



Public Document Pack

DEVELOPMENT MANAGEMENT

AGENDA

THURSDAY 23 JULY 2020 AT 6.30 PM
MICROSOFT TEAMS

***This meeting of the Development Management Committee will be held remotely via the Microsoft Teams application.**

Should any members of the public wish to join this meeting, please contact the Assistant Director (Corporate & Contracted Services) at member.support@dacorum.gov.uk by 5pm on Wednesday 22nd July.

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

Membership

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

If you are having problems connecting to the virtual meeting, please phone the clerk on 01442 228490.

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

AGENDA

- 1. MINUTES** (Pages 5 - 21)
To confirm the minutes of the previous meeting.
- 2. APOLOGIES FOR ABSENCE**
To receive any apologies for absence

3. DECLARATIONS OF INTEREST

To receive any declarations of interest

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

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

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

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

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

It is requested that Members declare their interest at the beginning of the relevant agenda item and it will be noted by the Committee Clerk for inclusion in the minutes.

4. PUBLIC PARTICIPATION

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

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

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

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

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

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

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

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

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

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

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

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

5. INDEX TO PLANNING APPLICATIONS

- (a) 20/01038/FHA - SINGLE STOREY REAR EXTENSIONS, FRONT PORCH CANOPY AND ALTERATIONS TO FRONT, REAR AND SIDE FENESTRATION (AMENDED SCHEME) - 12 Puller Road Hemel Hempstead Hertfordshire HP1 1QL (Pages 22 - 27)
- (b) 20/00771/FHA - TWO STOREY SIDE AND REAR EXTENSIONS AND NEW FRONT PORCH - Autumn Tints, 4 Rambling Way, Potten End, Berkhamsted (Pages 28 - 37)
- (c) 19/02521/FHA - SINGLE STOREY FRONT EXTENSION, TWO STOREY SIDE AND REAR EXTENSION - 15 New Road, Wilstone, Tring, Hertfordshire (Pages 38 - 51)
- (d) 20/00003/FUL - CHANGE OF USE FROM OFFICE TO DAY NURSERY WITH ASSOCIATED ALTERATIONS, INCLUDING INTERNAL RECONFIGURATION AND NEW OPENINGS AND REVISED EXTERNAL LAYOUT - Ardenoak House, 101 High Street, Tring, Hertfordshire (Pages 52 - 74)
- (e) 19/02662/FUL - CHANGE OF USE FROM OFFICE TO DAY NURSERY, SINGLE STOREY FRONT EXTENSION, ALTERATIONS AND REVISED EXTERNAL LAYOUT - 1 Hempstead Road, Kings Langley, Hertfordshire, WD4 8BJ (Pages 75 - 122)
- (f) 20/00589/FUL - CONSTRUCTION OF 7NO. 3 BEDROOM TERRACED FAMILY DWELLINGS, WITH ASSOCIATED CAR PARKING PROVISION OF 16NO SPACES AND LANDSCAPING. PARKING PROVISION OF 7 PUBLIC SPACES AND 2NO DESIGNATED SPACES (ONE IN EXISTING GARAGE) FOR STAFF OF SPICE VILLAGE RESTAURANT - Car Park To Rear Of, The Spice Village, Chapel Croft, Chipperfield (Pages 123 - 152)
- (g) 20/00700/FHA - REFURBISHMENT OF EXISTING PROPERTY, INCLUDING FIRST FLOOR EXTENSION, REAR SINGLE STOREY EXTENSION AND REMODELLING OF FACADES - Viewpoint, Felden Lane, Hemel Hempstead, Hertfordshire (Pages 153 - 167)

6. APPEALS (Pages 168 - 169)

7. QUARTERLY ENFORCEMENT REPORT (Pages 170 - 214)

Public Document Pack Agenda Item 1

DACORUM BOROUGH COUNCIL

DEVELOPMENT MANAGEMENT

2 JULY 2020

Present:

MEMBERS:

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

OFFICERS:

J Hutton (Legal Governance Team Leader - Planning and Property), B Curtain (Lead Planning Officer), R Freeman (Lead Planning Officer), J Gardner (Lead Planning Officer), C Lecart (Planning Officer), J Miller (Planning Officer), E Palmer (Planning Officer), J Reid (Development Management Team Leader), P Stanley (Team Leader - Development Management), M Stickley (Lead Planning Officer) N Vernal (Trainee Planning Officer) and C Webber (Corporate & Democratic Support Officer)

The meeting began at 6.30 pm

1 MINUTES

The minutes of the meeting held on 11 June were confirmed by the Members present.

Hard-copy minutes will be signed by the Chair when restrictions are lifted.

2 APOLOGIES FOR ABSENCE

There were no apologies for absence or substitutions.

3 DECLARATIONS OF INTEREST

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

4 PUBLIC PARTICIPATION

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

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

5a 20/00150/FUL - PROPOSED 20M MAST AND ASSOCIATED CABINETS AT CORNER OF SHENLEY ROAD AND ELSTREE ROAD TO REPLACE EXISTING 14.70M MAST AND CABINETS ON SHENLEY ROAD" - LAND ADJ 1 ELSTREE ROAD HEMEL HEMPSTEAD HERTFORDSHIRE HP2 7NE

Councillor Beauchamp declared a personal interest in this item, such that it would be considered a prejudicial interest, and, therefore, did not participate or vote on this item.

Councillor Wyatt-Lowe declared that she had called this item in and that she would be speaking in objection to it. She did not, therefore, participate or vote on this item.

Councillor Hobson declared a personal interest in this item, as in the past she had worked on mobile telecoms policy.

Legal Advisor, Jacqueline Hutton, confirmed that Councillor Hobson's interest was not considered prejudicial and, therefore, Councillor Hobson did participate and vote on this item.

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

Michael and Tina Moore spoke in objection to the application.

Councillor Colette Wyatt-Lowe spoke in objection to the application.

It was proposed by Councillor Hobson and seconded by Councillor Symington to **GRANT** the application in line with the officer recommendation.

Councillor Oguchi declared that she had not been present for the entire presentation and, therefore, did not vote.

Vote:

For: 3 Against: 4 Abstained: 3

Councillor Guest noted that the officer recommendation fell and asked for an alternative motion.

It was proposed by Councillor Maddern and seconded by Councillor Uttley to **DEFER** the application in order to obtain further information.

Vote:

For: 4 Against: 3 Abstained: 3

Resolved: That the application be **DEFERRED**.

**5b 20/01109/FUL - CONSTRUCTION OF NEW DWELLING - LONGFIELD
AYLESBURY ROAD TRING HERTFORDSHIRE HP23 4DH**

The Case Officer, Martin Stickley, introduced the report to Members and said that the application had been referred to the Committee as it had been called in by Councillor Christopher Townsend.

Simon Gilbert and Ian Hines spoke in objection to the application.

Councillor Christopher Townsend spoke in objection to the application.

Emma Guy spoke in support of the application.

It was proposed by Councillor Beauchamp and seconded by Councillor Durrant to **GRANT** the application in line with the officer recommendation.

Vote:

For: 10 Against: 2 Abstained: 1

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

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

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

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

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

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

- o all external hard surfaces within the site;
- o other surfacing materials;
- o means of enclosure;
- o soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs; and
- o minor artefacts and structures (e.g. sheds/outbuildings, refuse or other storage units, etc.).

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

Any tree or shrub which forms part of the approved landscaping scheme which within a period of 3 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity.

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

4. **Should any ground contamination be encountered during the construction of the development hereby approved (including groundworks) works shall be temporarily suspended, unless otherwise agreed in writing by the Local Planning Authority, and a Contamination Remediation Scheme shall be submitted to (as soon as practically possible) and approved in writing by, the Local Planning Authority. The Contamination Remediation Scheme shall detail all measures required to render this contamination harmless and all approved measures shall subsequently be fully implemented prior to the first occupation of the development hereby approved.**

Should no ground contamination be encountered or suspected upon the completion of the groundworks, a statement to that effect shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013). The safe and secure occupancy of the site, in respect of land contamination, lies with the developer.

5. **Prior to the first occupation of the development hereby permitted the proposed access, on-site car and cycle parking area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan drawing no 1906_GA_02_A and retained thereafter available for that specific use. No buildings and/or structures shall be erected in these areas.**

Reason: To ensure the permanent availability of the parking/manoeuvring area, in the interests of highway safety in accordance with Policies 51 and 54 of the Dacorum Borough Local Plan (2004), Policy CS8 of the Dacorum Borough Core Strategy (2013), Policy 5 of Hertfordshire's Local Transport Plan (2018) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

6. **Vehicular visibility splays of 2.4m x 43m shall be provided, and thereafter maintained, in both directions from the access, within which there shall be no obstruction to visibility between a height of 0.6m and 2m above the carriageway.**

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with Policies 51 and 54 of the Dacorum Borough Local Plan (2004), Policy CS8 of the Dacorum Borough Core Strategy (2013), Policy 5 of Hertfordshire's Local Transport Plan (2018) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

7. **Pedestrian visibility splays of .65m x .65m shall be provided, and thereafter maintained, on both sides of the new vehicle crossover, within which there shall be no obstruction to visibility between 0.6m and 2m above the carriageway.**

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with Policies 51 and 54 of the Dacorum Borough Local Plan (2004), Policy CS8 of the Dacorum Borough Core Strategy (2013), Policy 5 of Hertfordshire's Local Transport Plan (2018) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

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

**1906_GA_01_A
1906_GA_02_B
1906_GA_03_C
1906_GA_04_B**

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

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.
3. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.

4. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.
5. The Highway Authority requires the alterations to or the construction of the vehicle crossovers to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.), the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:- <https://www.hertfordshire.gov.uk/droppedkerbs/>
6. The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.dacorum.gov.uk by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.

5c 20/00884/FUL - CONSTRUCTION OF A GENERAL PURPOSE AGRICULTURAL BUILDING - GLENDALE FARM, FLAUDEN BOTTOM, FLAUDEN, HERTFORDSHIRE. HP5 1GA

Councillor Riddick declared that this application fell within his Ward but that he would be approaching it with an open mind. He did, therefore, participate and vote on this item.

The Case Officer, Robert Freeman, introduced the report to Members and said that the application had been referred to the Development Management Committee given the recommendation of Flaunden Parish Council and at the request of Cllr Riddick. Cllr Riddick was concerned that the proposals constituted inappropriate development and were by definition harmful to the Green belt.

It was proposed by Councillor Wyatt-Lowe and seconded by Councillor Durrant to **GRANT** the application in line with the officer recommendation with an added condition to ensure that the building remains for agricultural purposes in accordance with Policy CS5 of the Dacorum Borough Core Strategy.

Vote:

For: 10 Against: 0 Abstained: 3

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

Condition(s) and Reason(s):

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

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

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

Drawing Nos 19-30-01 Revision B (Site Plan),
19-30-02 Revision A (Site Location Plan) and
19-30-03 Revision B

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

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

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

- 4. No construction of the superstructure shall take place until full details soft landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include a planting scheme with the number, size, species and position of trees, plants and shrubs and details of the finished floor level in relation to existing topographical information.**

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

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

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by Policies CS11, CS12 and CS26 of the Core Strategy and Saved Policy 99 of the Dacorum Borough Local Plan (2004)

- 5. The building hereby permitted shall only be used for agricultural storage of the following items associated with the weanling / beef operation on Glendale Farm:**

- a) Hay or straw;
- b) Tractors and trailers;
- c) Bagged hard feed;
- d) Additives such as mineral supplements and protein supplements required by livestock;
- e) Medicines, wormer and other treatments for livestock;
- f) Spray chemicals;
- g) Clothing associated with agricultural activity;
- h) Tools associated with the agricultural activity; and
- i) Any miscellaneous items.

Reason: To ensure that the building remains for agricultural purposes in accordance with Policy CS5 of the Dacorum Borough Core Strategy.

INFORMATIVE

BADGERS

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

The meeting adjourned at 8:49pm.

The meeting reconvened at 9pm.

5d 20/00631/FUL - CONSTRUCTION OF NEW DWELLING WITH ACCESS VIA EXISTING DRIVEWAY. DEMOLITION OF EXISTING GARAGE AND CONSTRUCTION OF TWO NEW DETACHED DOUBLE GARAGES. - FULLERS CROSS OAK ROAD BERKHAMSTED HERTFORDSHIRE HP4 3NA

The Case Officer, Joan Reid, introduced the report to Members and said that the application had been referred to the Committee due to objection from the Town Council.

Malcolm Allen spoke in objection to the application.

Berkhamsted Town Councillor Anthony Armytage spoke in objection to the application.

Christina Burgess spoke in support of the application.

It was proposed by Councillor Riddick and seconded by Councillor Beauchamp to **GRANT** the application in line with the officer recommendation.

Vote:

For: 11

Against: 1

Abstained: 1

Resolved: That planning permission be **GRANTED** subject to the conditions set out below:

Condition(s) and Reason(s):

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

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

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

**9518/11
9518/12
9518/13
9518/14
9518/15
9518/16
9518/17
9518/18
9518/19
9518/20
9518/21**

Arboricultural Report dated 14th Oct 2019

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

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

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

4. **The development hereby approved shall not be occupied until a properly scaled swept path diagram demonstrating that the proposed access /on-site turning /waiting area is accessible to Fire and utility vehicles in order to service the new property and enter and leave the highway in forward gear or (plans for alternative fire hydrant provision) has been submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan.**

Reason: In the interests of highway safety in accordance with policy CS8 and CS12.

5. **Construction of the development hereby approved shall not commence until a detailed refuse collection plan in line with the regulations set out in Roads in Hertfordshire has been submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan**

Reason: In the interests of maintaining highway efficiency and safety in accordance with policy CS8 and CS12

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

- **all external hard surfaces within the site;**
- **other surfacing materials;**
- **means of enclosure;**
- **specific details of the method of construction of the driveway**

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

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

7. **The tree protection plan and methodology as contained within the arboricultural report shall be fully implemented prior to any demolition or clearance of the site and tree protection shall remain in situ during the whole period of construction.**

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

8. **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:
Classes A, B, C and E**

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

9. **The windows at first floor level in both side elevations of the new dwelling hereby permitted shall be non-opening below a height of 1.7m and 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 (c) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 127 (f) of the National Planning Policy Framework (2019).

10. **The two detached double garages hereby permitted shall both solely be used for the parking of vehicles and for no other purpose.**

Reason: To ensure an appropriate amount of off-street parking is retained for both dwellings without compromising the turning areas within the site in the interests of maintaining emergency vehicle access and highway safety and in accordance with Policy CS12 (a and b) of the Dacorum Borough Council Core Strategy (2013).

Informatives:

1. 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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2. Highways :
 - a) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.
 - b) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.
 - c) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website

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

3. It is possible that bats or other protected species may be using areas of the existing site. UK and European Legislation makes it illegal to:

Deliberately kill, injure or capture bats;

Recklessly disturb bats;

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

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

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

5e 4/02072/19/FUL - DEMOLITION OF BARN AND STABLE BUILDINGS & CONSTRUCTION OF 4 BEDROOM SINGLE STOREY DETACHED DWELLING. - CHEQUERS HILL NURSERIES DELMER END LANE FLAMSTEAD ST ALBANS AL3 8ER

The Case Officer, Colin Lecart, introduced the report to Members and said that the application had been referred to the Committee due to objection received from the Parish Council.

It was proposed by Councillor Riddick and seconded by Councillor Maddern to **GRANT** the application in line with the officer recommendation.

Vote:

For: 10

Against: 0

Abstained: 3

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

Condition(s) and Reason(s):

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

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

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

Application form (section 7 - Materials)

3818_L3F (Proposed Site Layout)

3818_P2D (Proposed Plans and Elevations)

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

3. **Vehicular visibility splays of 2.4m x 43m shall be provided, and thereafter maintained, in both directions from the access, within which there shall be no obstruction to visibility between a height of 0.6m and 2m above the carriageway.**

Reason: In the interest of highway safety in accordance with Policy CS12 of the Core Strategy (2013) and Saved Policy 54 of the Local Plan (2004).

4. **Prior to the commencement of the use hereby permitted the proposed onsite car parking area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.**

Reason: To ensure the permanent availability of the parking area, in the interests of highway safety in accordance with Policy CS12 of the Core Strategy (2013) and Saved Policy 54 of the Local Plan (2004).

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

Reason: In the interest of highway safety and amenity and to ensure the development makes adequate provision for on-site parking and manoeuvring of vehicles likely to be associated with its use in accordance with Policy CS12 of the Core Strategy (2013) and Saved Policy 54 of the Local Plan (2004).

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

- **all external hard surfaces within the site;**
- **other surfacing materials;**
- **means of enclosure (heights)**
- **soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;**
- **position (tree and height) and details (box model) of bird/bat boxes to be placed on the site or building**

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

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

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004), Policy CS12 (e) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 170 (b & d) of the NPPF (2019).

7. **The boundary treatments to the western side of the development, as shown on plan 3818_L3F, shall erected/planted prior to occupation of the new dwelling and be permanently retained thereafter. Changes to the boundary treatments shall not be made without the written permission of the Local Planning Authority.**

Reason: To maintain a clear distinction between the residential use and the open land to the west in order to protect against further encroachment into the Green Belt and maintain its openness in accordance with Policy CS5 of the Core Strategy (2013).

8. **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:
A, B and E**

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the openness of the Green Belt in accordance with Policy CS5 of the Core Strategy (2013). Also, to enable the Local Authority to retain control of the development to safeguard the outdoor amenity space of the development and safeguard against spatial pressure to the retained trees on site in accordance with Policy CS12 of the Core Strategy (2013) and Saved Policy 99 of the Local Plan (2004)

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

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

website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047

Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-and-developer-information.aspx>.

The Highway Authority requires the alterations to or the construction of the vehicle crossovers to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.), the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:- <https://www.hertfordshire.gov.uk/droppedkerbs/5>.

3. In the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England. Any external lighting scheme should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost - nesting sites.

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

Item 5h on the agenda was heard next as there were registered speakers on this item.

5h 20/00758/FHA - TWO STOREY SIDE AND SINGLE STOREY REAR EXTENSIONS - 24 FINCH ROAD BERKHAMSTED HERTFORDSHIRE HP4 3LH

Martin Stickley introduced the report to Members, on behalf of the Case Officer, and said that the application had been referred to the Committee due to the contrary view of Berkhamsted Town Council.

