by 225mm in order to suit the required thermal makeup of the roof in line with building regulations. This increase is minor and not considered to materially affect the appearance of the building.

Windows on front elevation to Plots 6,7,8,9 and 10 increased in height

The windows serving the above plots on the ground floor have been amended from 1350mm to 1500mm high. This is apparently to afford safe means of escape as required by the Building Control officer to comply with AD part B volume 2. This change would be a positive improvement as traditionally ground floor windows would assume greater importance through size.

Refuse storage facilities amended and cycle storage building added to rear landscaped area

The introduction of cycle storage in a separate building to the rear landscaped area instead of within the building as approved followed the installation of enlarged service risers internally to accommodate water, electricity + communications, resulting in the loss of cycle storage from the combined undercroft bin storage area. Therefore a standalone cycle store has been introduced (sized to also accord with Code for Sustainable Homes requirements).

The displacement of cycle storage into a separate building to the rear would result in the loss of part of the limited soft landscaping to serve the development which is disappointing given the original limited provision. Unfortunately there are now limited options. On balance, with changes to the design and siting of the structure, this change is considered acceptable.

Following the submission of additional information, the Highway Authority now raise no objection to these amendments in relation to the impact of the cycle storage facility on car parking and visibility matters.

Introduction of vents, flues and copper gas pipes / meter housings to external elevations

It was noted by the case officer that numerous flues and vents had been introduced 'scattergun effect' to all elevations and appeared to relate to the then concurrent application for MVHR. In addition, it was also noted that numerous lengths of copper pipe had been applied (apparently randomly) to the external face of the building.

These have not been referenced in the schedule of changes proposed and were only brought to officers' attention following the case officer's visit to the site in connection with this application.

Whilst normally the addition of such small items might be considered "de minimus", in this case give their number and extent it is considered that these are a material change from the approved plans and require permission.

These flues and pipes add clutter to the elevations and are considered to visually disrupt and detract from the appearance of the building. The appearance of domestic copper gas pipes is certainly an unexpected feature to be found on the external face of any apartment block, despite the contractors assertions that this was quite normal in their experience. However, the case officer has not seen any other buildings where this has been applied, at least not in this area.

The above notwithstanding, it is understood that the copper gas pipes cannot be run internally as they need to be accessible independently to each flat, therefore must run outside to a separate gas meter serving each flat at ground floor level.

The gas meters at ground floor level would be screened and softened by proposed planting as part of the approved landscaping scheme. Therefore these can be mitigated through planting and would not appear unduly intrusive to the street scene. However, with regards to the flues, vents and gas pipes these cannot be screened in this way and therefore officers sought proposals from the applicants in order to help mitigate the impact of these on the external appearance of the building.

At the meeting of 22nd February 2016, it was agreed by all that the installed positions do not reflect the original design intentions and that these would be amended and "cloaked" or positioned by rainwater pipes wherever possible and horizontal runs reduced. It was also suggested that where horizontal runs were impossible to avoid (due to Gas Safety requirements), these would be painted in a colour to match the brickwork.

This is considered to be an acceptable compromise in principle. However, whilst the revised plans note "external Gas feed pipes to be hidden by dummy RWP's or painted out to match wall finish behind", nevertheless, we would expect to see the drawing updated to show the proposed position of these pipes on elevation as it is necessary that the LPA is clear what it is being asked to approve, and ultimately to provide a record of what has been approved (assuming permission is granted).

Amended plans have been requested and an update will be provided at the meeting. In the absence of this, it is recommended that details of their position be submitted for approval as a condition of permission.

With regards to the air vent grilles, these are now shown on the revised plans to be same colour as the render / brickwork and are not considered to be unduly intrusive.

With regards to the boiler flues, with the exception of the recent introduction of extended flues to the ground floor frontage (see below), these will be self coloured black thereby merging into the background brickwork. It is understood that the gas vents to the rear elevation against the cream coloured render cannot be sourced in any colour other than black, and cannot be painted either. However, given their location to the rear, they will not significantly detract from the street scene. On balance the flues / vents are considered not to significantly detract from the appearance of the building and can be approved as an amendment.

There remains the extended flues on the frontage, recently added, which are in white, in contrast to the brickwork behind. The Conservation and Design Officer notes that the elevation drawing shows there being flush air vent grilles at ground floor and not the projecting, clumsy and visually unacceptable white gas flues presently fitted. These are considered unduly intrusive, as well as not shown on elevation, and in view of this, we have asked the applicants to put forward suggestions for mitigating the impact of these, if not omitting them altogether, and an update will be given at the meeting. In the absence of this it is recommended that details be submitted for approval as a condition of permission.

Omission of pilasters to front entrances.

Having removed the requirement (see above) for the painting of the brickwork to the lower elevation on London Road, this left an awkward detail in relation to the pilaster columns (door mouldings) still on the planning drawings. The applicant therefore suggested that these mouldings should be omitted altogether. This was agreed with the applicant in March 2016, and shown on the revised elevations, although has not been acknowledged in the schedule of amendments.

Residential amenities

With regards to residential amenities, there would be no change in relationship with Florence Longman House to the rear. The site is separated from surrounding residential properties by roads. Properties on Storey Street are two storey residential. On the original permission it was noted that, given the limited height difference of the development facing these properties and the separation formed by Storey Street, it was considered the relationship to be satisfactory in light, privacy and visual terms. The amendments will clearly have the effect of raising the height of the building in relation to these properties. However, given that the increase in height by a full 1 metre will only affect the side elevation nearest the London Road frontage, with the height difference reducing the further up Storey Street one goes, and given that the nearest facing property (No. 1 Storey Street) is located some distance up Storey Street, it is considered that the actual increase in height experienced by that property will be less than half a metre. In view of this, it is not considered that the proposal would appear overbearing, or result in a significant loss of light, or result in any significant increase in overlooking.