Frank Klimaszewski spoke in objection to the application.

Berkhamsted Town Councillor Peter White spoke in objection to the application.

It was proposed by Councillor Durrant and seconded by Councillor Riddick to **GRANT** the application in line with the officer recommendation.

Councillor Maddern declared that she had not been present for the entire item and, therefore, did not vote.

Vote:

For: 4 Against: 6 Abstained: 2

Councillor Guest noted that the officer recommendation fell and asked for a motion to **REFUSE**.

It was proposed by Councillor Hobson and seconded by Councillor Woolner to **REFUSE** the application as the proposed two-storey side/rear extension by virtue of its layout, scale, bulk and height would result in significant visual intrusion and loss of sunlight to No.22 Finch Road, thereby significantly harming the residential amenity of this neighbouring property, and being contrary to Policy CS12 (c) and (g) of the Dacorum Borough Local Plan (September 2013).

Vote:

For: 6 Against: 3 Abstained: 3

Resolved: That planning permission be **REFUSED**.

5f 19/02521/FHA - SINGLE STOREY FRONT EXTENSION, TWO STOREY SIDE AND REAR EXTENSION - 15 NEW ROAD WILSTONE TRING HERTFORDSHIRE HP23 4NZ

Item 5f was deferred.

5g 20/01038/FHA - SINGLE STOREY REAR EXTENSIONS, FRONT PORCH CANOPY AND ALTERATIONS TO FRONT, REAR AND SIDE FENESTRATION (AMENDED SCHEME) - 12 PULLER ROAD HEMEL HEMPSTEAD HERTFORDSHIRE HP1 1QL

Item 5g was deferred.

5i 20/00771/FHA - TWO STOREY SIDE AND REAR EXTENSIONS AND NEW FRONT PORCH - AUTUMN TINTS 4 RAMBLING WAY POTTEN END BERKHAMSTED HERTFORDSHIRE HP4 2SE

Item 5i was deferred.

6 APPEALS

That the following appeals were noted:

- A. LODGED**
- B. DISMISSED**
- C. ALLOWED**
- D. WITHDRAWN**

The Meeting ended at 10.26 pm

Agenda Item 5a

ITEM NUMBER: 5a

20/01038/FHA	Single storey rear extensions, front porch canopy and alterations to front, rear and side fenestration (amended scheme)	
Site Address:	12 Puller Road Hemel Hempstead Hertfordshire HP1 1QL	
Applicant/Agent:	Philip Rhoden	
Case Officer:	Briony Curtain	
Parish/Ward:		Boxmoor
Referral to Committee:	Applicants spouse of DBC employee	

1. RECOMMENDATION

1.1 That planning permission be granted.

2. SUMMARY

2.1 The site lies within a well-established residential area of the town of Hemel Hempstead wherein residential extensions are acceptable in accordance with Policy CS4. Puller Road and the surrounding streets are varied in their character with many properties having been extended and altered in a variety of ways over the years. Many surrounding properties feature single storey rear extensions which are considered to have a similar overall impact. The extension would not be visible from public vantage points so will successfully integrate into the street scene and would not adversely affect the residential amenities of adjacent properties or highway safety.

2.2 Moreover Planning Permission for a very similar scheme (4/00881/19/FHA) has already gained planning permission and this application merely seeks consent for minor amendments.

3. SITE DESCRIPTION

3.1 No.12 is a detached property located at the end of a terrace on Puller Road, just off of St John's Road, in Boxmoor. The street contains mostly residential properties from a similar period. The house is set back from the highway with garaging and outbuildings to the eastern edge of the site. The site is accessed via Puller Road. The property has a two storey rear extension built in the 1970s.

4. PROPOSAL

4.1 Planning permission is sought for the construction of single storey rear extensions, front porch canopy, and alterations to the front, rear and side fenestration. This is an amended scheme. The amendments can be summarised as follows;

- Mono-pitch tiled roof in place of glazed extension with three rooflights
- New rood light to utility
- Enlargement of single storey side extension to align with rear extension, dummy pitch roof with raised roof lantern behind
- Amended pattern of rear fenestration

5. PLANNING HISTORY

Planning Applications:

20/00380/NMA - Non material amendment to planning permission 4/00881/19/FHA - single storey glass rear extension, single storey side/rear extension with rooflights, new front porch canopy,

replacement of front bay window, enlarged 2nd floor window in side flank wall and insertion of rear access door in place of existing window.

REF - 9th March 2020

20/00870/NMA - Non Material Amendment to Planning Permission 4/00881/19/FHA (Single storey glass rear extension, single storey side/rear extension with rooflights, new front porch canopy, replacement of front bay window, enlarged 2nd floor window in side flank wall and insertion of rear access door in place of existing Window.)

REF - 30th April 2020

4/00881/19/FHA - Single storey glass rear extension, single storey side/rear extension with rooflights, new front porch canopy, replacement of front bay window, enlarged 2nd floor window in side flank wall and insertion of rear access door in place of existing Window.

GRA - 9th July 2019

4/03034/18/FHA - Demolition of existing garage and sheds and construction of a new garden studio, workshop and garage

GRA - 1st February 2019

6. CONSTRAINTS

Parking Accessibility Zone (DBLP): 3

CIL Zone: CIL3

Former Land Use (Risk Zone): Former Coal Yard, Thorne Close, Hemel Hempstead

Former Land Use (Risk Zone): Old Gravel Pit, Northridge Way, Hemel Hempstead

Former Land Use (Risk Zone): Former Brickfield, Horsecroft Road, Hemel

Parish: Hemel Hempstead Non-Parish

RAF Halton and Chenies Zone: Yellow (45.7m)

Residential Area (Town/Village): Residential Area in Town Village (Hemel Hempstead)

Town: Hemel Hempstead

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (February 2019)

Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)

Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

NP1 - Supporting Development

CS1 - Distribution of Development

CS4 - The Towns and Large Villages

CS10 - Quality of Settlement Design

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

Supplementary Planning Guidance/Documents:

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

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

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

Principle of Development

9.2 The site is located within the residential area of Hemel Hempstead wherein the principle of household extensions is acceptable subject to compliance with all other policies of the plan.

Quality of Design / Impact on Visual Amenity

9.3 Policy CS12 of the Core Strategy states that on each site, development should integrate with the streetscape character.

9.4 The proposed front bay replacement and new front porch canopy are minimal changes and raise no concerns in terms of design impact. In addition it is important to note that these elements already benefit from planning permission so could be undertaken at any time.

9.5 The proposed side/rear extensions, whilst amended and enlarged very slightly, remain subordinate in scale and bulk and are largely hidden from public vantage points in the street scene. As such there would be no harm to the character or appearance of the property or the street scene.

Impact on Residential Amenity

9.6 Policy CS12 of the Core Strategy states that on each site, development should avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties.

9.7 The overall impact of the proposals remains largely as previously approved. Whilst the side/rear extension is very slightly deeper it would have no adverse impact on the neighbouring property.

9.8 The high level windows and rooflights in the side of the side/rear extension do not raise concerns regarding privacy. The enlarged 2nd floor bedroom window in the flank wall faces opposite the blank flank wall of No. 8 and is not considered to cause a level of overlooking that would be significantly more harmful than the existing bedroom window and is therefore considered

acceptable. It should be noted no objections have been received on this matter and moreover permission has already been granted for these elements.

Impact on Highway Safety and Parking

9.9 The current proposal results in the loss of the existing integral garage, which was to be retained as part of the previously approved scheme. The current proposed plans show the garage door is to be replaced by a front facing window and the garage will become a store area. The proposal thus results in the loss of an off-street parking space when compared to the previous scheme.

9.10 However members attention is also drawn to the fact that the existing garage, which was retained as part of the previously approved scheme is substandard in its size with the garage door opening slightly less than 2.4m wide and is therefore unlikely to realistically accommodate a modern car. It is not currently being used for the parking of vehicles due to its narrow width. In addition it is important to note that the existing garage could be converted into habitable accommodation without the need for planning permission which is a material consideration.

9.11 In addition it is also important to note that whilst it has not been constructed, a replacement garage was granted planning permission to the rear of the site under permission 4/03034/18/FHA and if this consent were to be implemented (it remains valid) there would be no net loss of parking across the site compared to the existing circumstances.

9.12 It is acknowledged that Puller Road is heavily congested with on-street parking given that most properties do not benefit from off-street parking and whilst the loss of the garage would result in additional on-street parking pressure there would be no significant residual impact based on the loss of one space such that a refusal on parking grounds could be sustained.

The proposal would not result in harm to the safety or operation of the adjacent highways.

Response to Neighbour Comments

9.13 No comments received.

Community Infrastructure Levy (CIL)

9.14 The development is not CIL liable.

10. RECOMMENDATION

10.1 That planning permission be granted.

Condition(s) and Reasons:

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

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

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

- 02A - 12PR - Block Plans
- 03A - 12PR - Proposed Ground Floor Plan
- 04A - 12PR - Propsoed Front Elevation
- 05A - 12PR - Proposed Rear Elevation
- 06A - 12PR - Proposed South Elevation
- 07A - 12PR - Proposed North Elevation
- 08A - 12PR - Proposed roof Plans

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

3. **The development hereby permitted shall be constructed in accordance with the materials specified on the application form.**

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

Informative:

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

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Environmental And Community Protection (DBC)	<p>Having reviewed the application submission and the ECP Team records I am able to confirm that there is no objection on the grounds of land contamination. Also, there is no requirement for further contaminated land information to be provided, or for contaminated land planning conditions to be recommended in relation to this application.</p> <p>Noise; With reference to the above planning application, please be advised Environmental Health have no objections or concerns. However I would recommend the application is subject to construction working hours with Best Practical Means for dust.</p> <p>Construction Hours of Working - (Plant & Machinery) Informative</p> <p>In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: Monday - Friday 07.30am - 17:30pm, Saturdays 08:00am - 13:00pm, Sundays and Bank Holidays - no noisy works allowed.</p> <p>Construction Dust Informative</p>

	<p>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.</p> <p>Noise on Construction/Demolition Sites Informative</p> <p>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</p>
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
9	0	0	0	0

Neighbour Responses

Address	Comments

Agenda Item 5b

ITEM NUMBER: 5b

20/00771/FHA	Two storey side and rear extensions and new front porch	
Site Address:	Autumn Tints 4 Rambling Way Potten End Berkhamsted Hertfordshire HP4 2SE	
Applicant/Agent:	Mr & Mrs D O'Keefe / Mr Rowe	
Case Officer:	Elspeth Palmer	
Parish/Ward:	Nettleden With Potten End Parish Council	Ashridge
Referral to Committee:	Due to applicant being a DBC employee.	

1. RECOMMENDATION

That planning permission be granted.

2. SUMMARY

- 2.1 The application seeks permission for a householder extension to a dwelling within a Small Village in the Green Belt, Potten End. House extensions are permitted subject to being in accordance with CS 6 of the Core Strategy. The development does not result in a loss of character within the street scene or a loss of amenity for the immediate neighbours. The provision of two parking spaces for the proposed 4 bedroom dwelling is considered acceptable.

3. SITE DESCRIPTION

- 3.1 The site is located on the southern side of Rambling Way within the village of Potten End. The site comprises a small bungalow with attached garage and vehicular access from the road. There is adequate driveway space for at least 3 vehicles to park off street.

4. PROPOSAL

- 4.1 The proposed development is for a two storey side, two storey rear extension and new front porch. The proposal will include two large dormers to the front elevation and a medium sized dormer to the side elevation facing north-east towards the neighbour "Kenjoy".
- 4.2 Amended plans were requested to correct an inconsistency within the plans and the agent added another velux window.

5. PLANNING HISTORY

None.

6. CONSTRAINTS

Parking Accessibility Zone (DBLP): 4

Special Control for Advertisements: Advert Spec Contr

CIL Zone: CIL1

Former Land Use (Risk Zone): Old Clay Pits, Rambling Way, Potten End

Former Land Use (Risk Zone): Former Brickworks, The Laurels, Potten End

Former Land Use (Risk Zone): Former Garage, Water End Road, Potten End

Former Land Use (Risk Zone): Former Saw Mills, Water End Road, Potten End

Green Belt: Policy: CS5

Parish: Nettleden with Potten End CP

RAF Halton and Chenies Zone: Red (10.7m)
Small Village
EA Source Protection Zone: 3

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

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

Relevant Policies:

NP1 - Supporting Development
CS1 - Distribution of Development
CS6 - Selected Small Villages in the Green Belt
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS29 - Sustainable Design and Construction

Supplementary Planning Guidance/Documents:

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

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

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

Principle of Development

9.2 Para 130 of the NPPF states:

“where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.”

- 9.3 Core Strategy (2013) Policy 6: Selected Small Villages in the Green Belt states that house extensions will be permitted.

“Each development must:

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

- 9.4 Core Strategy (2013) Policies CS11 and CS12 state that development within settlements should respect surrounding properties, avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties and integrate with the streetscape character.

- 9.5 The main issues of relevance to the consideration of this application relate to the impact of the proposed two storey side and rear extensions on the character and appearance of the existing building, street scene and residential amenity of surrounding properties.

Quality of Design / Impact on Visual Amenity

- 9.6 Rambling Way is made up of two areas. The one within which the site is located runs parallel with Water End Road and is heavily screened from the main road by thick vegetation. The residential character of this area is predominantly bungalows some with loft conversions and others still in their original bungalow form. The loft conversions vary from small box dormers set well in from the flank elevations to roof slopes with larger pitched roof dormers.
- 9.7 At the western end of Rambling Way near to the access to Water End Road the demolition of the existing bungalow and construction of a contemporary designed wooden dwelling with large windows was approved under planning application 4/00160/19/FUL on 22.5.2019. This building “Thimbles” is currently under construction.
- 9.8 The immediate neighbour to Thimbles, "Orchard House" had been significantly changed with large front and rear dormers.
- 9.9 The character along the part of Rambling Way (Upper Rambling Way) that runs south and forms a cul-de-sac is predominantly large two storey dwellings some with mock Tudor features, attached and detached garages to the front and side of the dwellings and approx. three bungalows – two of these closer to Water End Road.
- 9.10 The proposed extensions would significantly alter the character and appearance of the original dwelling. The original bungalow is small in scale with traditional simple design. The proposed scheme is modern with larger features and will be filling in the area above the existing garage. The ridge height will not be increasing in height but the overall appearance of the proposed development will be a building of greater scale and bulk.
- 9.11 The proposed materials will be different to those of the existing dwelling but the proposed white render and reconstituted slate tiles will be in character with the surrounding area. There are many dwellings with white render along Rambling Way.
- 9.12 Overall, it is considered that the proposed extensions would significantly alter the appearance of the host dwelling. However there is a wide range of character along Rambling

Way and within the village as a whole. Also the dwelling is not a Listed Building and it's not located within a Conservation Area. As such, the proposal will not have a detrimental impact on the character and appearance of the area, in accordance with the NPPF (2019), Saved Appendix 7 of the Dacorum Local Plan (2004), Policy CS12 of the Core Strategy (2013).

Impact on Residential Amenity

Kenjoy – neighbour to the east

- 9.13 There is only one obscure glazed glass door in the side elevation facing Autumn Tints and the proposed scheme will align with the rear elevation of this dwelling. Based on this it is not considered that there will be a significant loss of sunlight and daylight as a result of the proposal.
- 9.14 In terms of overlooking there will be one dormer window facing this dwelling. This dormer window, which serves a bathroom, could be obscure glazed and top hung to remove any possible overlooking. It is recommended that this be a condition of any approval.

The Paddock – neighbour to the west

Sunlight and daylight

- 9.15 Saved Appendix 3 of the Dacorum Borough Local Plan 1991-2011 states that “Residential development should be designed and positioned in such a way that a satisfactory level of sunlight and daylight is maintained for existing and proposed dwellings. Significant overshadowing should be avoided (see the Building Research Establishment’s report “Site Layout Planning for Daylight and Sunlight” 1991).
- 9.16 Core Strategy Policy 12 states that “on each site development should: avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties.”
- 9.17 The side elevation of “The Paddock” facing the subject site has 4 windows – 3 of which serve a lobby and/or bathroom. The main window of concern is a bedroom window which is the sole source of light for this room.
- 9.18 The proposed two storey rear extension will project back from the existing rear dormer by 5.5 metres at a height of 5.9 metres. The rear roof slope is pitched away from the side boundary. The window will be approx. 4.5 metres from the side elevation of the proposed development. There is a single storey detached garage located to the rear/side of “The Paddock”.
- 9.19 A 25 degree test was completed to establish the effect the proposed building will have on “The Paddock” with regards to obstructing daylight to the existing windows/rooms. This test is usually carried out when the proposed building is opposite the existing building. The 25 degree test has been done for the existing situation and the proposed. The test shows that the window currently suffers from a loss of sunlight and daylight as a result of the existing bungalow. The test also shows that this will remain if the proposed scheme is built.
- 9.20 A solar study was prepared by the agent which shows that shadowing would not be significant despite the loss of some morning sunlight in the summer months. This study does not however show the impact on the internal space ie. the % of light lost for this habitable room which has only one primary window.
- 9.21 In order to assess the impact of the rear extension on this bedroom the neighbour was asked to send photos from within the bedroom looking out showing morning and evening shots at a

range of 180 degrees. The room already overlooks the side elevation of “Autumn Tints” and their own single storey garage. The room also has a wardrobe on either side of the window reducing the useable area close to the window. These photos demonstrate that the proposal will not be overbearing or visually intrusive for this room. There will be some loss of sunlight in the summer months but this will not be significant. Based on the above it is considered that the proposal complies with Saved Appendix 3 and Policy 12 c) of the Core Strategy 2013.

Overlooking

9.22 The proposed scheme has 4 small velux windows in the elevation facing this neighbour. These windows will need to be obscure glazed and non-opening to remove any possible overlooking. It is recommended that a condition be placed on any approval granted to ensure that there is no overlooking.