The proposal would therefore comply with Policy CS12 of the Core Strategy.

Other matters

Since the grant of permission under 4/01010/13/MFA, the Dacorum Core Strategy has

been adopted. However, in considering that application the Council took into account the Dacorum's Pre-submission Core Strategy with Modifications. It is not considered that there are any material changes in the adopted Core Strategy since the consideration of that application that alter the original principle to grant permission or that otherwise indicate that the permission should be modified in some way.

The regulations for minor material amendments state that a new planning permission should be issued with a new planning reference that sits alongside the original permission. In the circumstances it will be necessary to make changes to the signed and completed s106 agreement in respect of 4/01010/13/MFA to ensure that it includes reference to the new permission number 4/02741/15/ROC. A Deed of Variation would be sufficient to do this.

The conditions on 4/01010/13/MFA will continue to be in force as the ROC pertains to Condition 23 and 26 only and the reference to the full approval is in the description of this approval. However, it is considered more straight forward that a new permission be granted in this case replicating the previous conditions as appropriate. Pre-commencement conditions have all been discharged. Therefore it is only needed to cross reference the relevant approvals. As the original permission remains extant but the three year time period in Condition 1 has been met, Condition 1 is not relevant anymore.

Conclusions

In conclusion, there is no objection to this minor material amendment.

On balance, subject to clarification over the details of the copper pipes and extended flues the frontage, the proposals are considered to accord with Policies CS10, 11, 12 and 13 of the Dacorum Core Strategy, together with proposal TWA8 and character appraisal HCA12 of the Borough Plan.

RECOMMENDATIONS

1. That the application be DELEGATED to the Group Manager Development Management and Planning with a view to approval subject to the completion of a Deed of Variation to the existing planning obligation under s.106 of the Town and Country Planning Act 1990.
2. That the following Heads of Terms for the Deed of Variation, or such other terms as the Committee may determine, be agreed:

That reference is made to planning application 4/02741/15/ROC in the current s106 agreement relating to 4/01010/15/MFA.

- 1 The Development hereby permitted shall be carried out in accordance with the details of materials which were submitted to and approved by the local planning authority under planning reference 4/00871/14/DRC on 21st August 2015.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS10, 11, 12 and 13 of the Dacorum Core Strategy

(September 2013).

- 2 **The development shall not be occupied until details of the position of external gas feed pipes on the development, and details of proposals to mitigate the appearance of or position of the extended flues on the ground floor front elevation, shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS10, 11, 12 and 13 of the Dacorum Core Strategy (September 2013).

- 3 **The Development hereby permitted shall be carried out in accordance with the details of landscaping which was submitted to and approved by the local planning authority under planning reference 4/00871/14/DRC on 21st August 2015.**

The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted or within such other timescale as may be agreed with the local planning authority. Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the local planning authority.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policies CS11, 12 and 13 of the Dacorum Core Strategy (September 2013) and saved Policy 100 of the Dacorum Borough Local Plan 1991-2011.

- 4 **The Development hereby permitted shall be carried out in accordance with the details of the following which were submitted to and approved by the local planning authority under planning reference 4/00985/15/DRC on 6th July 2015.**

- all external boundary walls;
- secure cycle stores;
- bin stores, including refuse provision for the commercial units;
- all windows, doors and openings (including materials, finishes, cills, window headers and vertical cross sections through the openings);
- all dormer windows;
- fascia / soffit / eaves;
- all balconies, railings, balustrades;
- the shop fronts (including materials and vertical cross sections through the shop fronts).

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS10, 11, 12 and 13 of the Dacorum Core Strategy

(September 2013).

- 5 **All windows shall be vertical sliding or shall otherwise be designed to prevent opening lights disrupting the visual appearance of the facades, and window frames shall be recessed a minimum of 90 mm, unless otherwise agreed in writing with the local planning authority.**

Reason: To provide strong visual relief and to prevent opening lights from disrupting the visual appearance of the facades in accordance with Policies CS10, 11 and 12 of the Dacorum Core Strategy (September 2013).

- 6 **The development shall not be occupied until the arrangements for car park accesses, parking, circulation, and turning areas shall have been constructed, surfaced and permanently marked out, and they shall not be used thereafter otherwise than for the purposes approved.**

Reason: To ensure that adequate parking is provided at all times so that the development does not prejudice the free flow of traffic or the conditions of general safety along the adjacent highway(s), or the amenities and convenience of existing local residents and businesses in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013) and saved Policies 51 and 58 of the Dacorum Borough Local Plan 1991-2011.

- 7 **The Development hereby permitted shall be carried out in accordance with the details of contractors compound on-site for the storage of all materials, plant and equipment, together with parking to be provided for the use of all contractors, sub-contractors, visitors and delivery vehicles engaged on or having business on site which were submitted to and approved by the local planning authority under planning reference 4/00871/14/DRC on 21st August 2015.**

Reason: In the interests of Highway safety and efficiency and to ensure the adequate and satisfactory provision of off-street construction-related facilities in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013) and saved Policy 51 of the Dacorum Borough Local Plan 1991-2011.

- 8 **The Development hereby permitted shall be carried out in accordance with the details of means of cleaning the wheels of all vehicles leaving the site which were submitted to and approved by the local planning authority under planning reference 4/00871/14/DRC on 21st August 2015.**

Reason: To ensure that all vehicles leaving the development 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, in order to minimise the impact of construction vehicles and to improve the amenity of the local area in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013) and saved Policy 51 of the Dacorum Borough Local Plan 1991-2011.