Impact on Highway Safety and Parking

9.23 There are no changes proposed to the existing access.

9.24 Policy CS12 of the Core Strategy seeks to ensure that developments have sufficient parking provision. Paragraph 105 of the NPPF (2019) states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport, local car ownership levels and the overall need to reduce the use of high emission vehicles. Policy CS8 of the Core Strategy and Saved Appendix 5 of the Local Plan promote an assessment based upon maximum parking standards. As such, each application is assessed on its own merits.

9.25 The Council’s Parking Standards within Saved Appendix 5 of the Local Plan requires 3 off street parking spaces for a 4 bed dwelling in this location (Residential Zone 4 as defined in Dacorum Borough’s Supplementary Planning Guidance “Accessibility Zones for the Designation of Car Parking Standards”).

9.26 The submitted floor plans show that there would be an increase in the number of bedrooms from 2 to 4, which would result in an increase in parking requirement. Car parking for 2 vehicles would be retained on the existing driveway. One space would be lost as a result of the loss of the garage.

9.27 There are no parking restrictions evident on Rambling Way with room to park adjacent to the vegetation which screens the dwellings from Water End Road and also the width of Upper Rambling Way allows for cars to park on both sides of the road. There would be room within the site for the parking of an additional vehicle but it would be in a tandem style.

9.28 Taking all of the above into account, it is not considered that the proposal would detrimentally impact upon local parking provision. Therefore, the proposal meets the requirements of Policy CS12 of the Core Strategy and Saved Appendix 5 of the Local Plan.

Ecology

9.29 As the proposal includes significant changes to the existing roof a Preliminary Bat Roost Assessment was requested and has been submitted.

9.30 This assessment stated the following:

- the building “provides low habitat value for roosting bats, with minor features present externally that could support low numbers of common crevice dwelling species. A

single bat emergence or re-entry survey is required during the optimal bat season (mid-May to August) to confirm the presence or likely absence of roosting bats.”

- the building “contains evidence of roof nesting birds, and a bird box is also present on the side of the garage. Works affecting the roof of the building or bird box should take place outside of the period 1st March – 31st August to avoid impacts on nesting birds. If this is not possible, a nesting bird check should take place immediately prior to works commencing, with active nests retained until the young have fledged.”

9.31 A Bat Emergence and Re-entrance Survey was completed on 19/06/20. The aim of the assessment was to confirm the presence/likely-absence of a bat roost, to provide an assessment of the current status of all the survey features and gain an understanding of how the bats use the site in the context of the local landscape. Evidence is provided for species, numbers and activity levels, as well as any entrance and egress points. The survey concluded that no roost was confirmed.

The report recommended enhancements as per the NPPF to include:

- The developed site can be enhanced for the bat species observed to be foraging and commuting across the site during the surveys by installing of a minimum of two bat boxes on mature tree or the retained building e.g. Schwegler 2F Bat Box Schwegler 1FF Bat Box Schwegler 2FN Bat Box Improved Cavity Bat Box.
- Bat boxes should be positioned 3-5m above ground level facing south or south-westerly with a clear flight path to and from the entrance. Bat boxes should also be positioned away from any artificial light sources.

9.32 As there is no evidence of bat activity in the site it is not considered that these proposed enhancements meet the test of ‘reasonableness’ required for all conditions. Nevertheless, these recommendations will be added as an informative. Furthermore, no comments have been received from HCC – Ecology but based on the report and survey prepared by Arbtech the Council has sufficient information to be sure that the proposed development would not result in an unacceptable impact on roosting bats. An informative regarding Bats will be added to any approval.

9.33 The proposals therefore comply with Policy CS26 of the Dacorum Borough Core Strategy (September 2013), as well as national planning policy as set out in the National Planning Policy Framework.

Other Material Planning Considerations

Contaminated Land

9.34 The Contaminated Land Officer has no objections to the proposal.

Impact on Trees and Landscaping

9.35 No significant trees will be affected by the proposed development.

Environmental Health

9.36 There are no noise or air quality concerns regarding the proposed development.

Response to Neighbour Comments

9.37 One neighbour comment was received which raised no concerns.

Community Infrastructure Levy (CIL)

9.38 Policy CS35 of the Core Strategy 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 1 July 2015. This application is not CIL liable due to resulting in less than 100m² of additional floor space.

10. CONCLUSION

10.1 The application seeks permission for a householder extension to a dwelling within a Small Village in the Green Belt, Potten End. House extensions are permitted subject to being in accordance with CS 6 of the Core Strategy. The development does not result in a loss of character within the street scene and will not result in a significant loss of amenity for either of the immediate neighbours and the provision of two parking spaces for the proposed 4 bedroom dwelling is considered acceptable.

11. RECOMMENDATION

11.1 That planning permission be granted.

Condition(s) and Reason(s):

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

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

- 2. The development hereby permitted shall be constructed in accordance with the materials specified on the application form.**

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

- 3. The 4 new velux windows in the western roof slope of the extension hereby permitted shall be non-opening and 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 (c) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 127 (f) of the National Planning Policy Framework (2019).

- 4. The dormer window on the east elevation of the new roof extension hereby permitted shall be permanently fitted with obscured glass and top hung.**

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

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

Proposed Location and Site Plan PL/001 Rev A
Proposed Floor Plans PL/004
Proposed Elevations PL/005 Rev B

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

Informatives:

1. 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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2. If bats, or evidence for them, are discovered during the course of roof works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.
3. Dust from operations on the site should be minimised by spraying with water or carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The Applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.
4. 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 - 07:30 to 18:30 on Monday to Saturday, no works are permitted at any time on Sundays or bank holidays.
5. 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.
6. Works affecting the roof of the building or bird box should take place outside of the period 1st March - 31st August to avoid impacts on nesting birds. If this is not possible, a nesting bird check should take place immediately prior to works commencing, with active nests retained until the young have fledged."
7. The developed site can be enhanced for the bat species observed to be foraging and commuting across the site during the surveys by installing of a minimum of two bat boxes on mature tree or the retained building e.g. Schwegler 2F Bat Box Schwegler 1FF Bat Box Schwegler 2FN Bat Box Improved Cavity Bat Box.

Bat boxes should be positioned 3-5m above ground level facing south or south-westerly with a clear flight path to and from the entrance. Bat boxes should also be positioned away from any artificial light sources.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Local Parish	No objection
Environmental And Community Protection (DBC)	<p>With reference to the above planning application, please be advised Environmental Health have no objections or concerns. However I would recommend the application is subject to construction working hours with Best Practical Means for dust.</p> <p>Construction Hours of Working - (Plant & Machinery) Informative</p> <p>In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: Monday - Friday 07.30am - 17:30pm, Saturdays 08:00am - 13:00pm, Sundays and Bank Holidays - no noisy works allowed.</p> <p>Construction Dust Informative</p> <p>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.</p> <p>Noise on Construction/Demolition Sites Informative</p> <p>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.</p> <p>CONTAMINATED LAND:</p> <p>Having reviewed the application submission and the ECP Team records I am able to confirm that there is no objection on the grounds of land contamination. Also, there is no requirement for further contaminated land information to be provided, or for contaminated land planning conditions to be recommended in relation to this application.</p>

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
7	1	0	0	1

Neighbour Responses

Address	Comments
The Paddocks Rambling Way Potten End Berkhamsted Hertfordshire HP4 2SE	Thank you for the clarification, we are now happy with the proposal and have no objections.

Agenda Item 5c

ITEM NUMBER: 5c

19/02521/FHA	Single storey front extension, two storey side and rear extension	
Site Address:	15 New Road Wilstone Tring Hertfordshire HP23 4NZ	
Applicant/Agent:	Mrs A Johnson and Mrs H Edwyn-Jones	Mr Matthew Trotter
Case Officer:	Jane Miller	
Parish/Ward:	Tring Rural Parish Council	Tring West & Rural
Referral to Committee:	Contrary to the views of Tring Rural Parish Council	

1. RECOMMENDATION

That planning permission be GRANTED subject to conditions

2. SUMMARY

2.1 The application seeks permission for a householder extension to a dwelling within the Rural Area. The site is located within the Wilstone Conservation Area. The principle of extensions in this location is acceptable subject to being in accordance with CS7. The extensions are considered to be acceptable and not have a significant impact upon the Rural Area, Conservation Area, character and appearance of the surrounding area or residential amenity of surrounding properties. The proposed development therefore complies with the National Planning Policy Framework (2019), Policies CS7, CS27, CS11, CS12 of the Core Strategy (2013).

3. SITE DESCRIPTION

- 3.1 The application site is located on the north east side of New Road within the Wilstone Conservation Area and designated Rural Area. The site comprises a Rothschild style two storey semi-detached dwelling with off-street parking to the front. The dwelling is set back from the front boundary by approximately 17m.
- 3.2 The immediate character on the north east side of that part of New Road comprises similarly designed semi-detached dwelling houses, many of which have been extended, some rather dominant in their design and scale. The overall character of the area is evident.

4. PROPOSAL

- 4.1 This application seeks permission for a single storey front extension, two storey side and rear extension.

5. PLANNING HISTORY

None

6. CONSTRAINTS

Parking Accessibility Zone (DBLP): 4
Special Control for Advertisements: Advert Spec Contr
Area of Archaeological Significance: 13
CIL Zone: CIL2
Conservation Area: WILSTONE

Former Land Use (Risk Zone): Former Animal Feed Mill, Tring Road, Wilstone
Former Land Use (Risk Zone): Infilled Pit, Tring Road, Wilstone
Former Land Use (Risk Zone): Former Smithy, Tring Road, Wilstone, Tring
Parish: Tring Rural CP
RAF Halton and Chenies Zone: Yellow (45.7m)
RAF Halton and Chenies Zone: RAF HALTON: DOTTED BLACK ZONE
Rural Area: Policy: CS7
Small Village: Wilstone

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

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

Relevant Policies:

NP1 - Supporting Development
CS7 – Rural Area
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS27 – Quality of the Historic Environment

Supplementary Planning Guidance/Documents:

Saved Policy 22 of the Local Plan
Saved Appendix 5 – Parking Provision

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

- The policy and principle justification for the proposal;
- Impact on the Rural Area
- Impact on the Conservation Area;
- The quality of design and impact on visual amenity; and
- The impact on residential amenity;

Principle of Development

- 9.2 The application site is located within the rural area wherein policy CS7 of the adopted Core Strategy allows for small scale development including limited extensions to existing buildings provided that it has no significant impact on the character and appearance of the countryside.
- 9.3 The main issues of consideration relate to the impact of the proposal's character and appearance upon the rural area, conservation area, the existing dwelling house, immediate street scene and residential amenity of neighbouring properties.

Impact on the Rural Area

- 9.4 In design terms the extension relates to the existing dwelling and surrounding rural area in terms of materials, scale and form. It is considered that the proposal would not have an unacceptable impact on the character and appearance of the countryside and is in accordance with Core Strategy (2013) Policy CS7.

Impact on the Character of the Conservation Area

- 9.5 Saved Policy 120 of the Dacorum Local Plan (2004) states that new developments, alterations or extensions to existing buildings in the conservation areas will be permitted provided they are carried out in a manner which preserves or enhances the established character or appearance of the area. This is echoed by Policy CS27 of the Dacorum Core Strategy (2013), which seeks to ensure development will positively conserve and enhance the appearance and character of conservation areas.
- 9.6 See the Conservation and Design Officer's comments in full below.
- 9.7 The Conversation Officer had various concerns in respect of the initial submission, including that it would unbalance the pair of semi-detached dwellings. Further comments included that any side extension should be set down from the ridge, and back from the front elevation and the importance of retaining a gap between the dwellings. She also commented that the existing gable over the front door, whilst a later addition, should be retained, as many of the dwellings in that location had previously added similar and that they had in themselves become a feature of this row of Rothschild style dwellings houses.
- 9.8 After much discussion between the agent, planning officer and the conservation officer, revised plans were received for discussion which retained the existing front gable, set down the side extension from the ridge, removed the two storey front gable thereby balancing up the pair of semi-detached dwellings (Nos. 13 and 15) as requested and thereby creating an element of symmetry.
- 9.9 The revised plans introduced a single storey front extension, with a depth of approx. 2.2m, under a dual pitch roof. Overall this sits only slightly forward of the existing front elevation to the dining room (by approx. 0.8m). Further, in order to achieve the space required internally, the two storey side extension was extended out to the rear. Following further discussion with the agent, a revised plan with the depth of the rear element reduced to approx. 1.8m was received and re-consultations took place.
- 9.10 In respect of the inclusion of a single storey front extension, whilst it is acknowledged that this is not ideal in this setting, it is important to note the adjoining neighbour, at No. 13, has previously been granted and built a very similar front extension (under planning reference 4/01063/97). Further, the revised plans have balanced the two adjoining neighbours which

formed part of the conservation officer's initial concerns. See details of other nearby extensions in section below.

- 9.11 A further consultation response from the Conservation Officer was received on the 2nd April 2019 (see below) which notes that if the application is approved, a condition requiring all external construction materials to match existing (and samples/details to be submitted) is recommended. Bricks should match in terms of colour, finish, brick bond and mortar colour / finish). Hung tiles to side elevation to be re-used or matched on a like-for-like basis. A condition has been added requiring materials and brick bonds to be submitted and approved in writing by the LPA.
- 9.12 S. 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty on local planning authorities with respect to any buildings or other land in a conservation area. In particular, there is a requirement for special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 9.13 The Conservation officer considers that despite the improvements to the scheme, the proposed extensions will result in less than substantial harm to the character and appearance of the property and the street scene / wider conservation area. However, this harm is considered modest and not significant and that the modest harm is outweighed by the public benefit from the demolition of the existing sheds against the proposal which will use matching materials.
- 9.14 Having given great weight to the proposed alterations and the impact these would have on the character and appearance of the Wilstone Conservation Area, overall it is considered that they would preserve its character subject to conditions. The proposal therefore accords with Policies CS27 of the Core Strategy and the NPPF

Effect on appearance of building and street scene

- 9.15 Dacorum's Core Strategy Policies CS11 (Quality of Neighbourhood Design) and CS12 (Quality of Site Design) state that development within settlements and neighbourhoods should preserve attractive streetscapes; intergrate with the streetscape character and respect adjoining properties in terms of scale, height, bulk and materials.
- 9.16 Chapter 12 of the Framework emphasises the importance of good design in context and, in particular, paragraph 130 states permission should be refused for development of poor design that fails to improve the character and quality of an area.
- 9.17 Whilst the initial proposal was not acceptable (see Conservation section above), it is considered that the revised proposal, which would result in a single storey front extension, two storey side and rear extension, has been designed to balance with the adjoining neighbour at No. 13, and echo the main features of the Rothschild design. With red brick; under a clay tile roof with low eaves; the re-hanging of tiles to the new side elevation, and an appearance considered to be subservient to the existing dwelling from the streetscene.
- 9.18 The existing single storey side extension/storage (to be demolished) is built up to the boundary with No.17 and whilst the perceived gap between No.15 and No.17 may appear reduced from the two storey side extension, the width of the proposal is less than the existing, and there will now be room for a side pedestrian access created at No.15. The width of the access is approx. 1m near the front elevation and approx. 1.3m at the rear. It should be noted that the neighbours at No.17 have previously constructed a two storey side extension under reference 4/02090/14/FHA, thereby previously reducing the gap. Whilst the

two together are not ideal, a gap of approximately 2.4m will be retained thereby avoiding a terracing effect.

- 9.19 The existing conservatory and side extension to be demolished has a combined footprint of approx. 35 sq m and the proposed footprint would be approx. 38.6 sq m.
- 9.20 Further many of the properties along that side of New Road have previously been altered, including some relatively dominant in their design and scale. Examples of development include No.23 (4/01453/99), No.9 (4/01090/91), and Nos. 13 and 17 (adjacent to No.15).
- 9.21 Overall, it is considered that the proposal does not appear unduly dominant in terms of bulk, scale and height to the parent building and streetscene and will use sympathetic materials to match existing.
- 9.22 Therefore it is considered that the proposal would be generally sympathetic and in keeping with the surrounding area, respect adjoining properties and would therefore result in no significant adverse effects on the character and appearance of the streetscene in terms of visual and residential amenity. This accords with the local and national policies mentioned above.

Effect on Residential Amenity

- 9.23 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 (2004) 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 and privacy.
- 9.24 We have received objections from both adjoining neighbours at No.13 and No.17, and No.10. The assessment for CS7 has been dealt with above, and bats under 'other considerations' below.
- 9.25 It is noted that the rear gardens of Nos.13, 15 and 17 face north-east compromising the amount of direct sunlight received. The front of the properties therefore receiving most sunlight throughout the year.
- 9.26 In respect of No.17 (non-adjoining neighbour), the proposal would result in a gap of approximately 2.4m between the dwellings closest side elevations, and approximately 5.14m between the proposed rear elevation and the side elevation of the single storey rear projection at No.17. It is understood that the nearest windows/doors at the rear ground floor level service a store and utility area and that the single storey rear projection contains a multi aspect kitchen/diner with numerous rooflights, windows and doors.
- 9.27 Further, the proposed two storey rear element has a relatively shallow depth of 1.8m and there is no breach of the 45 degree angle from the corner of the proposed rear extension to the middle of the nearest habitable windows at No.17 as shown on Drawing 19/0088/02 Rev E. The new side windows in the flank elevation servicing the first floor and stairwell will be conditioned to remain obscured glazed and non-opening below 1.7m from ground level to avoid any potential overlooking issues.

- 9.28 In respect of the objection from No. 13 New Road (adjoining semi), the proposed rear projection is set well away from the boundary with No.13 by approx. 6.17m, and from the plans it is understood that there is approx. 9.76m to the rear projection at No.13. The 45 degree line will not be breached from the corner of the proposed two storey rear extension to the middle of the nearest habitable windows at No. 13 as shown on drawing 19/0088/02 Rev E.
- 9.29 Overall, it is considered that the proposal would result in no significant adverse impact on the residential amenity of the neighbouring properties when considering a loss of daylight, sunlight or privacy. It is therefore considered that the proposal accords with Policy CS12.