- 9 **The Development hereby permitted shall be carried out in accordance with the details of the turning head to be provided at the end of Storey Street together with details of the permanent closure of Storey Street**

with London Road (including environmental enhancements) and measures to make the service road within the site one way (including measures to enforce this) which were submitted to and approved by the local planning authority under planning reference 4/00871/14/DRC on 21st August 2015.

Reason: To ensure that a turning facility is available at the end of Storey Street in association with the closure of Storey street in the interests of highway safety and convenience, and to ensure that the works will enhance the appearance of the street scene in accordance with Policies CS11, 12 and 13 of the Dacorum Core Strategy (September 2013) and saved Policy 51 and proposal TWA8 of the Dacorum Borough Local Plan 1991-2011.

- 10 **The development hereby permitted shall be carried out in accordance with the approved C-Plan Sustainability Statement and preliminary SAP and Code for Sustainable Homes Energy 1 and Energy 2 Tool which were submitted under application reference 4/01010/13/MFA.**

Reason: To ensure the sustainable development of the site in accordance with Policy CS29 and Para 18.22 of the Dacorum Core Strategy (September 2013).

- 11 **The extent and nature of contamination is as submitted and approved under planning reference 4/00871/14/DRC on 21st August 2015.**

Reason: For the avoidance of doubt and to ensure that risks from land contamination to the future users of the land, and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies CS31 and CS32 of the Dacorum Core Strategy (September 2013) and to protect groundwater in line with Paragraphs 109, 120 and 121 of the National Planning Policy Framework. (Refer to Scientific Officer and Environment Agency recommendations)

- 12 **The Development hereby permitted shall be carried out in accordance with the details of remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural environment which were submitted to and approved by the local planning authority under planning reference 4/00871/14/DRC on 21st August 2015. The remediation scheme shall be implemented in accordance with the approved timetable of works.**

Reason: To ensure that risks from land contamination to the future users of the land, and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies CS31 and CS32 of the Dacorum Core Strategy (September 2013) and to protect groundwater in line with Paragraphs 109, 120 and 121 of the National Planning Policy Framework. (Refer to Scientific Officer and Environment

Agency recommendations)

- 13 **Within 6 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) shall be submitted to the local planning authority for its written approval.**

Reason: To ensure that risks from land contamination to the future users of the land, and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies CS31 and CS32 of the Dacorum Core Strategy (September 2013) and to protect groundwater in line with Paragraphs 109, 120 and 121 of the National Planning Policy Framework. (Refer to Scientific Officer and Environment Agency recommendations)

- 14 **In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing within 7 days to the local planning authority and once the local planning authority has identified the part of the site affected by the unexpected contamination, development shall be halted on that part of the site. An assessment shall be undertaken in accordance with the requirements of Condition No 11, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, shall be submitted to and approved in writing by the local planning authority in accordance with the requirements of Condition No 12. The measures in the approved remediation scheme shall then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report shall be submitted to and approved in writing by the local planning authority in accordance with Condition No 13.**

Reason: To ensure that risks from land contamination to the future users of the land, and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies CS31 and CS32 of the Dacorum Core Strategy (September 2013) and to protect groundwater in line with Paragraphs 109, 120 and 121 of the National Planning Policy Framework. (Refer to Scientific Officer and Environment Agency recommendations)

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

Reason: To protect groundwater in line with the National Planning Policy

Framework, Policies CS31 and CS32 of the Dacorum Core Strategy (September 2013), and the Thames River Basin Management Plan. (Refer to advice of Environment Agency).

- 16 **The Development hereby permitted shall be carried out in accordance with the details of surface water drainage system which were submitted to and approved by the local planning authority under planning reference 4/00871/14/DRC on 21st August 2015. The development shall be carried out and thereafter retained fully in accordance with the approved details.**

Reason: To protect groundwater in line with the National Planning Policy Framework, Policies CS31 and CS32 of the Dacorum Core Strategy (September 2013), and the Thames River Basin Management Plan. (Refer to advice of Environment Agency)

- 17 **The Development hereby permitted shall be carried out in accordance with the details of noise assessment which was submitted to and approved by the local planning authority under planning reference 4/03963/15/DRC on 7th March 2016. All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise from the mechanical extraction plant or ventilation extraction system does not, at any time, increase the ambient equivalent continuous noise level.**

Reason: To protect the amenities of proposed and adjoining development. To ensure that any extraction plant comprising the residential artificial ventilation system or servicing the commercial retail units does not cause noise complaints in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013).

- 18 **Before any mechanical extraction plant or ventilation extraction system is used on the premises it shall be enclosed with sound insulating materials and installed using appropriate anti-vibration mountings in a way that minimises the transmission of structure borne sound and vibration in accordance with a scheme to be approved in writing by the Local Planning Authority.**

Reason: To prevent detriment to the amenity from the transmission of structure borne vibration in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013).

- 19 **The Development hereby permitted shall be carried out in accordance with the details of measures to be included in the development to ensure that rooms fronting London Road achieve suitable air quality standards which were submitted to and approved by the local planning authority under planning reference 4/03963/15/DRC on 7th March 2016.**

Reason: The area is an Air Quality Management Area (AQMA) and residential use would not normally be recommended in such an area.

Mitigating measures are required to ensure that the development limits its impact on air quality in this area and of traffic pollution on the occupants of and visitors to the development in accordance with Policy CS32 of the Dacorum Core Strategy (September 2013).

- 20 **The Development hereby permitted shall be carried out in accordance with the details of measures to be incorporated into the design of the development to meet secured by design principles which were submitted to and approved by the local planning authority under planning reference 4/00871/14/DRC on 21st August 2015. The measures shall thereafter be retained and adequately maintained at all times unless otherwise agreed in writing by the local planning authority.**

Reason: To ensure a secure and safe form of development for the residents in accordance with Best Practice and Secured by Design principles and Policy CS12 of the Dacorum Core Strategy (September 2013).