Other considerations

- 9.30 Parking: The proposed front extension will reduce the length of the driveway, however according to the site plan and Design and Access Statement adequate off-street parking for three vehicles will remain on the current driveway. The officer has taken measurements. Overall it is considered that the proposal would not result in an unacceptable impact on highway safety.
- 9.31 A neighbour's objection has mentioned that they feel the existing entrance would need to be widened including for construction vehicles. The officer has passed this on to the Agent, however please note that any such alteration does not form part of this current application. Any future proposals to widen the entrance / increase the width of the cross over may require planning permission.
- 9.32 BATS - It is noted that neighbour objections included concern in respect of the possible presence of Bats. Hertfordshire Ecology have been consulted on this application and their consultation response recommended an informative be added to the decision notice in respect of Bats.

Community Infrastructure Level (CIL)

Not liable (below 100 sqm)

10. CONCLUSION

- 10.1 Based on the above assessment the proposal would be acceptable subject to conditions.

11. RECOMMENDATION

- 11.1 That planning permission be granted.

Conditions and Reasons:

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

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

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

Reason 1: To ensure satisfactory appearance to the development and to safeguard the visual character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

Reason 2: To preserve or enhance the character and appearance of the designated heritage asset in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy CS27 of the Dacorum Borough Core Strategy (2013).

3. **No construction of the superstructure shall take place until details of how the existing hung tiles are to be re-used and/or matched on a like for like basis in the new side elevation hereby permitted have been submitted and approved in writing by the Local Planning Authority.**

These details shall include:

- o **A plan showing how the re-used tiles will be placed on the approved side elevation and how they relate to any new tiles; and**
- o **Details and photos of the matching tiles.**

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

Reason: To preserve or enhance the character and appearance of the designated heritage asset in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy CS27 of the Dacorum Borough Core Strategy (2013).

4. **Notwithstanding the details shown on Drawing 19/0088/02 Rev E proposed plans and elevations, both first floor side windows within the gable end side elevation of the development hereby permitted shall be permanently fitted with obscure-glazing and non-opening below a height of 1.7m from finished floor level.**

Reason: In the interests of safeguarding residential amenity in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

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

19/0088/01 existing floor plans and elevations
19/0088/02 Rev E proposed floor plans, elevations, and site plans

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

Informatives:

1. Ecology Informative

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

2. Noise on Construction / Demolition Sites Informative

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

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: Monday - Friday 07:30am to 17.30pm, Saturdays 08.00am - 13:00pm, Sundays and Bank Holidays - no noisy works allowed.

3. Construction Dust Informative

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

4. Noise on Construction / Demolition Sites Informative

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

5. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Tring Rural Parish Council	<p>TRPC OBJECTION Proposed extension at the front protrudes beyond existing wall Should be kept back to line with existing frontage</p> <p>Confirmation received by email from Tring Rural Parish Council on 23.03.2020 that there was no objection to the original scheme (originally consulted 22.10.2019).</p> <p>05.06.2020 No comment (received in error)</p> <p>01.07.2020 (latest comment) The Rothschild Cottages in New Road form part of the Conservation area and we believe that care should be taken in any design for additions and alterations to these properties to ensure that any extensions are sympathetic to the surroundings, in</p>

	<p>terms of local character, design, scale, and visual impact, also to enhance and protect features essential to the character and appearance of the vernacular in this location.</p> <p>We are concerned that if this application is granted in its current form, it may establish a precedence for extensions of the Rothschild properties in the future, allowing them to extend further forward into the front garden area, which we believe should be protected from encroachment to preserve the traditional character of the street scene.</p> <p>The Parish Council would be supportive of an amended application more in keeping with the vernacular and one that reflected the extension of the adjoining property, No 13 where planning permission was granted in 1997 ref 4/01063/97.</p>
<p>Conservation & Design (DBC)</p>	<p>I still have concerns regarding the proposed substantial side extension to 15 New Road but welcome the omission of the two-storey front extension. I would like to see the single storey front projection omitted - I consider it to detract from the character / appearance of no. 13 but will look more closely at the planning history for no. 13 (if there is any relating to this). However before commenting further I would really like the applicants to provide a proposed street scene view showing 15 New Road in relation to nos. 13 and 17 - I think this is really important to have in this case.</p> <p>02.04.2020 - amended plans (latest comments)</p> <p>19/02521/FHA 15 New Road, Wilstone 2-storey side, 2-storey rear and single storey front extension</p> <p>15 New Road is a semi-detached dwelling, dating to the early 20th century and of a typical 'Rothschild' estate cottage design. It forms a wider group with other, similarly designed, semi-detached pairs of properties all set back from New Road (nos. 9 - 27). The properties are of red brick construction with areas of hung tile, steeply pitched clay tile roofs with low deep eaves, projecting gables and white casement windows - the shared central stack is a focal point within the roof. Both nos. 13 and 15 (the pair) have an additional (later) projecting first floor gable to the front, there are several examples of this type of gable - seemingly added to create first floor bathrooms to these estate cottages. A number of these 'Rothschild' cottages properties have been altered / extended to the side, some with 2 storey and some with single storey extensions, but generally the pairs of cottages make a strong positive contribution towards the character and appearance of the Wilstone Conservation Area. The established pattern of development and the wide gaps / space between the pairs of properties is also of</p>

significance. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out a general duty in relation to conservation areas and states that 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

Previous proposals for a full height 2-storey side extension with 2 storey front gable were considered overly dominant in design / visual terms and to detract from the existing symmetry of the semi-detached pair. The proposals have undergone a number of amendments since the original submission and the 2-storey projecting front gable to the side extension omitted and the two-storey side extension set down giving it a small amount of subservience. The proposal now reflects the design of the extension to no. 13 New Road (the other property in this semi-detached pair) and includes a single storey gabled from projection.

Whilst there are concerns relating to the overall scale of the 2-storey side extension with single storey front projection and gabled rear extension it is noted that a number of properties in this group have been extended in a similar way and with extensions of a similar scale. Concerns also remain relating to the resulting narrower gap which will remain between no. 15 and 17 (resulting in an unfortunate terracing effect between these distinct pairs). As previously advised the scheme would benefit from the omission of the single storey front extension in particular.

The NPPF (para. 193) states that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.' The proposed extensions to 15 New Road, despite the improvements to the scheme, are considered to result in less than substantial harm to the character and appearance of the property and the street scene / wider Conservation Area. In accordance with NPPF para. 196 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

If the application is approved, a condition requiring all external construction materials to match existing (and samples / details to be submitted) is recommended. Bricks should match in terms of colour, finish, brick bond and mortar colour / finish). Hung tile to side elevation to be re-used or matched on a like-for-like basis.

Archaeology Unit (HCC)	<p>In this instance I consider that the development is unlikely to have a significant impact on heritage assets of archaeological interest, and I have no comment to make upon the proposal.</p> <p>25.03.2020</p> <p>Thank you for re-consulting us on the amendments to the above application. Our apologies for the delay in responding.</p> <p>We have no additional comments to make; our advice remains unchanged from that sent on 12/11/19.</p>
Contaminated Land (DBC)	<p>With reference to the above planning application, please be advised Environmental Health have no objections or concerns. However I would recommend the application is subject to construction working hours with Best Practical Means for dust.</p> <p>See Noise on Construction/Demolition Sites Informative / Construction Dust Informative / Noise on Construction / Demolition Sites Informative - on decision</p> <p>11.03.2020</p> <p>Having reviewed the application submission and the ECP Team records I am able to confirm that there is no objection on the grounds of land contamination. Also, there is no requirement for further contaminated land information to be provided, or for contaminated land planning conditions to be recommended in relation to this application</p>
Hertfordshire Ecology	<p>The proposed works will require the removal of the tile hung extension and bargeboards as well as the loss of the existing side gable end. There are known bat roosts within a 100m of the dwelling. However, the proportion of the existing roof that is being removed and replaced, the existing side extension, is a dormer so without an unutilised attic space. In addition the hung tiles as shown in photos in the DAS appear to be relatively new and tightly sealed.</p> <p>Given apparent characteristics of the building and limited impact on the roof of the proposed works, on this occasion I do not consider there is sufficient likelihood of bats being present and affected for the LPA to require a formal survey. However, in the unlikely event that bats are found, given the proposal will involve removal of the hung tiles and modification of the existing roof. I advise a precautionary approach to the works is taken and recommend the following informative is added to any permission granted.</p> <p>informative</p>

	<p>'if bats, or evidence for them, are discovered during the course of works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.</p> <p>I do not consider there to be any other ecological issues with this proposal.</p>
Hertfordshire Ecology	as previous

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
5	3	0	3	0

Neighbour Responses

Address	Comments
<p>17 New Road Wilstone Tring Hertfordshire HP23 4NZ</p>	<p>The owners have not lived in the property for over 15 years.</p> <p>We are concerned about the application and in particular the dominant impact of the proposed extension.</p> <p>The proposal will increase the width of the front elevation by more than 60% and bring an over powering two storey structure to less than one metre from our mutual boundary.</p> <p>We note that the owners of the adjoining property No. 13 have carried out a much more sympathetic extension, without the use of the high gable in this application.</p> <p>DMC DNo 15 is in a relatively wide plot and we think that a redesigned extension could be accommodated that did not extend so close to the boundary and which had a more sympathetic roof line.</p> <p>Bats are present in the current eaves of the property and would be significantly impacted on by the proposed works. The proposed extension would remove most natural light from my garden. When we applied for planning permission 5 years we were told an extension to the front of the property had to remain within the current boundaries. I am unaware of any changes to planning laws which results in this application being viewed any differently</p>
<p>Huckvale 13 New Road Wilstone Tring</p>	<p>The proposed development does not comply with the Dacorum core planning policy CS7 that allows 'limited extensions to existing buildings'. The proposed extension is a huge two storey to the front, side and rear of the property and cannot be described as 'limited' in any</p>

<p>Hertfordshire HP23 4NZ</p>	<p>sense. There are bats visible every evening in the gardens of numbers 13 and 15 and I believe they are resident in the eaves of outbuildings of both properties as well as the existing side extension to number 15. The proposed rear two storey extension would lead to a significant loss of light to our north east facing kitchen, utility room and living room and would affect our right to light. Similarly, there would be considerable overshadowing especially in the winter months, together with loss of sunlight. This would affect residential amenity to a seating area outside the kitchen. There would be comparable loss of light etc to number 19 New Road, given its proximity The style (2 storey) of the development would also detract from the appearance of pairs of Rothschild cottages at 13 and 15 new road and the conservational area of wilstone. We therefore object to the application. 13 New Road i would like to reiterate my previous comments. In particular the extension to the side front and rear is not 'limited' as permitted under the dacorum core strategy for rural areas-policy CS7. In addition, I reiterate the comments made by 10 tring road in relation to parking. Current parking in number 15 is a narrow driveway with limited access. Since the proposed development will have 4 bedrooms there will likely be 2 or 3 cars that will need to park behind each other; this is unlikely to be practicable and there is no scope or room for more parking on new road. We have enlarged our driveway as a necessity and believe it will be essential for number 15 to do the same whatever development is permitted. this comment was originally submitted (and acknowledged by dacorum) on 10th june. Please include it in the comments for consideration i would like to reiterate my previous comments. In particular the extension to the side front and rear is not 'limited' as permitted under the dacorum core strategy for rural areas-policy CS7. In addition, I reiterate the comments made by 10 tring road in relation to parking. Current parking in number 15 is a narrow driveway with limited access. Since the proposed development will have 4 bedrooms there will likely be 2 or 3 cars that will need to park behind each other; this is unlikely to be practicable and there is no scope or room for more parking on new road. We have enlarged our driveway as a necessity and believe it will be essential for number 15 to do the same whatever development is permitted.</p>
<p>10 Tring Road Wilstone Tring Hertfordshire HP23 4PB</p>	<p>We have received the invitation to comment. The existing extension to the original Rothschild cottage appears to be listing and may be structurally unsound. So it is likely that modification will be required. We are too far away to be directly affected by the proposed extension to the house itself so this comment should not be interpreted as a comment on the extension to the house itself.</p>

	<p>New Road has a parking problem which has recently been exacerbated by Dacorum's decision to permit the construction of the house to the rear of 12 Tring Road (plot B 12 Tring Road). Number 15 Tring Road suffers from restricted access and New Road narrows at this point. Whatever happens to the house as a consequence of this or subsequent applications the dropped kerb and gate should be increased in width both to allow access for construction of traffic during the build (as the owners of number 13 New Road have done), to facilitate access for the residents, and to minimise the likelihood of damage to neighbouring properties.</p>
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Agenda Item 5d

ITEM NUMBER: 5d

20/00003/FUL	Change of use from office to day nursery with associated alterations, including internal reconfiguration and new openings and revised external layout	
Site Address:	Ardenoak House 101 High Street Tring Hertfordshire HP23 4AB	
Applicant/Agent:	Mr B. Whitlock / Hayden Todd	
Case Officer:	Sally Robbins	
Parish/Ward:	Tring Town Council	Tring West & Rural
Referral to Committee:	Contrary view of Tring Town Council	

1. RECOMMENDATION

That planning permission be DELEGATED with a VIEW to APPROVAL subject to the completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990.

2. SUMMARY

2.1 The principle of the change of use from office (B1) to children's day nursery (D1) is acceptable in this location. The proposed car parking arrangements are considered to be acceptable and there will not be a severe impact upon the surrounding road network. The residential amenity of surrounding properties will not be compromised as a result of the development.

2.2 The proposal is therefore acceptable and in accordance with Policies CS1, CS4, CS12, CS23 and CS27 of the Core Strategy (2004), Saved Appendix 5 and Policy 58 of the Local Plan (2004) and the NPPF (2019).

3. SITE DESCRIPTION

3.1 The application site is located on the corner of High Street and Langdon Street in Tring. The site comprises a detached two storey building set within a large plot (0.16 hectares) with a two storey detached coach house situated along the boundary with Langdon Street. The building is Grade II Listed and dates from the early 19th Century. It is currently vacant and the main building was formerly used as an office building (B1 use) and the coach house used for light industrial purposes.

3.2 The property is accessed off Langdon Street and comprises a swept driveway with parking area.

3.3 The surrounding area comprises a mix of uses, including residential, retail and business uses. Also in close proximity are several churches, including a Baptist Church on High Street and Catholic Church on Langdon Street.

4. PROPOSAL

4.1 The application seeks full planning permission for the change of use from office (use class B1) to day nursery (use class D1) with associated alterations, including internal reconfiguration and new openings and revised external layout. The nursery would accommodate up to 80 children and would require approximately 18 members of staff.

4.2 There is a concurrent listed building consent application that will be determined under delegated authority (ref. 20/00004/LBC). The listed building consent application is not required to be reported to Development Management Committee as the Town Council has not objected to it, nor has it been called-in.

5. PLANNING HISTORY

Planning Applications:

20/00004/LBC - Change of use from office to day nursery with associated alterations, including internal reconfiguration and new openings and revised external layout
CONCURRENT

4/00558/75/FUL - Demolish house and stable and erect elderly peoples home

4/02744/03/LBC - Refurbishment and alterations
GRA - 24th February 2004

4/01339/02/LBC - Change of use from light industrial to office use
GRA - 17th October 2002

4/01227/02/FUL - Change of use from light industrial to office use
GRA - 17th October 2002

4/01971/99/LBC - Reinstatement of impact damage, structural repairs and reinforcement
GRA - 4th January 2000

4/00239/90/FUL - Two storey building for light industrial storage and office use and car parking
REF - 10th May 1990

6. CONSTRAINTS

Parking Accessibility Zone (DBLP): 3

CIL Zone: CIL2

Conservation Area: TRING

Former Land Use (Risk Zone): Former Coal Yard, Western Road, Tring

Former Land Use (Risk Zone): Former Malthouse, Akeman Street, Tring

Former Land Use (Risk Zone): Former Malthouse, Akeman Street, Tring

Former Land Use (Risk Zone): Former Smithy, Harrow Yard, Akeman Street, Tring

Former Land Use (Risk Zone): Depot, Western Road, Tring

Former Land Use (Risk Zone): Works, Akeman Street, Tring

Former Land Use (Risk Zone): Transport Depot, Langdon Street, Tring

Grade: II,

Parish: Tring CP

RAF Halton and Chenies Zone: Green (15.2m)

RAF Halton and Chenies Zone: RAF HALTON: DOTTED BLACK ZONE

Residential Area (Town/Village): Residential Area in Town Village (Tring)

Town: Tring

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

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

Relevant Policies:

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

Supplementary Planning Guidance/Documents:

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

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

- Principle of Development
- Quality of Design / Impact on Conservation Area
- Impact on Residential Amenity
- Impact on Highway Safety and Parking
- Other Material Planning Considerations.

Principle of Development

9.2 The application site is located in a residential area of Tring, close to the town centre. Policy CS1 of the Core Strategy (2013) states that the market towns will accommodate new development for housing, employment and other uses, provided it is of a scale commensurate with the size of the settlement, helps maintain vitality and viability and causes no damage to the existing character. Policy CS4 states that non-residential development for small-scale social, community, leisure and business purposes is encouraged, provided it is compatible with its surroundings. Policy CS23 encourages social infrastructure providing services and facilities to the community. New social infrastructure will be located to aid accessibility.

9.3 Regard must also be paid to Core Strategy Policy CS15, which seeks to retain the stock of floor space in the Borough for B class uses, including within town centres and General Employment Areas. The building is currently vacant and has been unoccupied for approximately 1.5 years. The proposed use of the site as a day nursery is considered to be compatible with the area and has the support of Policies CS1, CS4 and CS23. Furthermore, as the site lies within a residential area, adjacent to the town centre and not within a designated General Employment Area, there is no objection to the loss of B1 floor space and the principle of development with respect to the change of use from office to day nursery is considered to be acceptable.

9.4 It is also noted that planning permission is not normally required for the change of use from office to registered nursery under Schedule 2, Part 3, Class T of the General Permitted Development Order 2015 (as amended). In this case, however, as the site comprises a Listed Building, planning permission is required.

9.5 The impact on the Listed Building is covered under a separate application (ref. 20/00004/LBC). The main issues relating to this application are the impact on the character and appearance of Tring Conservation Area, residential amenity, highways safety and parking.

Quality of Design / Impact on Conservation Area

9.6 The internal alterations to both the main building and the detached coach house are assessed in the concurrent listed building consent application. Externally the alterations would comprise changes to the rear amenity space, which would be repurposed as an external play area. A 2m high brick wall would be built to separate and screen the play area from the front amenity space. A hedge would be planted in front of the wall to soften its appearance. Acoustic fencing would be erected along the boundaries with residential units 99 High Street and 54 Langdon Street, again this would be screened with hedging.

9.7 There would be some minor external alterations to the coach house, including changes to fenestration. The existing window and door openings would be used and the roof would be re-slatted. There would be no external changes to the main building.

9.8 The Council's Conservation Officer was consulted and raised concerns regarding the insertion of new window openings to the coach house and the proposed landscaping. The plans were amended in line with the Conservation Officer's recommendation and subsequently no objection is raised to the proposal in terms of its visual impact.

9.9 The proposed development is considered to be acceptable and complies with Core Strategy (2013) Policies CS12 and CS27 with respect to its impact on Tring Conservation Area and the surrounding street scene.

Impact on Residential Amenity

9.10 There would be no additional overlooking, loss of privacy or increase in visual impact as a result of the proposed development. The main concern would be the impact in terms of noise and disturbance to surrounding residential units.

9.11 The external play area would be situated immediately adjacent to 54 Langdon Street and 99 High Street. Whilst objections have not been received from these properties, it is considered that mitigation measures are required in order to protect the residential amenity of existing and future occupiers of these, and indeed all, surrounding properties. The Council's Environmental Health Officer has been consulted and initially raised an objection as the submitted noise assessment did not appropriately assess the noise impact. Concerns related to the increase in vehicle activity and noise from the external play area.

9.12 Further information was provided and the mitigation measures proposed include a number of conditions relating to: restricting the hours of operation to 07:00-19:00 Monday to Friday and no site activity on Saturday, Sundays or Bank Holidays; no use of the external play outside of 09:00-17:00 and the submission and implementation of a Noise Management Plan. In addition, the site plan has been amended to show that the external play area would be surrounded by acoustic boundary treatment along the common boundaries with 54 Langdon Street and 99 High Street as well as a new brick wall separating the rear amenity space from the front amenity space.

9.13 The Environmental Health Officer was satisfied with the additional information, suggested conditions and amended plans.

9.14 In terms of vehicle activity, this is considered under the 'Impact on Highway Safety' section below.

9.15 It is considered that the above mitigation measures are sufficient to avoid significant harm to the residential amenity of surrounding units. Subject to the inclusion of the above mentioned conditions, the proposal will comply with Policy CS12 in terms of residential amenity.

Impact on Highway Safety and Parking

9.16 The maximum parking requirement according to Saved Appendix 5 of the Local Plan (2004) is 1 space per 4 pupils. This results in a maximum requirement of 20 spaces. As the site resides within Accessibility Zone 3, according to the Accessibility Zones for the Application of Car Parking Standards SPG, the percentage of the maximum demand-based standard should be between 50-75%. This equates to a requirement of between 10 and 15 car parking spaces.

9.17 The submitted plans shows that there would be 10 car parking spaces allocated for staff and 5 drop off spaces for parents. Concerns were initially raised regarding the tandem nature of the staff spaces, however the applicant has highlighted that a similar layout functions effectively at another of their nursery sites within the Borough (75 Adeyfield Road in Hemel Hempstead). In addition, planning permission has been granted for a similar proposal with tandem staff parking spaces at 6 Alston Road (ref. 4/03028/18/FUL).

9.18 The applicants have predicted a 2 to 3 minute turn around for drop off and collection, which is based on their other nurseries that have similar access arrangements. This could clearly vary due to unpredictable circumstances on any particular day, however it is nonetheless considered that these spaces would be for very short term use (a matter of minutes). The Town Council has raised concerns that the drop off provision is insufficient. However, Saved Appendix 5 does not in fact require any pick up / drop off spaces.

9.19 Concerns have been raised by local residents and the Town Council regarding the single vehicle width of the access point and the drop off facilities on site resulting in the potential for traffic to back up to the roundabout with vehicles waiting to manoeuvre through the single lane access. One neighbour commented that in exiting cars will have limited visibility due to Ardenoak's coach house building. The Town Council also referred to 'several inaccuracies' in the Transport Study, e.g. reference to a cycleway.

9.20 The Highway Authority has recommended several conditions and informative notes, including the provision of a Travel Plan Statement, formally stopping up two of the access points to vehicles and the provision of safe pedestrian access to the site. Whilst not requested by the Highway Authority, the applicant has stated that "If required, a system could be put in place that would give vehicles entering the site the right of way to minimise any potential disruption to the flow of vehicles on the highway." In terms of visibility, it should be noted that this is an existing access, used by the previous occupiers, and the Highway Authority has not identified this as an issue.

9.21 The applicant has an 'Arrivals and Departures Policy' for their nurseries, each of which is bespoke for the site. The example provided for their 75 Adeyfield Road site gives an indication of the measures put in place to ensure safe and efficient movement of vehicles during peak times. The intention of the policy is to ensure that parents will not block the road while waiting for a parking space. It is noted that parents are not allowed to enter the nursery building or wait in the car park during peak times. An appointment is required if parents need to speak to staff and a member of staff will be in the car park during peak times managing the efficient and safe movement of vehicles.

9.22 It should be noted that the drop off and pick up times would be naturally staggered (different to a school, pre-school or nursery school for example, where there is a set start time). The normal day for a child to attend would be 8am to 6pm, however parents would have the option to add 30 or 60 minutes to the beginning or end of the day. And indeed, as there is no set start time, some parents would bring their children in at 9am or even later. Therefore, morning drop off times would be staggered from 7am and evening drop off times staggered until 7pm. It is also important to note that many parents will not require their children to attend full-time, with some only attending half days or on certain days of the week. The above factors combined will result in naturally staggered times for the children arriving and leaving.

9.23 The applicant has stated that “many parents will have more than one child attending or share lift arrangements with friends. People generally select nurseries that are located close to their homes. As such, some of the children will live nearby and be walked to the site.” In addition, there is a bus stop directly outside the nursery, which the applicants are paying to upgrade and the submitted plan shows that there would be secure cycle storage on site. These factors would help to encourage the use of more sustainable modes of transport.

9.24 In response to the Town Council’s point regarding the cycleway, according to Hertfordshire County Council’s website there is a cycle route through the town (Tring Route 5). And in response to the Town Council’s comments regarding cars parked on both sides of Langdon Street, during peak times (8:30am – 6:30pm) there are parking restrictions on the single yellow lines adjacent to the site so in theory there should not be cars parked on both sides close to the roundabout.

9.25 In summary, there has been no objection from the Highway Authority with regards to highway safety. The level of parking meets the requirement set out in the Local Plan. Subject to the inclusion of relevant conditions and informative notes, including a Travel Plan Statement, the proposal complies with Policy CS12 of the Core Strategy (2013), Saved Appendix 5 and Policy 58 of the Local Plan (2004).

Other Material Planning Considerations

Amenity Space

9.25 There appears to be no official guidelines for how much outdoor space children should have, however, it is felt that the proposed play area to the rear would provide an adequately sized space. Furthermore, the proposed nursery would need to adhere to Ofsted requirements in regards to indoor and outdoor amenity provision.

Impact on Trees and Landscaping

9.26 There are several trees within the site, however the proposed development would not involve any works to existing trees. In addition, the existing trees within the site are protected given that consent is required for any tree works within a Conservation Area.

9.27 The proposal includes the planting of hedges, the construction of a new wall to separate the external play area and acoustic fencing along the boundaries with 99 High Street and 54 Langdon Street. Whilst the site plan shows the general layout, it is considered reasonable to require more detailed information with regards to the final appearance. A landscaping condition will be recommended, which will also include a management plan for the new hedges.

Waste Management

9.28 Saved Policy 129 of the Local Plan seeks to ensure that developments have adequate storage for refuse and recycling. These details have not been provided, however it is considered that there is

sufficient space within the site to accommodate the level of waste associated with the proposed use. The above mentioned landscaping condition will require further details of waste storage.

Response to Neighbour Comments

9.29 One representation was received from a local resident, with concerns mainly relating to highway safety and noise and disturbance. These points have been addressed above.

Community Infrastructure Levy (CIL)

9.30 Policy CS35 of the Core Strategy requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally only extend to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1 July 2015. This application is not CIL liable.

Planning Obligations

9.31 Financial contributions are sought by the County Council as Highway Authority as follows:

£8,000 towards the provision of easy access kerbing at one of the nearest bus stops in order to encourage bus access to the site.

9.32 As such, a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) will be required to secure the financial contributions. The Section 106 Agreement is currently being drafted by the Council's legal team. The application is recommended for approval subject to the competition of the Section 106 Agreement.

10. CONCLUSION

10.1 The proposed development has been considered with regard to its impact on the character and appearance of Tring Conservation Area, residential amenity, parking and highway safety. The impact of the proposal on the listed building is covered by a separate application that will be determined under delegated authority. In summary, the scheme is considered to be valued social infrastructure and has policy support.

10.2 The proposed use as a day nursery is considered to be compatible with the town centre location. Issues surrounding noise and disturbance can be adequately addressed through the proposed mitigation measures, secured by planning conditions.

10.3 There would be an increase in vehicle movements in comparison to the existing use, however the proposal in context will not give rise to significant highway safety or parking concerns.

10.4 The change of use from office to day nursery is an appropriate form of development in this location. The proposal is in accordance with Policies CS1, CS4, CS12, CS23 and CS27 of the Core Strategy (2004), Saved Appendix 5 and Policy 58 of the Local Plan (2004) and the NPPF (2019).

11. RECOMMENDATION

11.1 That planning permission/listed building consent be DELEGATED with a VIEW to APPROVAL subject to the completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990.

Condition(s) and Reason(s):

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

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

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

i) **A safe pedestrian access route to the site, potentially using existing High Street accesses.**

ii) **Swept paths to demonstrate that vehicles are able to leave the site in a forward gear and that cars are able to safely manoeuvre into the car parking spaces in the northern car parking area, closest to High Street.**

iii) **All car parking spaces are a minimum of 2.4m x 4.8m, with parallel parking spaces being a minimum of 6m in length.**

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

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

- o all external hard surfaces within the site
- o other surfacing materials
- o extent of play area
- o means of enclosure including acoustic fencing
- o soft landscape works including a planting scheme for the new hedges
- o minor artefacts and structures (e.g. play equipment, signs, refuse or other storage units, etc.)

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

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

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

4. **At least 3 months prior to the first use of the approved development a detailed Travel Plan Statement for the site, based upon the Hertfordshire Council document 'Hertfordshire's Travel Plan Guidance', shall be submitted and approved in writing by the Local Planning Authority. The approved Travel Plan Statement shall be implemented at all times.**

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

5. **Prior to the first use of the development hereby approved, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Noise Management Plan shall include provision for periodic monitoring and mitigation together with a log of complaints and corrective actions to be undertaken.**

The approved Noise Management Plan shall be implemented at first occupation and for the lifetime of the use hereby approved.

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

6. **Prior to the first use hereby permitted the vehicular access on Langdon Road will be the only vehicular access to the site, with no other accesses being used for vehicular use.**

Reason: To ensure construction of a satisfactory access and in the interests of highway safety, traffic movement and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

7. **The hours of site operation shall be restricted to Monday-Friday, 07:00 - 19:00 hours and no site activity on Saturday, Sundays or Bank Holidays. There shall be no use of the external play area outside of 09:00 - 17:00 hours.**

Reason: To protect the residential amenities of the locality, having regard to Policies CS12 and CS32 of the Dacorum Borough Core Strategy (2013) and Paragraph 127 (f) of the National Planning Policy Framework (2019).

8. **The number of children using the nursery hereby approved shall be limited to 80 in total each operational day.**

Reason: In order to protect the amenities of adjoining occupiers and to ensure adequate parking provision, having regard to saved Appendix 5 of the Dacorum Borough Local Plan (2004), Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 127 (f) of the National Planning Policy Framework (2019).

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

**3028/A4/20 (Location Plan)
3028/1/4G (Block Plan - Existing and Proposed)
3028/2/2B (Outbuilding as Proposed)
3028/2/1D (Plans as Proposed)**

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

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and

Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

2. Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website: www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx.
3. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
4. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Tring Town Council	The Council recommended refusal of this application. The Town Council is not opposed to the change of use ' it recognises the need for additional nursery provision. However, it considered the provision of drop-off facilities insufficient and would create a hazardous situation as vehicles have to wait & manoeuvre through the single lane access given the proximity to the roundabout at the junction of the High Street and Langdon Street and continuous on street parking on both sides of Langdon Street. The Transport Study gives a very misleading impression of the circumstances of the surroundings and includes several inaccuracies e.g. reference to a cycleway. It reflects the blind application of standardised parameters that do not reflect the reality. It understates the use of Langdon Street ' a main access route into and out of the Tring Triangle ' and the peak periods when children will be dropped-off. The movements at the Hiers & Graces day nursery on the aforementioned roundabout on the opposite side of the High Street demonstrates the sort of traffic problems the proposed development would cause. Heirs & Graces has approx. half the children as the proposed nursery.
Environmental And Community Protection	COMMENTS ON ORIGINAL PLANS:

(DBC)

I refer to the above application.

I have read the supporting noise report which gives me sufficient grounds to object to development as it has failed to appropriately assess noise impact and not demonstrate that existing residential occupiers will suffer an adverse impact due to noise. This is due to the assessment failing to address likely sources of noise in adequate details whilst also applying inappropriate sound criteria to determine the likelihood of impact on neighbours.

I have set out my reasons for objection below.

Environmental survey

This element of the survey has sought to quantify the sound environment, but it has made limited reference to what influences the prevailing sound environment. I note the survey is reported as unmanned and does not identify that assessment included continuous audio recording which would be necessary for a survey of this nature. This would be particularly true if there has been local activity that has affected the sound environment such as building work or other nearby transient activity. The site is also located 500m from A41, and so subject to wind direction site conditions may have been affected by focussing of sound if a prevailing wind. This is not reported.

There is limited scrutiny other than what is presented in the appendices, but this actually says very little about the sound environment.

Drop off and collection activity

The site assessment has only considered noise from the perspective of the increase in traffic. It fails to consider how given the locality problems arising from what appears to be a very narrow and limited site access, a site which provides only 5 spaces for pickup and drop-off, in a location where there are very few opportunities for parking immediately outside the site boundary, with the exception of a single yellow line next to flats. What concerns me is the potential lack of capacity for parking coupled with a seemingly congested local area. This is not taken into consideration and potential issues discussed, and determined if this could affect residents, or how it can be managed.

The block plans note a single point of access and exit located from Langdon Street. The street view indicates this will be sufficient for a single vehicle to enter / exit site. It does not appear wide enough to allow 2 vehicles to pass side by side. The site will provide 5 spaces for pick up / drop off / short-term parking. As the street view below shows Langdon Street is a very busy street with on-street parking well used.

The report indicates there will be predicted 24 arrivals / departures between 07:30 - 08:00 and 69 between 08:00 - 09:00 (for a 60 place nursery). With there being 5 drop-off spaces, a restricted site access and a distinct lack of on street parking opportunities question how the number of arrivals would not cause issues on street? The noise assessment has not considered how these constraints at site might affect operations and if this could reasonably lead to problems caused on the road, e.g. queueing, inappropriate drop off, vehicles idling outside flats. I am not concerned with the increase in local flow noting low numbers, and unlikely to make much difference in terms of road traffic noise. It is the effects of introducing this site and affect it will have on local residents. This is completely missed by the assessment.

Play Area Activity

This aspect of the assessment misapplies guidance produced by the World Health Organisation (WHO). The report has sought to justify the assessment of playground noise within the definition of community noise used by the WHO although the report acknowledges the limitation of WHO guidelines at 4.22 noting guideline levels were derived from anonymous steady-state noise, e.g. road traffic. The same limitation is recognised within the WHO guidance itself and so applying this guidance in the incorrect context potentially allows for more noise by failing to appreciate how play area noise is not anonymous, no steady-state in character.

The assessment has not appreciated how the above sounds are sound of character and can be perceived differently by residents. I also reject the use of internal guideline limits for the same reason, noting the limitation on use of sound levels is recognised within BS8233 which derives internal and external sound criteria based on WHO guidance. This advises that criteria applies for steady external noises, whereas nursery noise will be characterised by impulsive and non-steady sources.

This report does not discuss the human reaction to different sources of sound. BS 8233 recognises that it applies to sound without a specific character, whereas shouting, screaming, character, laughter are all sounds of character which are more likely draw attention/distract. Occupiers are more tolerant of noise without specific character meaning that WHO guideline levels are inappropriate to the assessment. BS 8233 recognises that noise from neighbours can trigger complex emotional reactions, and so the report applies impact too simplistically by comparison with WHO criteria. Further guidance by the WHO also recognises that sound data may only account for 1/3 of

	<p>noise annoyance indicating that a substantial degree of impact is contained with non-acoustic factors. There is very limited consideration for this in the report, other than through the frequency and duration of daily outdoor play.</p> <p>The assessment based on comparing hourly limits does not describe the sound environment. By averaging in this way it also suppresses discrete events, like those described above. It doesn't address the sound environment, its make-up and why neighbours may or may not experience an adverse reaction to noise.</p> <p>Based on my review set out above, the acoustic report has not demonstrated the site cannot avoid an adverse impact due to noise, and therefore I would recommend refusal.</p>
<p>Environmental And Community Protection (DBC)</p>	<p>COMMENTS ON AMENDED PLANS:</p> <p>I've reviewed the updated noise assessment which contains a number of recommendations which I am happy to go with. These refer to time of use, quantity of people, nature of activities, layout and boundary screening and a noise management plan.</p> <p>I have transposed some these into conditions, but these require finalisation with the applicant. I have highlighted these elements in bold so they can be dealt with.</p> <p>With the layout and boundary screening the report notes the applicant has agreed they could reduce the area of the external amenity space to create a buffer between them and residential neighbours and acoustic boundary treatment around the perimeter of the amenity space. The proposal is 2.0 - 2.4 m in height and of suitable construction (e.g. close boarded timber fence of at least 10 kg/m² mass per area). I assume we can condition the barrier element and the play area needs amended plans.</p> <p>These are conditions I have suggested so far.</p> <p>Conditions</p> <p>The hours of site operation shall be restricted to Monday-Friday (07:00 - 19:00) hours. No site activity on Saturday, Sundays or Bank Holidays. No external amenity use outside of 09:00 - 17:00 hours being restricted to the external play area (approved plans).</p> <p>Reason: To protect the residential amenities of the locality, having regard to Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 127 (f) of the National Planning Policy Framework</p>

(2019).