- 21 **Before any new access permitted is first brought into use the existing access(es) shall be stopped up and closed by removing the vehicle crossover, raising the kerb and reinstating the footway surface.**

Reason: In the interests of highway safety and to ensure a satisfactory appearance to the development in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013) and saved Policy 51 of the Dacorum Borough Local Plan 1991-2011.

- 22 **The Development hereby permitted shall be carried out in accordance with the details of measures to recycle and reduce construction waste which may otherwise go to landfill which were submitted to and approved by the local planning authority under planning reference 4/00871/14/DRC on 21st August 2015.**

Reason: To accord with the waste planning policies of the area and Policy CS29 of the Dacorum Core Strategy (September 2013).

- 23 **No part of the development hereby permitted shall be occupied until the refuse storage facilities shown on Drg. No. C1962 / P-01 Rev 18 shall have been provided, and such facilities shall thereafter be retained and adequately maintained at all times for this purpose.**

Reason: To ensure satisfactory provision for refuse storage in the interests of residential and visual amenities in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013).

- 24 **Shop window displays shall at all times be maintained to the retail units and no window film shall be applied that would obscure the windows. Any security shutters shall be by means of internal open grilles only.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policy CS13 of the Dacorum Core Strategy (September 2013).

- 25 **The retail units hereby permitted shall only be used for retail purposes within Class A1 of the Town and Country Planning (Use Classes Order) 2005 (or any order revoking and re-enacting that Order).**

Reason: For the avoidance of doubt and to reinforce the retail character of this part of Apsley in the interests of enhancing the vitality and viability of Apsley local centre in accordance with Policy CS13 of the Dacorum Core Strategy (September 2013), Proposal TWA8 of the Dacorum Borough Local Plan 1991-2011 and the objectives of the Two Waters and Apsley Inset.

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

**C1962 / P-01 Rev 18
C1962 / GA-11 Rev A
C1962 / GA-04_OP1D
C1962 / A-12 Rev A**

together with the following plans approved under 4/01010/13/MFA:

**7868/001H
7868/002E
7868/003E
7868/004E
7868/007A
7868/008D
7868/009A
7868/010B
7868/011B
7868/012
M/1041850/002/002
Topographic Survey**

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

INFORMATIVE

The development hereby permitted is an amendment to the permission granted under planning permission 4/01010/13/MFA.

Article 35 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the application process which lead to improvements to the scheme to enable permission to be granted. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

Agenda Item 5k

Item 5k

4/00448/16/FHA - DROPPED KERB. CROSSOVER TO COUNCIL GRASS LAND TO PROPERTY BOUNDARY. CREATION OF A SINGLE CAR HARD STANDING TO THE FRONT OF THE PROPERTY

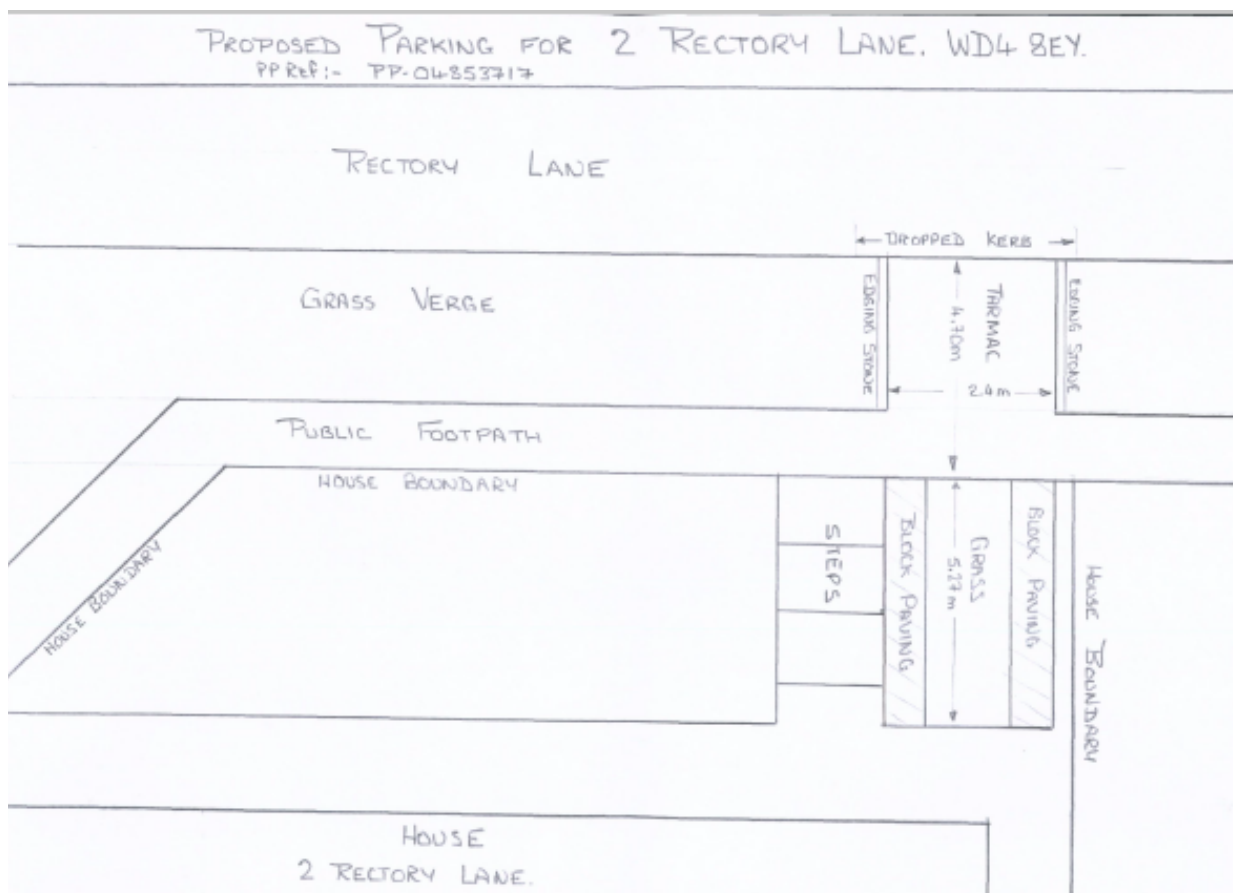
2 RECTORY LANE, KINGS LANGLEY, WD4 8EY



Item 5k

4/00448/16/FHA - DROPPED KERB. CROSSOVER TO COUNCIL GRASS LAND TO PROPERTY BOUNDARY. CREATION OF A SINGLE CAR HARD STANDING TO THE FRONT OF THE PROPERTY

2 RECTORY LANE, KINGS LANGLEY, WD4 8EY



**4/00448/16/FHA - DROPPED KERB. CROSSOVER TO COUNCIL GRASS LAND TO PROPERTY BOUNDARY. CREATION OF A SINGLE CAR HARD STANDING TO THE FRONT OF THE PROPERTY..
2 RECTORY LANE, KINGS LANGLEY, WD4 8EY.
APPLICANT: MR & MRS GOMME.**

[Case Officer - Elspeth Palmer]

Summary

The application is recommended for approval as the proposal will not result in a loss of amenity and will comply with highway safety policies.

Site Description

The site lies on the eastern side of Rectory Lane at the intersection with Chantry Close in a residential area of Kings Langley. The site comprises a two storey detached dwelling set back from the road.

Proposal

The proposal involves a dropped kerb, cross over to Council grass land to the property boundary, creation of a single car hardstanding to the front of the property and steps. The proposal will follow the natural slope of the land and not require any excavation.

Referral to Committee

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

Planning History

4/01026/06/FH TWO STOREY SIDE EXTENSION
A

Granted
04/07/2006

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

Adopted Core Strategy

NP1 - Supporting Development
CS4 - The Towns and Large Villages
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS25 - Landscape Character

Saved Policies of the Dacorum Borough Local Plan

Policy 13

Summary of Representations

Kings Langley Parish Council

The Parish Council have no objection.

Hertfordshire Highways

Original comments received from Highways objected to this proposal on the grounds of insufficient information and impact on the amenity land.

After further consideration Highways amended their recommendation to that outlined below:

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.

Further to our recent correspondences on the above matter the recommendation is changed to grant subject to the advisory note

AN3. Where works are required within the public highway to facilitate access, the highway authority require the construction of such works to be undertaken to their specification and by a contractor who is authorised to work in the public highway. In relation to the crossover the applicant is advised to see the attached website.

Vehicle crossover guidance

<http://www.hertsdirect.org/docs/pdf/d/vxo.pdf>

and to apply for vehicle crossover

<http://www.hertsdirect.org/services/transtreets/highways/hnonlineservices/vxo/>

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

No objections received.

Considerations

Policy and Principle

Policy CS11: Quality of Neighbourhood Design states that within settlements and neighbourhoods development should preserve attractive streetscapes and avoid large areas dominated by car parking.

Policy CS12: Quality of Site Design states that on each site development should provide a safe and satisfactory means of access for all users, integrate with streetscape character and retain important trees.

Impact on Street Scene

The proposal will be in character with the street scene as there are many dwellings

with cross overs and off street parking along the lane. The immediate neighbour No.4 Rectory Lane has an identical cross over.

Impact on Trees and Landscaping

There are no significant trees in proximity to the proposal.

Impact on Highway Safety

Hertfordshire Highways have no objection to the proposal subject to the approval containing the advisory note listed above.

Impact on Neighbours

The proposal will not have a detrimental impact on neighbours.

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

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

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

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

Site Location Plan
Sketch showing proposal PP Ref:- 04853717

Reason: For the avoidance of doubt and in the interests of proper planning and to comply with CS 11 and 12.

Article 35 Statement

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

Informatives:

Highways Informative:

AN3. Where works are required within the public highway to facilitate access, the highway authority require the construction of such works to be undertaken

to their specification and by a contractor who is authorised to work in the public highway. In relation to the crossover the applicant is advised to see the attached website.