The number of children using the nursery hereby approved shall be limited [specify] to in total.

Reason: In order to protect the amenities of adjoining occupiers and to ensure adequate parking provision, having regard to saved Appendix 5 of the Dacorum Borough Local Plan (2004), Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 127 (f) of the National Planning Policy Framework (2019).

"A Noise Management Plan shall be implemented prior to first operation. A log of periodic monitoring and actions be kept. Together with a log of complaints; together with corrective actions undertaken."

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

1) This Noise Management Plan shall be reviewed, and the review recorded in writing (acknowledging any complaints, concerns, actions, amendments or training recorded) annually by the 1st January each successive year hereafter.

2) Any alteration to the Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

3) Training shall be provided to explain the function of the noise management plan along with the mitigating measures contained within it. A record shall be maintained for all staff who have been trained and informed on the requirements of this plan.

4) A complaints procedure shall be implemented and maintained, with a log of complaints and mitigating actions, with time and dated associated records. Attention will be made to community liaison with neighbouring residents and good administrative procedures.

5) Staff shall acknowledge the nursery and play area reside in a residential area and there is an overall emphasis to control unreasonable use to reduce the possibility of noise disturbances.

6) Play area activities shall always be structured and supervised by staff members, to avoid care-free activities within the external play area that might lead to noise disturbances.

7) The external play area shall never be used by any staff or children outside approved hours of development use [as agreed].

8) Play area times shall be provided in two sessions throughout out day, typically between the hours [as agreed] and for a two-hour period in total

9) The quantity of children within the garden area shall not exceed a

	<p>maximum [quantity agreed] at any one time. This shall be checked prior to and during external play activities, by supervising staff.</p> <p>10) The nursery shall establish and implement a means to gather children's attention to avoid the need for raised and/or loud voices of supervising staff. A bell or clap may be suitable.</p> <p>11) Children who become upset or distressed shall be actively distracted, in attempt to pacify them. If children cannot be comforted and problems persists, they shall be actively taken back into the nursery building until it would be appropriate for them to return.</p> <p>12) Children who behave in an unusually 'noisy' manner shall be actively distracted. If a child's behaviour is unsuitable such that it could readily present noise disturbances, they shall be actively taken back into the nursery building until it would be appropriate for them to return.</p> <p>13) All accidents, incidents and any unforeseen 'noisy' activity shall be logged and notified to site management. Such events shall be discussed in regular training sessions or meetings to establish suitable management provisions and how similar events might be avoided in future.</p> <p>14) No ball games shall be played unless in a controlled activity with supervising staff members.</p> <p>15) Amplified music and musical instruments of any kind shall be prohibited from use in the external play area at all times.</p>
<p>Conservation & Design (DBC)</p>	<p>The existing villa is a two storey double pile brick building with slate roofs and render to the rear elevation. It would appear to date from the early 19th century and has some detailing surviving including stairs, fireplaces and joinery.</p> <p>The proposals are relatively minimal in relations to alterations to the villa. The reopening of the partially infilled doorway is acceptable as it would not harm the historic fabric. However the following should be reviewed:</p> <p>In the basement the kitchen would appear to be on the opposite side from that shown to officers. The plan for this area should be redrawn to clarify what is proposed. Any new surfacing or protection added to the floors, walls and ceilings should be noted on the drawings. Repairs to the basement stairs should also be noted. Finally the repair to the first floor balustrade of the staircase should be noted.</p> <p>Outbuilding.</p> <p>What is shown on the plans is not what was described as being proposed at the site meeting. At that meeting it was stated that the first floor was not to be converted. In addition it should be noted that what is proposed on the as proposed drawings is not acceptable. The three new windows to the first floor north east elevation are not necessary.</p>

The new openings would harm the appearance of the elevation and result in the loss of historic fabric. We would therefore object to these features. To the ground floor we would not object to the proposed additional windows where located in the existing positions or the rebuilt areas of fabric. Additional window openings should not be added to historic fabric. The inset window to the single door position should be inset so that the door opening can be read. The existing door should be reused in the new door opening.

In relation to the roof it is unclear if patch repairs are required or a full re-slating. It may be better to note on the revised drawing that the roof is to be re-slatted. The guttering should be repaired and ideally replaced in black guttering. The ivy should be fully removed.

Internally little historic fabric survives at ground floor level so we would not object to the proposed sub division and alterations.

Landscaping.

This should be reassessed in relation to the car parking spaces to the frontage. We would also recommend that a beech hedge be planted behind the fence to Langdon St. The other hedges proposed should be in a suitable native species. The resin bonded gravel should enhance the appearance of the area. A condition on the finish could be avoided if colour was selected at this time. It might be useful to consider matching that used at the car park for the natural history museum on Akeman St.

Recommendation The plans should be reviewed in light of the above and amended plans submitted. If not we would object and recommend refusal as the proposals would harm the character and significance of the listed building and therefore be contrary to policy and guidance.

Further comments:

My suggestion to this issue. Due to the height and appearance of a close boarded fence we would only accept 2m high brick walls adjacent to the house to give the appearance of an enclosed garden. You could have higher fence to the rear and side boundary given there is already a fence/hedge there. However to reduce the impact on the listed building we would recommend that a hedge or planting be done in front of it. I am assuming that as the wall to 54 is solid with 1 double glazed (presumably first floor bathroom) window that the additional acoustic shielding can use the alteration to the front wall and rely on the outbuilding as the only area impacted by the noise would be the car park.

Red [line indicates] - Brick walls (Flemish or variation not stretcher

	<p>bond) Note wall to the outbuilding only needs raised in height to match existing. 2m height Blue and green [lines indicate] Acoustic Fencing. Ideally with planting in front.</p>
<p>HCC Highways</p>	<p>Decision</p> <p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <p>1. Travel Plan Statement - Requested Prior to Use: At least 3 months prior to the first use of the approved development a detailed Travel Plan Statement for the site, based upon the Hertfordshire Council document 'Hertfordshire's Travel Plan Guidance', shall be submitted and approved in writing by the Local Planning Authority. The approved Travel Plan Statement shall be implemented at all times. Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <p>2. Standard Outline Condition: No development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:</p> <p>i) A safe pedestrian access route to the site, potentially using existing High Street accesses.</p> <p>ii) Swept paths to demonstrate that vehicles are able to leave the site in a forward gear and that cars are able to safely manoeuvre into the car parking spaces in the northern car parking area, closest to High Street.</p> <p>iii) All car parking spaces are a minimum of 2.4m x 4.8m, with parallel parking spaces being a minimum of 6m in length. Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018)</p> <p>3. Existing Access: Prior to the first use hereby permitted the vehicular access on Langdon Road will be the only vehicular access to the site, with no other accesses being used for vehicular use. Reason: To ensure construction of a satisfactory access and in the interests of highway safety, traffic movement and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).</p>

HIGHWAY INFORMATIVES:

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

AN) Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website: www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx.

AN) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

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

COMMENTS / ANALYSIS:

The planning application is for the change of use from office to day nursery, including internal reconfiguration, new openings, and revised external layout at Ardenoak House, 101 High Street, Tring, HP23 4AB.

The proposed nursery would be open from 7am to 7pm, Monday to Friday, with 80 pupils attending and 18 members of staff would work there.

A Transport Statement (TS), a Planning, Design and Access Statement (PDAS), and plans and drawings of the proposals have been submitted with the application.

ACCESS ARRANGEMENTS:

The site is located on the corner of High Street and Langdon Street, and two roads meet at a mini-roundabout junction with Christchurch Road and Western Road. High Street is a secondary distributor "B" road, Langdon Street is a local access road, and both have a speed limit of 30mph and are highway maintainable at public expense.

The existing site currently has three access points, two from High Street and one from Langdon Street. The two from High Street are both gated. The High Street access closest to the mini-roundabout appears to be for pedestrians only at present, with no dropped kerb and shrubs blocked most of the entrance within the site. The High Street access furthest from the mini-roundabout has a dropped kerb and opens on to a bus stop. Due to the proximity of the two accesses to the mini-roundabout and the bus stop, neither of the High Street accesses are deemed to be acceptable for vehicle use. The Langdon Street access, which is labelled as the vehicle entrance, is a dropped kerb access.

The PDAS states that there are no enlargements proposed to the existing accesses at the site. The documents provided do not clearly demonstrate a safe pedestrian route from the footway to the buildings on the site. Due to the nature of the proposals, a condition requesting this information has been included in this response.

PARKING AND MANOEUVRABILITY:

In the PDAS it is stated that there are no proposed changes to the existing parking area at the site. For nursery developments, as the TS notes, Dacorum Borough Council's (DBC) parking standards state that the maximum parking spaces should be 1 space per 4 pupils. The site is located within Zone 3 of DBC's accessibility zones, and therefore the maximum for the site should be between 50% and 75% of this allowance. Therefore, the maximum parking spaces at the site should be a maximum of between 10 and 15 spaces. 15 car parking spaces would be provided at the site, with 10 of these allocated to staff members. Whilst this allocation would mean that the 1 space per 4 pupils standard is not met, the overall provision is within DBC's standards and therefore HCC deems the level of parking proposed to be acceptable. However, the applicant is reminded that DBC are the parking authority for the Borough, and therefore must be satisfied with any proposed changes to the parking at the site. The plans provided in

drawing number 3028/1/4C do not demonstrate the boundaries of each car parking space. As stated in the above condition, the plans would need to demonstrate that each parking space is a minimum of 2.4m x 4.8m, and any parallel parking spaces would need to be a minimum of 6m in length.

EMERGENCY VEHICLE ACCESS:

The frontage of the site onto Langdon Street and High Street would enable emergency vehicle access to be within 45 metres from the proposed construction. This adheres to guidelines as recommended in 'MfS', 'Roads in Hertfordshire: Highway Design Guide' and 'Building Regulations 2010: Fire Safety Approved Document B Vol 1 - Dwelling houses'.

TRIP GENERATION:

In the TS the trip generation for both the existing and proposed site has been outlined using the TRICS database.

For the existing site, the following parameters were used:

- o Office land use;
- o Town Centre, Edge of Town Centre, and Suburban Area sites;
- o South East and East Anglia regions.

HCC agrees with the parameters used for the existing site.

The trip rates and trip generation calculated for the existing site were as follows:

- o Trip Rates / 100sqm:
- o AM Peak (08:00-09:00) Arrivals: 1.158 and Departures: 0.100
- o PM Peak (17:00-18:00) Arrivals: 0.102 and Departures: 1.016
- o Daily Arrivals: 5.243 and Departures: 4.258
- o Trip Generation (184sqm GFA):
- o AM Peak (08:00-09:00) Arrivals: 2 and Departures: 0
- o PM Peak (17:00-18:00) Arrivals: 0 and Departures: 2
- o Daily Arrivals: 10 and Departures: 8

HCC agrees with the trip rates and generation produced for the existing site.

For the proposed site, the following parameters were used:

- o Nursery land use;
- o Town Centre, Edge of Town Centre, and Suburban Area sites;
- o South East and East Anglia regions.

HCC agrees with the parameters used for the proposed site.

The trip rates and trip generation calculated for the proposed site were as follows:

- o Trip Rates / Pupil:
- o AM Peak (08:00-09:00) Arrivals: 0.150 and Departures: 0.150
- o PM Peak (17:00-18:00) Arrivals: 0.125 and Departures: 0.125

- o Daily Arrivals: 0.507 and Departures: 0.506
 - o Trip Generation (80 Pupils):
 - o AM Peak (08:00-09:00) Arrivals: 12 and Departures: 12
 - o PM Peak (17:00-18:00) Arrivals: 10 and Departures: 10
 - o Daily Arrivals: 41 and Departures: 40
- HCC agrees with the trip rates and generation for the proposed site.

The net trips are therefore as follows:

- o AM Peak (08:00-09:00): +22
- o PM Peak (17:00-18:00): +18
- o Daily: +63

As noted in the TS, there would be an increase in trips from the existing use, however many of these trips will be linked or diverted trips, with parents dropping their children off whilst travelling to work. It also noted that the trip generation assumes that children are attending every day, although this may not necessarily be the case, therefore it is a worse-case scenario. Due to the net trips, if the application were to be successful in gaining planning permission, then a Travel Plan Statement should be provided, as mentioned in the above condition.

SUSTAINABILITY AND ACCESSIBILITY:

The site is situated in a sustainable location, in the centre of Tring, near to public transport connections. The nearest bus stop to the site, which is partly on the site frontage on High Street, is served by a number of services, both local and longer distance, with connections to Watford, Aylesbury, and Aldbury, as well as other parts of Tring and Tring railway station. Tring railway station is a 10-minute bus journey from the site, or a 40-minute walk. Tring railway station is served by trains that go to Northampton, Milton Keynes, London Euston, East Croydon, and locations in between. The pedestrian infrastructure within the vicinity of the site is of a good standard, however there is limited cycling infrastructure provision.

SECTION 106 AGREEMENTS:

As identified in the TS, the nearest bus stop to the site is located on the site frontage. HCC notes that due to the increase in trips and the proximity of the site to the bus stop, developer contributions of £8,000 are sought via a Section 106 Agreement towards the provision of easy access kerbing at one of the nearest bus stops in order to encourage bus access to the site.

CONCLUSION:

HCC as Highway Authority considers that the proposal would not have a severe impact on the safety and operation of the surrounding highway

	network. Therefore, HCC has no objections on highway grounds to the application, subject to the inclusion of the above planning conditions.
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
19	1	0	1	0

Neighbour Responses

Address	Comments
52 Langdon Street Tring Hertfordshire HP23 6BA	<p>In principle I have no objection to the concept of these premises being used for a nursery. Nevertheless I have 4 comments on the proposal, including one relating to a major safety concern.</p> <p>By way of background I live at 52 Langdon Street, which very close to Ardenoak House.</p> <p>(1) My chief concern lies with the planned single in/out vehicular facility to access the onsite drop off/collection area. In exiting cars will have a completely blind sight line on one side due to Ardenoak's coach house building. This pavement is narrow and used in mornings/afternoons by a considerable number of young children heading to and from Goldfield and Bishops Wood schools, never mind other pedestrians throughout the day. To create a regular procession of cars in & out of this tight access would be an accident waiting to happen. Further due to its closeness to the High Street intersection potential exists for traffic being backed up into Tring High Street at certain times, leading to congestion. This aspect needs a complete rethink, particularly as other on-site options appear available.</p> <p>(2) No noise assessment has been produced nor is any Noise Management Plan included, which is a major omission. Noise levels locally will inevitably increase for a nursery involving 80 children and a mitigation plan is needed which should include typical restrictions around:- (a) the number of children outside at any one time & (b) no external amenity use outside of 09:00 - 17:00 hours.</p> <p>(3) The Application Form indicates the plan is for the nursery is to open 12 hrs per day x 5 days per week, but the associated Transport Plan indicates opening 12 hrs per day x 7 days per week (para 4.2). The latter would be excessive for a site within a residential area. I would ask that opening is restricted to that requested in the Application Form of 5 days per week to ensure protection of residential amenities in the locality.</p>

	<p>(4) Parking in Langdon Street and the wider Tring Triangle is already frequently jam-packed, therefore I would ask that Applicant is requested to ensure that the nursery staff make full use of the on-site parking provisions to avoid adding to local parking congestion.</p>
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Thank you

ITEM NUMBER: 5e

19/02662/FUL	Change of use from office to day nursery, single storey front extension, alterations and revised external layout	
Site Address:	1 Hempstead Road Kings Langley Hertfordshire WD4 8BJ	
Applicant/Agent:	Mr B Whitlock	Hayden Todd
Case Officer:	Elsbeth Palmer	
Parish/Ward:	Kings Langley Parish Council	Kings Langley
Referral to Committee:	Due to the contrary view of the Parish Council	

1. RECOMMENDATION

That planning permission be granted.

2. SUMMARY

The principle of the proposed nursery would be acceptable in this Village Centre location, where a mixture of uses is acceptable and community services such as nurseries are encouraged. There will be no loss of street scape character nor detrimental impact on the Conservation Area. There will be no loss of character to the existing building. The proposal will not result in a loss of amenity for neighbours. Highway safety and parking provision is acceptable. The proposal will comply with CS4, CS12, CS27 and CS32 and Saved Appendix 5.

3. SITE DESCRIPTION

- 3.1 The site is located on the north western side of the junction of Hempstead Road and Vicarage Lane within the local centre of Kings Langley.
- 3.2 The site comprises an attached two storey building finished in render with a clay tiled roof which has been formally used as offices. The building formed part of the original Vicarage and is an undesignated heritage asset within the Kings Langley Conservation Area. The building – or parts of it – clearly predate 1700.
- 3.3 The principle elevation is facing towards Vicarage Lane where there are two dropped kerbs for vehicular access.
- 3.4 The Kings Langley Service club is attached to the application building with a car parking area at the rear. The Services Club appears to have a residential unit at first floor. This use shares a party wall with the application site.
- 3.5 The nearest dwelling other than the first floor above the Services Club is “Denmark House” which is located to the west across the vehicular access driveway to the carpark belonging to the Serviced Club.
- 3.6 There is an existing mature Yew tree (covered by a TPO) located towards the front of the site adjacent to the car parking area and a tree fronting Vicarage Lane. These trees provide a soft visual buffer which adds to the visual amenity of the area.

4. PROPOSAL

- 4.1 The proposal is for the following:
 - change of use from Office to Day Nursery;

- opening hours 7am to 7pm Monday to Friday;
- single storey front extension; and
- alterations and revised external layout.

Amendments made to original proposal or additional information provided include:

- Reduction in number of pupils from 50 to 40;
- Reduction in staff members from 12 to 9-10;
- Slight revision of the design of the roof on the front projection;
- Provision of a footpath to allow safe access from building to play area;
- Details relating to access and parking – in response to Highways concerns;
- Heritage Statement – as requested by the Conservation Officer; and
- Noise Report x 2 – as requested by Environmental Health Officer.