Vehicle crossover guidance

<http://www.hertsdirect.org/docs/pdf/d/vxo.pdf>

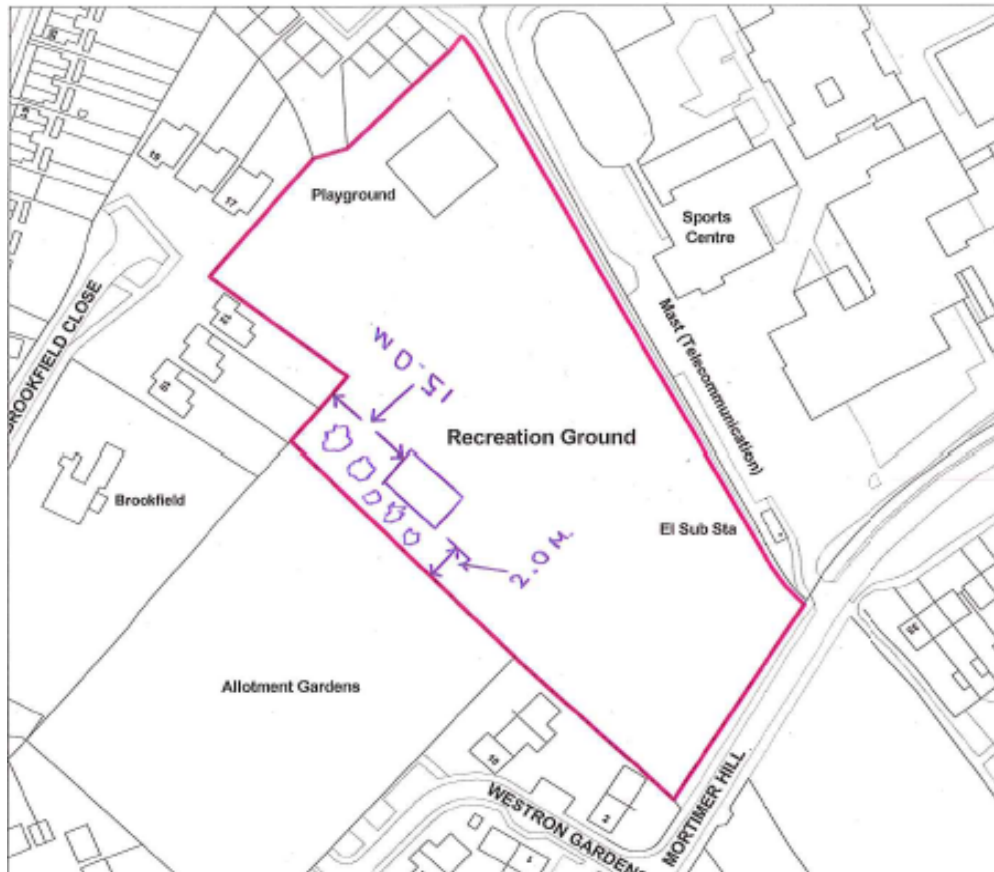
and to apply for vehicle crossover

<http://www.hertsdirect.org/services/transtreets/highways/honlineservices/vxo/>

Item 51

4/03550/15/FUL - RETENTION OF SMALL STORAGE CONTAINER ON RECREATION GROUND

RECREATION GROUND, MORTIMER HILL, TRING, HP23 5JU



**4/03550/15/FUL - RETENTION OF SMALL STORAGE CONTAINER ON RECREATION GROUND..
RECREATION GROUND, MORTIMER HILL, TRING, HP23 5JU.
APPLICANT: MR CHRIS PRICE.**

[Case Officer - Tass Amlak]

Summary

The application is recommended for approval. The proposal is for the retention of a container for storage purposes on the recreation ground. Overall it is considered that the proposed development will have no significant impact on the character and appearance of the designated open land. In addition to this the proposal is not considered to result in significant harm to the residential amenities of the neighbouring properties.

Site Description

This site is part of Mortimer Hill Recreation Ground located on Mortimer Hill, Tring. The site falls within an area designated as Open Land.

Proposal

Retention of a small container for storage purposes on the recreation ground.

Relevant history

4/01487/10/FU RETENTION OF SMALL STORAGE CONTAINER
L

Granted

4/00995/05/FU RETURN SURFACE TO ORIGINAL GROUND CONDITIONS WITH
L IMPROVEMENTS

Granted
20/06/2005

4/01884/99/4 REPLACEMENT BRICK STOREHOUSE

Granted
21/03/2000

Referral to Committee

The application is referred to the Development Control Committee due to the development being located on Council owned land.

Adopted Core Strategy

CS4,CS12 and CS23

Saved Policies of the DBLP 1991-2011

Policy 116

Constraints

Open Land

Representations

Tring Town Council

Tring Town Council has no objection to this application

5 The Meads

I should like to enter an Appeal against this seemingly retrospective application for planning permission.

The Appeal in no way reflects on the work undertaken by Tring Tornadoes, nor is it suggested that they have acted in an inappropriate manner. The issue lay with the Estate Department of Dacorum Borough Council and their apparent lack of understanding of their responsibilities.

This leads to the view that this whole project has not been properly assessed by those responsible before allowing the siting of this container. It is suggested that there has been no consideration given to alternatives on offer prior to agreeing the instatement of this football pitch, it has not taken account of any Health & Safety issue, nor has it considered the impact on Public Order offences. Ever increasing in this day and age of cut backs and austerity it has not considered the additional cost implications to the Boroughs finances such approval has had to the detriment of the whole of the Council tax payers it is supposed to represent. Finally no assessment appears to have been made on the attraction such an installation readily affords those prone to acts of vandalism.

The recreation ground was utilised for many, many years for the purpose of football at the week-ends. In the fifty years I have lived in Tring there has never previously been perceived to be a need for such a structure to appear in this particular recreation ground as now proposed. In itself it is unsightly.

A football pitch has not been installed or maintained by Dacorum on this site for a number of years. Prior to its cessation when used regularly, within Tring school which lies adjacent to the field accessed by a gate from the field, are two similar metal containers operated by Dacorum Sports centre. These have provided changing facilities for players and are both equipped with toilet facilities and it is believed a shower. Currently used for storage.

These containers were used for many, many years by teams playing on the recreation ground. In addition to the facilities within the containers, Tring Sports centre itself also has a number of amenities which have previously been used in addition by players.

The facilities in the current proposal whilst described as for storage lack such an all important facilities and the containers within the school site therefore appear to offer a much better all round solution.

Those participating are involved for a minimum of a two hour session within the recreation ground and as has already been observed what are considered to be Public Order offences have occurred by both those taking part and the spectators in the boundary hedgerows. Unfortunately too whilst a rare occurrence, there has been a case of human excrement being deposited behind the recently installed container. Whilst it is not suggested the owners of the container were responsible, such an incident did not occur prior to its appearance and installation. Oh the joys of walking the dog!! These actions are both anti-social and in contravention I believe of the Public Order Act. Use of the school containers would reduce this possibility occurring.

On the subject of vandalism, since its September installation on at least two occasions the container has been subject two acts of vandalism which have left its side very unsightly and badly dented. It is suspected that youths have been attempting to scale the walls for access to the roof. It is only a matter of time before the dreaded graffiti appears. This opportunity did not exist before.

None of the above takes account of the additional financial resources such a reinstatement of the pitch has caused. It might not be immediately obvious but the actual grass pitch area and only the pitch area is cut at more frequent intervals than the remaining areas of the field. This takes Council labour resources and transportation of equipment. At the beginning of the season, the pitch has to be 'set-up- and throughout the white lining takes place at again regular intervals; to achieve both processes take labour resources and require transportation of equipment.

A far more cost effective and sensible approach to this whole issue of containers, toilets, additional grass cutting and white lining is as follows.

Use Pound Meadow. For many years Pound Meadow boasted two full size football pitches. The one nearer the town fell into disuse some time ago although one of the original steel goal posts remains in situ. Use this area for Tring Tornadoes and not the Mortimer Hill recreation ground.

The advantages of this are many. This meadow has its own purpose built sports pavilion with full facilities including toilets. It is submitted that not only would there be an improvement in the Labour element involved in the additional grass cutting and white linings at two sites, Pound Meadow and Mortimer Hill recreation ground, but a reduction in transportation costs would also be achieved. Instead of being in two separate locations, by a combination on one site the additional grass cutting and white lining could be undertaken at one and the same time. This is not a front line service and any savings which could be made should be made for the benefit of the whole community. It is irresponsible to do otherwise.

If the Tornadoes insist on their separate storage, then the rear of the pavilion would appear to offer the ideal solution leaving the recreation ground free of this unsightly structure.

There is more near-by parking available.

Finally I feel the Council may be seen to albeit unwittingly, become involved in the sensitive area of discrimination if approval is given for the permanent siting of this container.

The recreation land at Mortimer Hill recreation ground is not owned by but is leased by Dacorum Council from Tring Charities who also own and operate the adjoining allotments. This aspect also seems to have been from the consideration by those within the Estates Department.

Tring Charities have a very clear policy of not allowing any sheds, green houses or storage facilities within the allotment area. I think if this storage container is allowed to remain, it could quite easily be seen as discriminatory to the allotment holders who are barred from having an equally needed storage facility.

There are much more suitable amenities, and cost effective solutions on offer than to approve the use of this proposed container.

Finally I would draw attention to the lack of display to the public of the normal planning 'Orange Notice. Despite first raising this on the 11th January and again on the 29th January, nothing whatsoever has been received from any persons within the Planning Department.

An acknowledgement of this Appeal would be welcomed.

Considerations

The site lies in the Urban Area of Tring in an area designated as Open Land. Policy CS4 supports the provision of social and community uses. Policy CS12 seeks to ensure quality of design.

In open land areas the primary planning purpose is to maintain the generally open character. Saved Policy 116 of the DBLP 1991-2011 supports the provision of ancillary buildings and works subject to the consideration of the impact on the open land setting/character and integrity of the area.

Policy CS23 generally supports the provision and improvement of community facilities. It is considered that existing storage container is acceptable in principle and would not have a significant impact on the character/setting and integrity of this area of designated open land.

Effect on Streetscene

The storage container is not be visible from the highway and thus will have no impact on the street scene as such. However, its appearance will be visible to the general public using the recreation ground and thus it is important to minimise its impact in terms of appearance.

The storage container has been painted green in an attempt to help it assimilate into its surroundings and has no significant impact. The requirement for secure storage on the site is supported in principle and given that the container is of a reasonable scale and well situated within the site to reduce its prominence, it is not considered to have an adverse impact on the sites openness.

Concerns have been raised in relation to the potential of vandalism. It is true to say the building will be unoccupied for large periods and the potential for vandalism does exist.

That is why the building's materials are robust with steel doors and no windows. However just because vandalism exists is not a reason to not improve facilities for the benefit of the community. Comments are awaited from the Crime Prevention officer regarding the concerns raised.

Effect on Amenity of Neighbours

The storage container is set away from the rear gardens of the neighbouring properties 10-12 Brookfield Close and as such the proposal is not considered to be harmful to the amenities of these neighbouring properties.

Conclusions

The proposed development is acceptable and would support the recreational/sporting use of this area of open land. The proposal would not have an adverse impact on the appearance of the street scene or the character and appearance of this area of designated open land. There would be no significant adverse impacts on neighbouring properties. In addition, the proposal would not have an impact on highway and pedestrian safety. The proposal is therefore in accordance with the National Planning Policy Framework, Policies CS4, CS12, CS23 of the Core Strategy and Policy 116 of the saved DBLP 1991-2011.

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

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

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

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

Site Photos
Location Plan

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

NOTE 1: ARTICLE 35 STATEMENT

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

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

(Amendment No. 2) Order 2015.

Agenda Item 6

6. APPEALS UPDATE

A. LODGED

4/01050/16/ENA

APPEAL AGAINST ENFORCEMENT NOTICE - REMOVAL OF LOG CABIN
4 MYRTLE COTTAGES, BULBOURNE ROAD, BULBOURNE, TRING, HP23 5QE
[View online application](#)

B. WITHDRAWN

None

C. FORTHCOMING INQUIRIES

4/00488/16/ENA

MR A MATHERS
APPEAL AGAINST ENFORCEMENT NOTICE, CONVERSION OF ONE DWELLINGHOUSE TO SEVEN FLATS
1 AIREDALE, HEMEL HEMPSTEAD, HP2 5TP
[View online application](#)

D. FORTHCOMING HEARINGS

None

E. DISMISSED

4/01489/15/FUL

MR M CANNON
STUDIO FLAT
LAND ADJ STRONGS PRINTING SERVICES, BANK MILL LANE, BERKHAMSTED, HP4 2NT
[View online application](#)

The main issues are the effect of the proposal on the Berkhamsted Conservation Area and highway safety.