- 4.2 The proposed nursery would accommodate up to 40 children and approximately 9-10 staff.
- 4.3 The proposed scheme would provide 5 parking spaces for staff and 3 spaces for drop off and collection.
- 4.4 The access closest to Hempstead Road is to be moved so its 10 metres from this junction and will only be used for exiting the site. A swept path access arrangement has been submitted by the applicant. A cycle storage and bin area is to be provided adjacent to the staff parking area.
- 4.5 A 1.8 metre high close boarded fence would be installed to create a secure play area in the western section of the site.

5. PLANNING HISTORY

4/02438/18/TCA - Works to trees
RNO - 22nd October 2018

4/01178/89/FUL - Two storey office extension
REF - 7th September 1989

6. CONSTRAINTS

Parking Accessibility Zone (DBLP): 4
 Area of Archaeological Significance: 42
 CIL Zone: CIL2
 Conservation Area: KINGS LANGLEY
 Former Land Use (Risk Zone): Former Works, Regents Close, Kings Langley
 Former Land Use (Risk Zone): Former Laundry, The Common, Kings Langley
 Former Land Use (Risk Zone): Old Gravel Pits, Hempstead Road, Kings Langley
 Former Land Use (Risk Zone): Former Garage, High Street, Kings Langley
 Former Land Use (Risk Zone): Kings Langley Common Landfill, Vicarage Lane
 LHR Wind Turbine
 Large Village: Kings Langley
 Parish: Kings Langley CP
 RAF Halton and Chenies Zone: Yellow (45.7m)
 EA Source Protection Zone: 2
 EA Source Protection Zone: 3

Kings Langley Local Centre
T1 Yew

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

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

Relevant Policies:

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS8 – Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS23 – Social Infrastructure
CS27 – Quality of the Historic Environment
CS29 - Sustainable Design and Construction
CS32 – Air, Soil and Water Quality

Supplementary Planning Guidance/Documents:

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

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

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

Principle of Development

- 9.2 Policy CS4 of the of the Core Strategy states that development will be guided to the appropriate areas within settlements. In town centres it states that a mixture of uses is sought and encourages the provision of social and community uses, which would include nurseries. Policy CS23 of the CS also encourages new social infrastructure that provides services and facilities to the community. The principle of the proposed nursery would therefore be acceptable in this Village Centre location, where a mixture of uses is acceptable and community services such as nurseries are encouraged.

Quality of Design / Impact on Visual Amenity

- 9.3 The changes to the external appearance of the building include a single storey front extension and changes to the fenestration (which have been modified to alleviate the concerns raised by the Conservation Officer).
- 9.4 A Heritage Statement was provided by the applicant to the satisfaction of the Conservation Officer.
- 9.5 It is not considered that there will be a detrimental impact on the undesignated heritage asset or the character of the Kings Langley Conservation Area. The proposal therefore complies with CS 27 and point f) of CS12.

Impact on Residential Amenity

- 9.6 The existing first floor side window facing west (towards Denmark House) will be opened up as part of the proposal to allow light into the staff room. Between the house and the site there is a vehicular access into the car park for the Services Club which can be used by members of the public. Based on this it is not considered that there will be a loss of privacy as a result of the opening up of this window.
- 9.7 There will be no significant loss of sunlight and daylight as a result of the proposal.

Noise

- 9.8 The main impact on residential amenity will be in terms of noise.

Two noise reports were requested by the Environmental Health Officer to respond to concerns regarding noise levels and loss of amenity for neighbours. The second report recommends that the following mitigation measures should include:

- limiting numbers of children attending;
- restricting hours of operation;
- a scheme of sound insulation for the separating element between ground floor and first floor areas of the proposed nursery to the adjacent residential receiver; and
- preparation and implementation of a Noise Management Plan.

The report states that these mitigation measures should be made into a condition of any approval.

- 9.9 The size of the play area to be provided seems small in relation to the numbers of children to be accommodated on this site but this is regulated by OFSTED not the Planning Authority.

Impact on Highway Safety

9.10 In order to address the reasons for refusal provided by Highways in their first and second responses the agent met with the Highways Officers. At this meeting the following changes were agreed:

- Move the existing access closest to the junction further away so that it is 10m from the stop line at the junction – they suggested doing this with bollards which could enable a safe pedestrian access to the site too.
- Changes to the drop-off bays and how they will be perceived at the site;
- Reduce the size of the development to 40 pupils and 10 staff;
- Remove the car parking space from the bottom right corner of the site to allow for improved manoeuvrability within the site;
- Make the bicycle parking provided more visible to the street to encourage sustainable travel; and
- Ensure that the access closest to the junction would be exit-only.

It was also noted that a Travel Plan / parking management strategy would be needed to enforce that the exit-only access and the drop-off bays are used correctly.

9.11 An objection was raised with regard to the comparison with other nurseries in terms of trip generation. The objection stated that the two nurseries had much higher populations in close proximity to their nurseries. The assessment does not rely on the nurseries mentioned, but rather a range of sites using TRICS. This has been checked by HCC and has been deemed acceptable.

9.12 Other points raised by an objector were with regard to the speed restrictions along Vicarage Lane and number of trips generated by the nursery. The highway consultants have confirmed that Vicarage Lane is subject to 30mls driving restrictions. This was incorrectly stated in the TS as 20mls. However, this does not affect the assessment of the application and the visibility splays were all designed to reflect the correct speed restrictions.

9.13 The number of trips the nursery generates was carefully analysed by the highway consultants and reflected in two separate TRICS assessments. The lower number of vehicles than expected was likely due to the nature of the use (only generally run at 80 percent capacity, parents will have more than one child attending, different start times, some will live nearby and walk etc.)

9.14 A late request has been received from an objector for Hertfordshire Highway Authority to review the parameters for the trip generation rates that should apply for this planning application – please refer to Appendix B for the actual text.

9.15 The Highways Officer responded to this late request by stating that they are satisfied that they have made a robust assessment of the application.

9.16 The Highways officer will be present at the Development Management Committee meeting to respond to concerns and questions regarding any highways matters.

Pedestrian Safety

9.17 With regard to pedestrian safety the HCC have advised that there is adequate vehicle-to-pedestrian visibility at the site accesses, the accesses are dropped kerbs / VXOs so pedestrians retain priority, and the accesses used at the proposed site are existing accesses (with some alterations) which are acceptable at present, and this wouldn't change through the intensification of the site. There are also signalised pedestrian crossings along the High Street and dropped kerb crossings on Vicarage Road with tactile paving.

- 9.18 There is no footpath on the southern side of Vicarage Lane opposite the proposed nursery so pedestrians are forced to use the footpath in front of the subject site. This is an issue raised by many objectors. Based on the above information HCC Highways have advised that it wouldn't be appropriate to ask the developer to provide a footway on the southern side of Vicarage Lane through a section 106 agreement because it is unrelated to the development.
- 9.19 HCC as Highway Authority considers that the proposal would not have an unacceptable impact on the safety and operation of the surrounding highway network. Therefore, HCC has no objections on highway grounds to the application, subject to the inclusion of the recommended planning conditions.

Parking

- 9.20 Saved Appendix 5 Parking Provision states that the parking standards for a D1 Use Nursery School is 1 space per 4 pupils. The site is located in zone 4 where 75%-100% of the standard is acceptable.
- 9.21 The proposal is for 40 pupils with 9-10 staff which would equate to the provision of 7.5 – 10 parking spaces.
- 9.22 The proposed scheme has 5 parking spaces for staff and 3 spaces to be used for drop off and collection only. Advice was sought from Strategic Planning who confirmed that drop off spaces should be included as parking spaces. The standards do not differentiate between staff and parent car parking but is based on the number of pupils. This results in a total of 8 spaces which complies with the standard stated in Saved Appendix 5.
- 9.23 Due to double yellow lines along Vicarage Lane, the nearby cul-de-sac "The Glebe" and the parts of Hempstead Road close to the site there is no kerb side capacity for parking.
- 9.24 The site is in a sustainable town-centre location and the lack of parking and the double yellow lines outside the site have potential to enable the site to be a sustainable travel site. For those driving there are a number of parking alternatives nearby to the site, such as on-street parking spaces on The Nap and the High Street (although the latter does have some time restrictions), as well as a free car park on Langley Hill for 55 spaces which is approximately a 5-minute walk from the site.
- 9.25 Safe access from the building to the play area is to be provided and there will be a fence between this access and the parking area.
- 9.26 Based on the above information it is considered that the proposal complies with CS 12 and Saved Appendix 5.

Other Material Planning Considerations

Impact on Trees and Landscaping

- 9.27 All trees on site are fall within the Conservation Area, thus any future works to trees would be subject to a TCA application. There is a Tree Preservation Order on the Yew tree, which is located on the western side of the site between the proposed play area and the car park.
- 9.28 The applicant has agreed that a condition will be imposed to ensure that protective fencing will be erected around the Yew tree during the renovation works. As there is already a car park in this location new gravel only will be added to the top of the existing parking space,

which should not result in any additional harm. The new fence bounding the play area will have a 3m wide section over the middle of the tree. The tree's root zone will have no posts. Posts will be carefully installed and if any roots are found the hole will be moved. This will be made a condition of the application if granted.

- 9.29 The tree fronting Hempstead Lane will need to be removed to allow for vehicle parking spaces.

Waste Management – Service Delivery

- 9.30 Deliveries and refuse collection arrangements would remain unaltered by the proposal. Refuse collection would be carried out from the street.
- 9.31 Special bin storage will be required for nappies other materials that will not be accepted by the refuse collectors. The location of this bin is shown on the internal site layout plan.
- 9.32 Limited deliveries of food and other consumables will occur. Vans will use the turning area to the front of the building to access the site.

Response to Neighbour Comments

- 9.33 Neighbour comments have been addressed above.

Community Infrastructure Levy (CIL)

- 9.34 Policy CS35 of the Core Strategy 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 1 July 2015. This application is not CIL liable.

10. CONCLUSION

- 10.1 The principle of the proposed nursery is acceptable in this Village Centre location, where a mixture of uses is acceptable and community services such as nurseries are encouraged. There will be no loss of street scape character nor detrimental impact on the Kings Langley Conservation Area. There will be no loss of character to the existing building. The proposal will not result in a loss of amenity for neighbours. Highway safety and parking provision is acceptable. The proposal will comply with CS4, CS12, CS27 and CS32 and Saved Appendix 5.

11. RECOMMENDATION

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

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

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

2. **The development hereby permitted shall be constructed in accordance with the materials specified on the application form.**

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

3. **A scheme of sound insulation shall be submitted to and approved by the Local Planning Authority to upgrade the separating element between ground and first floor areas of the proposed nursery to the adjacent residential receiver. This shall include structurally independent wall linings at ground and first floor levels and control any weak insulating flanking elements. The approved scheme shall be implanted prior to the operation coming into use and retained thereafter.**

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

4. **A Noise Management Plan shall be submitted to an approved by the LPA and implemented before the development hereby approved comes into operation and continue to be implemented throughout the life of the use hereby approved.**

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

5. **At least 3 months prior to the first use of the approved development a detailed Travel Plan Statement for the site, based upon the Hertfordshire Council document 'Hertfordshire's Travel Plan Guidance', shall be submitted and approved in writing by the Local Planning Authority. The Travel Plan Statement should include a Parking Management Strategy to ensure that on-street parking in the vicinity of the site is avoided. The approved Travel Plan Statement shall be implemented at all times.**

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018) and to comply with Core Strategy Policy 12.

6. **Prior to the first use of the development hereby permitted the vehicular access and associated highway works shall be provided and thereafter retained at the position shown on the approved plan drawing number PL01 Rev C. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway. The highway footway and a full height kerb shall be reinstated where the vehicle access is no longer required, in accordance with a detailed scheme to be agreed with the Local Planning Authority in consultation with the Highway Authority, concurrently with the bringing into use of the relocated access.**

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and to comply with Core Strategy Policy 12.

7. **Prior to commencement of the approved use a gated access to the building will be provided along with a low (.9m) picket fence separating the car park from the playground access.**

Reason: For the avoidance of doubt and in the interests of proper planning and to comply with Core Strategy 12.

8. **The hours of site operation shall be restricted to Monday-Friday (07:00 - 19:00) hours. No site activity on Saturday, Sundays or Bank Holidays. No external amenity use outside of 09:00 - 17:00 hours.**

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

9. **The number of children using the nursery hereby approved shall be limited to a maximum of 40 in total in any one day.**

Reason: In order to protect the amenities of adjoining occupiers and to ensure adequate parking provision, having regard to saved Appendix 5 of the Dacorum Borough Local Plan (2004), Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 127 (f) of the National Planning Policy Framework (2019).

10. **The number of staff working at the nursery hereby approved at any one time shall be limited to a maximum of 10 in total.**

Reason: In order to protect the amenities of adjoining occupiers and to ensure adequate parking provision, having regard to saved Appendix 5 of the Dacorum Borough Local Plan (2004), Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 127 (f) of the National Planning Policy Framework (2019).

11. **Any external play area shall not be a soft landscaped area of a type that could result in the users of the site coming into contact with the underlying ground, unless and until a land contamination risk assessment has been undertaken and submitted in writing to, and agreed by, the LPA.**

Reason: to ensure that no development takes place that would introduce a risk to health of the site users that is associated with the potential presence of ground contamination. To ensure a satisfactory development in accordance with Core Strategy (2013) Policy CS32.

12. **Protective fencing will be erected around the protected Yew tree during the renovation works. As there is already a car park in this location new gravel only will be added to the top of the existing parking space, which will not result in any additional harm.**

The new fence will have a 3m wide section over the middle of the tree with no posts being placed in the root zone. Posts will be carefully installed and if any roots are found the hole will be moved.

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

13. **Prior to the use commencing Cycle storage as shown on approved plan 1907-066 SKO2 Rev B must be provided and retained in perpetuity.**

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

14. **No use hereby permitted shall be occupied or the use commenced until the general waste and nappy bin, as shown on the approved plans have been completed in accordance with the approved plans. Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved plans, or internally within the building that form part of the application site. No refuse shall be stored or placed for collection on the public highway or pavement, except on the day of collection.**

Reason: To safeguard the residential and visual amenities of the locality, protect the environment and prevent obstruction to pedestrian movement in accordance with saved Policy 129 of the Dacorum Borough Local Plan (2004) and Policy CS29 of the Dacorum Borough Core Strategy (2013).

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

Proposed Access, Egress and Parking Arrangement, Plan drawing number PL01 Rev C

Swept Path Analysis of drop off only bays 1907-066 DRG No. SK04

Heritage Statement prepared by Barker-Mills Conservation, 13.3.20

Proposed elevations and site plan wren naj 44c 2019, Rev C

Technical Note - Response to Highways 1907-066/TN/03 prepared by TPA, June 2020

Potential Internal Site Layout, For Information, SK02, Rev B - showing general waste and nappy bin location, safe access to the play area from the building and fencing adjacent to the TPO's Yew tree.

Follow up Noise Report prepared by soundsolution consultants dated 1.5.20 in response to comments from ECP.

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

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

2. The above contaminated land condition is considered to be in line with paragraphs 170 (e) & (f) and 178 and 179 of the NPPF 2019.

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

3. Information on obtaining the extent of public highway around the site can be obtained from the HCC website: www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx.

4. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
5. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
6. Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. 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. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.
7. The Planning Authority should be notified if any further historic fabric is exposed during the approved works.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Kings Langley Parish Council	The Council OBJECTED to this application because it would cause significant traffic and parking problems over and above the existing use and create further safety issues. The Council considers that the traffic consultant's report is misleading; the site is not adequate for the safe drop off and pick up of young children, which will spill out on to an already busy and congested road and dangerous crossing, double yellow lines will be ignored and access in and of neighbouring properties, such as the council offices in Charter Court and the Kings Langley Services Club, would be made more difficult and more dangerous for vehicles and visiting pedestrians.
Conservation & Design	Comments received 17.4.20

(DBC)

This iteration of the Heritage statement has taken on board the recognition that this once served as a Vicarage. Together with the arch-braced truss, I do think there should be an informative that the Local Authority should be notified if any further historic fabric is exposed during the works. As the Statement says, this is unlikely, so I cannot see it being an onerous undertaking.

Comments received 10.3.20

This is a useful introduction to the building. But it misses the fundamental point that this was once the Vicarage (hence Vicarage Lane), and from the OS Map is clearly related in that capacity to its neighbour. The orientation and survival of the framing would appear to suggest it may be the surviving cross-wing of a hall and cross-wing house that stood on a generous plot on the corner of the High Street/Vicarage lane. The Statement needs to acknowledge this.

If it is the site of the medieval Vicarage (and a long-time church-owned building), being within the Conservation Area and a non-designated heritage asset, it requires careful treatment and I would place a recording condition on any permission to ensure the work is monitored and any opening up works properly recorded.

Comments received 24.2.20

The building - or parts of it - clearly predate 1700 and therefore the building is potentially listable. The building was wrongly described in the application as former cottages, whereas historically it enjoyed the status of the former Rectory. The building is an undesignated heritage asset within the Conservation Area but may be worthy of listing. The Heritage statement needs to provide an argument that the alterations are not going to cause harm and will not be revealing historic fabric which would confirm the need to list it. I am happy to arrange another visit to confirm whether it is listable.

Comments received 24.12.19

I commented on this scheme originally and note that the suggestion of converting the side extension to (mainly) a lean-to roof has been implemented, which is welcomed.

I had asked if there could be some improvement to the fenestration and would prefer to see casements or sashes introduced rather than top opening lights.