The pattern of development (wide plots which are well spaced) to this side of bank Mill lane is locally distinctive and contributes positively to the character and appearance of the area. In contrast to the adjoining plots, the appeal site is narrow and as a result the proposed development would be smaller with a narrower frontage. The layout would have a cramped appearance, and the scale and form would be at odds with the prevailing pattern. Whilst the front and rear walls would align with the house to the east, it would be clearly visible in the Bank Mill Lane street scene as well as from the

Canal towpath. The proposal would have a harmful effect on the character and appearance of the Conservation Area.

The reason for refusal also cites CS10, CS13 and LP Policy 111 but there is no substantive evidence to indicate that the proposal would be unacceptable in either of these regards.

The proposal includes a single parking space. There is no footpath along the front of the site, and on both sides, the neighbouring properties boundary fences are at least 1m high and extend up to the highway. In the case of either parking layout, visibility would be constrained. Whilst the appellant refers to a consultation response from highways, the response is based on a plan which was not included within the appeal submission. As such it is given little weight. Neither party provided dimensions of the visibility splays that may be applicable to the site access. Moreover the appeal submissions do not include drawings demonstrating the visibility achievable. Having regard to the physical constraints on site, it has not been adequately demonstrated that the proposal would not pose a risk to highway safety. the proposal thus conflicts with CS 8 and CS12 and LP Policy 58 to the extent that they require proposals to provide safe and satisfactory access and parking.

Despite pre-application advice and the suggestion that the site should be considered as part of the redevelopment of the adjoining Strongs printers lane, a proposal for a more comprehensive form of development does not form the appeal proposal.

It is recognised that the proposal did not receive local objections, would meet relevant Housing Building Council design standards and create an additional housing unit, nevertheless there is nothing to suggest that the council is unable to demonstrate a 5 year supply of deliverable housing land and the absence of objections does not amount to a benefit weighing in favour of the proposal. The modest contribution made by the proposal would be outweighed by the concerns set out above.

4/02312/15/FUL

Mr K Pritchard
REPLACEMENT DWELLING
6 HIGHCROFT ROAD, FELDEN, HEMEL HEMPSTEAD, HP3 0BU
[View online application](#)

The Inspectorate considered that the main consideration was whether the replacement dwelling constituted inappropriate development in the Green Belt and if so whether there were any 'very special circumstances' to outweigh the harm. The Inspector considered that the difference in area between the original bungalow and the proposed dwelling was clearly vast (in excess of 5 times the size) and beyond the increase envisaged by either the NPPF or the Council's Local Plan. As such the Inspector considered that there was no doubt that the development would constitute inappropriate development in the Green Belt and, in addition to the harm caused by inappropriateness, must be added the harm arising from the loss of openness that would result from replacing the original dwelling (and the floorspace of the garage now demolished) with such a large building. The Inspector considered that was no very special circumstances to outweigh the harm by reason of inappropriate development and loss of openness, giving regard to the fall-back position of permitted development extensions. The appeal was dismissed.

4/02967/15/FUL

Mr Sellick
ONE BED DWELLING WITH ASSOCIATED CAR PARKING SPACE
(AMENDED SCHEME)
76 ST ALBANS ROAD, HEMEL HEMPSTEAD, HP2 4BA
[View online application](#)

F. ALLOWED

4/02616/15/FUL CARDTRONICS UK LTD - MS L WOLSTENCROFT
PROPOSED INSTALLATION OF AN ATM AS A THROUGH GLASS
INSTALLATION. GREEN ACRYLIC SIGN NON ILLUMINATED TO TOP OF
ATM FASCIA WITH WHITE LETTERING 'CASHZONE FREE CASH
WITHDRAWALS'
99 HIGH STREET, MARKYATE, ST ALBANS, AL3 8JG
[View online application](#)

The main issue in the consideration of this appeal is the impact of the proposed ATM on pedestrian safety.

99 High Street is a listed building set within the Conservation Area, listed building consent for the works has already been granted. It is concluded therefore that the works would satisfy the heritage requirements of the NPPF.

The ATM would be accessed via a very narrow pavement. In the vicinity of the appeal premises there is parallel parking on-street, this has the effect of reducing the road to a single carriageway. The footpath opposite, which serves the convenience store is wider and allows better pedestrian movements. Whilst pedestrians passing each other may have to step off the pavement to allow others to pass, this is generally into the area between parked cars and not into the carriageway itself.

It is agreed that this is not an ideal location for an ATM, however it is ideally located at the centre of the village. Whilst its use may result in some additional inconvenience to pavement users, it is not likely to significantly alter safety concerns associated with this narrow pavement. It may encourage drivers to stop but this would not result in material changes with regard to the operation of the highway itself.

Whilst the concerns raised by the council, parish council and a number of local residents have been considered, considerable weight has been given to the view of the highway authority who do not object.

Overall, it is concluded that the proposal would not result in significant changes to either pedestrian or highway safety.

4/02694/15/LDP MR K PRITCHARD
SINGLE STOREY SIDE AND REAR EXTENSIONS AND CONSTRUCTION OF
4 DETACHED OUTBUILDINGS
6 HIGHCROFT ROAD, FELDEN, HEMEL HEMPSTEAD, HP3 0BU
[View online application](#)

The Inspectorate determined this appeal as a split decision, insofar, agreed that the Class A extensions constituted permitted development, however he dismissed the appeal for the Class E outbuilding, which was the part of the proposal that the Council refused permission for. The Inspector considered that the amount and extent of facilities proposed goes far beyond what could be viewed as reasonably required for purposes incidental to the enjoyment of the dwellinghouse as such, and certainly the appellant has not proved to the contrary.

Agenda Item 8

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

Agenda Item 9

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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