This has emerged as an important building in Kings Langley, having been the former Vicarage, the significance of which had been overlooked in the D & A statement. It is certainly an undesignated

	<p>heritage asset, is set within the conservation Area and retains elements of medieval timber-framing within it - more historic fabric may be exposed as a result of the works. The building may consequently be worthy of listing - It is important therefore that the heritage statement assuages any concerns that further historic fabric is not being removed.</p> <p>Comments received 11.11.19</p> <p>We recently established that the building was early (it retains some medieval timber-framing and more is almost certainly concealed. (See Map attached, showing that it formed part of the original Vicarage, enjoying a prominent place on the corner of Vicarage Lane/ High Street.)</p> <p>The application therefore requires a heritage statement as it is an undesignated heritage asset within the conservation area.</p> <p>The internal re-organisation involves removal of internal partitions, a chimney breast (what steps will be taken to support the remaining chimney stack?) and a portion of the main side wall of the building. There needs to be some limited opening up first to determine whether any historic fabric is concealed.</p> <p>Although the south side elevation seeks to rationalise the single storey extensions, part monopitch, part flat roof, the proposed solution ends up with a long 'box' with a flat roof stepping up from east to west. It would be preferable to see the majority of this roof as a lean-to rather than flat roof - which can be tucked below the upper floor windows. The fenestration also requires re-ordering to avoid the amount of blank rendered walling, and the opportunity could be taken to introduce more traditional windows (sashes and casements) to improve the whole appearance of this prominent and sensitive elevation, which can be viewed from both the High Street and Vicarage Lane.</p>
<p>Hertfordshire County Council Highway Authority (HCC)</p>	<p>Comments dated 14.7.20</p> <p>I am satisfied that I have made a robust assessment as a consultee for this application, but I will discuss this and the information that has been sent over with my manager when he returns from leave next Tuesday (21st July) and will get back to you if his opinion differs from mine.</p> <p>Comments dated 9.7.20</p> <p>In response to your initial email, I assume this is in relation to trip generation, if this is the case the assessment does not rely on the nurseries mentioned, but rather a range of sites using TRICS. This has been checked by HCC and has been deemed acceptable.</p> <p>In response to your email below, yes we do look at pedestrian safety, and in this case there is adequate vehicle-to-pedestrian visibility at the site accesses, the accesses are dropped kerbs / VXOs so pedestrians</p>

retain priority, and the accesses used at the proposed site are existing accesses (with some alterations) which are acceptable at present, and this wouldn't change through the intensification of the site. There are also signalised pedestrian crossings along the High Street and dropped kerb crossings on Vicarage Road with tactile paving. It wouldn't be appropriate to ask the developer to provide a footway on the southern side of Vicarage Lane through a section 106 agreement because it is unrelated to the development.

Comments dated 9.7.20

Change of use from office to day nursery, single-storey front extension, alterations and revised external layout

Decision Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions: 1. Travel Plan Statement / Parking Management Strategy – Requested Prior to Use: At least 3 months prior to the first use of the approved development a detailed Travel Plan Statement for the site, based upon the Hertfordshire Council document 'Hertfordshire's Travel Plan Guidance', shall be submitted and approved in writing by the Local Planning Authority. The Travel Plan Statement should include a Parking Management Strategy to ensure that on-street parking in the vicinity of the site is avoided. The approved Travel Plan Statement shall be implemented at all times. Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018). 2. Access / Highway Works: Prior to the first use of the development hereby permitted the vehicular access and associated highway works shall be provided and thereafter retained at the position shown on the approved plan drawing number PL01 Rev A. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway

carriageway. The highway footway and a full height kerb shall be reinstated where the vehicle access is no longer required, in accordance with a detailed scheme to be agreed with the Local Planning Authority in consultation with the Highway Authority, concurrently with the bringing into use of the relocated access. Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

HIGHWAYS INFORMATIVES: HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980. AN) Extent of Highway: Information

on obtaining the extent of public highway around the site can be obtained from the HCC website: www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx. AN)

Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047. AN)

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

Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. 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. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

COMMENTS / ANALYSIS:

The proposals in the application consist of the change of use from office

to day nursery, single-storey extension, alterations, and revised external layout at 1 Hempstead Road, Kings Langley. The Highway Authority recommended approval with conditions in the most recent responses, after previously recommending refusal twice. Upon discussions with the LPA, the Highway Authority noted that concerns were raised in relation to the trip generation displayed in Table 3.1 (Parking Accumulation) of the Technical Note named “1907-066 TN02A – Response to Highways”. Particularly, the concerns were regarding the parameters used in the trip generation and the three minute time period allocated to drop-offs. In response to this, a Technical Note (TN03) reference 1907-066/TN/03 has been submitted alongside a drawing demonstrating the potential internal site layout. HCC have submitted a number of responses to a variety of amendments for this application, and this response aims to take into account all of the information submitted so far.

ACCESS ARRANGEMENTS: The site is located on the corner of Hempstead Road and Vicarage Lane. Vicarage Lane is a local access “C” road and Hempstead Road is a principal main distributor “A” road, both of which have a speed limit of 30mph and are highway maintainable at public expense. The current vehicular access to the site consists of two accesses onto Vicarage Lane that form a swept access. The access furthest east is less than 10m from the Vicarage Lane / Hempstead Road / High Street / The Nap junction. It is stated in Technical Note 1907-066 TN02A (TN02A) that the applicant is proposing changes to the eastern access onto Vicarage Lane. The proposals would move it further west so that it is located 10m from the stop-line at the Vicarage Lane / Hempstead Road / High Street / The Nap junction and would be narrowed to 4m wide. This access is also proposed to be an exit-only egress, with the western access to be entry-only. HCC notes that these proposals demonstrate that safe access and egress could be made from the site. In relation to the alterations required at the eastern egress, including any full height kerbs and footway works that may be needed in relation to closing of the existing access, the applicant should be aware that they would need to enter into an agreement with the Highway Authority, as stated in the above informative. The proposals now include a pedestrian access to the site in the location of the existing eastern access. HCC welcomes this addition to the proposals.

PARKING AND MANOEUVRABILITY: In the Transport Statement (TS), Dacorum Borough Council’s (DBC) Parking Standards document is referred to when identifying the levels of proposed parking. It is stated that a maximum of 1 car parking space per 4 pupils at a nursery is the standard. The site is located within accessibility zone 4, which requires that a maximum of between 75% and 100% of the parking standard is met. TN02A states that a total of eight parking spaces are now proposed at the site, which is within DBC’s parking standards. However, three of these spaces are proposed to be drop-off only,

reducing the parking provision proposed to five parking spaces. Whilst the parking provision is low, they are below the Borough's maximum requirement and therefore within the standards. The low level of parking could encourage other uses of travel to the site aside from the car, which is also in accordance LTP4 Policy 1 in relation to promoting sustainable and active travel at developments.

HCC also notes that the surrounding highway has double yellow lines, therefore preventing cars using the nursery from parking on the highway. Additionally, HCC notes that there are a number of free public car parks within walking distance of the site, so that in event that drop off is unavailable at the site because the all the drop-off spaces are full and the double yellow lines on Vicarage Road, visitors would reasonably use these. These include Langley Hill Car Park, which is on Langley Hill and a 5-minute walk from the site, as well as on-street parking on The Nap and High Street, all within a 5-minute walk from the site. These are all accessible via paved footways, and there is a dropped kerb crossing with tactile paving across Vicarage Lane as well as a signalised pedestrian crossing across High Street. These provide alternatives in the event of the car park reaching capacity, for those who are unable to walk or cycle or take public transport to the site. A parking accumulation table has been provided in TN02A which demonstrates that the proposed level of parking would meet the needs of the site. The applicant is reminded that DBC are the parking authority for the Borough, and therefore must ultimately be satisfied with any changes to parking at the site. HCC raised some concerns regarding the drop off parking spaces and the 3-minute time period allocated for drop-offs. In TN03 it is stated that the 3-minute figure is based off of the operator's own experience. In TN03 it is also discussed that if this was doubled to 6-minutes, then each drop-off bay could be used up to 10 times in one hour, allowing 30 drop-off opportunities in one hour, which is 75% of the 40 pupils if at full capacity. HCC acknowledges that a 6-minute drop-off may still be optimistic, however even if it was slightly longer then the impact on the highway would be insignificant when taking into account the site's proximity to residential areas and other free public car parks. All parking spaces in the site should be a minimum of 2.4m x4.8m, which is demonstrated in drawing PL01 Rev A. Parallel parking spaces should be at least 6m in length. The proposed two parallel parking spaces (drop-off only) appear to be 5.8m in length. Therefore, HCC previously request that the applicant should provide swept path analysis drawings that demonstrate that cars are able to safely enter and egress each of the two parallel parking spaces at the site, which has since been provided and is acceptable to HCC. To address HCC's initial concerns regarding the lack of safe manoeuvrability with the site, TN02A now demonstrates in drawing PL01 Rev A that the western access would be entry-only, and the eastern access would be an exit-only egress, which is welcomed by HCC. The applicant would need to submit a Parking Management Strategy to demonstrate how that these

entry-only and exit-only accesses will be enforced, as well as to demonstrate the safe manoeuvrability of cars into the car parking spaces, in particular the four car parking spaces in the north east corner of the site. In the most recent amendments, drawing SK02 Rev B has been provided which demonstrates the potential internal site layout which indicates that "Entry" and "No Entry" signs will be painted on the surface of the parking area. This is welcomed by HCC and details regarding this should be included in the Parking Management Strategy document. Additionally, cycle storage on site has been indicated in this drawing, which is also welcomed by HCC, although this is most likely to be used by staff members.

TRIP GENERATION: TRICS database has been used to produce the trip generation for the proposed and existing site. TN02A states that the existing site generates the following numbers of trips: • AM Peak (08:00-09:00): 2 Arrivals and 0 Departures • PM Peak (17:00-18:00): 0 Departures and 2 Arrivals

In response to HCC's most recent concerns regarding the trip generation, the transport consultants on behalf of the applicant have conducted new TRICS analysis using nine sites, which is acceptable to HCC. The parameters used to produce the new trip generation include Edge of Town Centre and Suburban Area (PPS6 Out of Centre) site in all regions in England apart from London, which is acceptable to HCC. HCC are also satisfied with the sample of sites used in the TRICS analysis, given the limitations of the software. The trip generation for the proposed site would be the following: • AM Peak (08:00-09:00): 7 Arrivals and 6 Departures (3 accumulated) • PM Peak (17:00-18:00): 6 Departures and 7 Arrivals (2 accumulated) Therefore, the net trip generation for the proposed site would be the following: • AM Peak (08:00-09:00): 5 Arrivals and 6 Departures • PM Peak (17:00-18:00): 6 Departures and 5 Arrivals The new trip generation produces higher results than the previous trip generation, which means that the highest parking accumulation throughout the day is 3 vehicles, compared to the previous rates which stated that there would be 1. As stated in TN02A, this is further supported by trip patterns generated by nurseries tending to differ from schools, with nurseries having a flatter profile of peak trips with less of a pronounced peak. Furthermore, with the proposed nursery opening at 7am, these trips are likely to be spread across the two-hour period between 7am and 9am, reducing the chances of congestion at the site. In TN03 it is noted that considering the existing office use of the site, this is not a significant net impact of trips. HCC notes that the proposed trip generation for the proposed site appear to be lower than what would be expected, however due to the limited parking at the site and the opportunity to promote sustainable travel at the site this is seen as acceptable to HCC.

SUSTAINABILITY AND ACCESSIBILITY: The pedestrian infrastructure in the vicinity of the site is of a varied standard, with paved footways on most roads, however this is only on one side of the road on sections of

both Vicarage Road and The Nap. Cycle parking is proposed at the site, which is welcomed by HCC. Kings Langley railway station is a 20-minute walk from the site and is served by regular trains which serve London, Hemel Hempstead and Watford. The nearest bus stop to the site is located on the High Street roughly a 1-minute walk from the site and is served by the 500 and 501 buses, which run regularly between Aylesbury and Watford via Tring. TN02A notes that the site will aim to employ local staff and promote sustainable travel to and from the site. HCC notes that to promote sustainable travel modes at the site, a Travel Plan Statement should be submitted by the applicant, as stated in the above condition.

CONCLUSIONS: HCC as Highway Authority considers that the proposal would not have an unacceptable impact on the safety and operation of the surrounding highway network. Therefore, HCC has no objections on highway grounds to the application, subject to the inclusion of the above planning conditions.

Request for further information dated 29.5.20

The proposals in the application consist of the change of use from office to day nursery, single-storey extension, alterations, and revised external layout at 1 Hempstead Road, Kings Langley.

The Highway Authority previously recommended approval with conditions in the most recent response, after previously recommending refusal twice.

Upon discussions with the LPA, the Highway Authority notes that concerns were raised in relation to the trip generation displayed in Table 3.1 (Parking Accumulation) of the Technical Note (TN) named "1907-066 TN02A – Response to Highways".

HCC as Highway Authority therefore have undertaken their own analysis using TRICS to verify the trip rates and generation provided. HCC notes that the Highway Authority's analysis outputted trip rates for the AM Peak (08:00-09:00) and the PM Peak (17:00-18:00) which were higher than those provided in the TN. HCC used a range of sites in their analysis.

HCC notes that the full TRICS outputs provided in the Transport Statement are either for employees or pupils. HCC notes that only two sites have been used in this analysis, which is lower than standard. Therefore, HCC is requesting that parameter used (whether pupils or employees) are specified. It is also requested that a range of sites are used to accurately represent the site of the proposed development, or justification for just using the two sites is provided.

HCC also notes that the time period for drop-offs has been estimated to be three minutes. HCC are requesting that evidence to support this time period is provided, to demonstrate that it is an accurate estimate.

Therefore, HCC as Highway Authority are requesting information on the following:

- Details of the TRICS parameters used to get the trip generation, as well as reproducing the trip rates using more sites (preferably

more than 5) or justification for using only the two sites in the analysis.

- Evidence to support the three minute time period allocated to drop-offs.

Comments dated 17.3.20

Proposal

Change of use from office to day nursery, single-storey front extension, alterations and revised external layout

Amendment

Swept path analysis for parking spaces submitted

Decision

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

Submitted information appears to be acceptable and sufficient to enable the removal of recommended Condition 1.

Comments dated 13.3.20

The drawings submitted previously did not make it clear whether the proposals interfered with the electricity box, which was the reason for the wording of the original condition. If the proposed plans do not interfere with the electricity box then Condition 1 can be reworded to the following:

1. Standard Outline Condition:

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

- i. Swept path analysis to demonstrate that vehicles are able to safely enter and egress the proposed two parallel drop-off only spaces. Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

Comments dated 4.2.20

Amendment

Amendment to proposal: Change of use from office to day nursery, single storey front extension, alterations and revised external layout
<https://planning.dacorum.gov.uk/publicaccess/>

Decision

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

1. Standard Outline Condition: No development shall commence until

full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following: i. Approval of the relocation of the existing statutory authority equipment box. The applicant should be aware that they would need to cover the costs of the relocation. ii. Swept path analysis to demonstrate that vehicles are able to safely enter and egress the proposed two parallel drop-off only spaces. Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

2. Travel Plan Statement / Parking Management Strategy- Requested Prior to Use: At least 3 months prior to the first use of the approved development a detailed Travel Plan Statement for the site, based upon the Hertfordshire Council document 'Hertfordshire's Travel Plan Guidance', shall be submitted and approved in writing by the Local Planning Authority. The Travel Plan Statement should include a Parking Management Strategy to ensure that on-street parking in the vicinity of the site is avoided. The approved Travel Plan Statement shall be implemented at all times. Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

3. Access / Highway Works: Prior to the first use of the development hereby permitted the vehicular access and associated highway works shall be provided and thereafter retained at the position shown on the approved plan drawing number PL01 Rev A. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway. The highway footway and a full height kerb shall be reinstated where the vehicle access is no longer required, in accordance with a detailed scheme to be agreed with the Local Planning Authority in consultation with the Highway Authority, concurrently with the bringing into use of the relocated access. Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

HIGHWAYS INFORMATIVES: HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

AN) Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website: www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx.

AN) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should

be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

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

AN) Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. 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. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

COMMENTS / ANALYSIS: The proposals in the application consist of the change of use from office to day nursery, single-storey extension, alterations, and revised external layout at 1 Hempstead Road, Kings Langley.

This response is to the second amendments submitted for the application, which include a response to HCC's responses to the initial application and the first amendments, both of which were recommended for refusal by the Highway Authority. The proposals were initially for a nursery for 50 children and 12-13 staff members, but

this has now been reduced to 40 pupils and 9-10 members of staff. Other amendments are made to the parking layout and access arrangements in order to address the reasons for refusal initially outlined by HCC.

The document submitted for the second amendments is Technical Note 1907-066 TN02A (TN02A). This response will address this document in addition to the Transport Statement (TS), Design and Access Statement (DAS), and proposed and existing plans and drawings submitted as part of the original application.

ACCESS ARRANGEMENTS: The site is located on the corner of Hempstead Road and Vicarage Lane. Vicarage Lane is a local access "C" road and Hempstead Road is a principal main distributor "A" road, both of which have a speed limit of 30mph and are highway maintainable at public expense. The current vehicular access to the site consists of two accesses onto Vicarage Lane that form a swept access. The access furthest east is less than 10m from the Vicarage Lane / Hempstead Road / High Street / The Nap junction.

It is stated in TN02A that the applicant is now proposing changes to the eastern access onto Vicarage Lane. The proposals would move it further west so that it is located 10m from the stop-line at the Vicarage Lane / Hempstead Road / High Street / The Nap junction and would be narrowed to 4m wide. This access is also proposed to be an exit-only egress, with the western access to be entry-only. HCC notes that these proposals demonstrate that safe access and egress could be made from the site. In relation to the alterations required at the eastern egress, including any full height kerbs and footway works that may be needed in relation to closing of the existing access, the applicant should be aware that they would need to enter into an agreement with the Highway Authority, as stated in the above informative.

It is noted that there is an existing statutory authority equipment box on the footway on the site frontage onto Vicarage Road which would need to be relocated to enable moving the eastern access further west. Plans of the relocation proposals would need to be submitted to the Highway Authority in order to discharge the above condition.

The amended proposals also include a pedestrian access to the site in the location of the existing eastern access. HCC welcomes this addition to the proposals.

PARKING AND MANOEUVRABILITY: In the TS, Dacorum Borough Council's (DBC) Parking Standards document is referred to when identifying the levels of proposed parking. It is stated that a maximum of 1 car parking space per 4 pupils at a nursery is the standard. The site is located within accessibility zone 4, which requires that a maximum of between 75% and 100% of the parking standard is met.

As stated in the TN02A, a total of eight parking spaces are now proposed at the site, which is within DBC's parking standards. However, three of these spaces are proposed to be drop-off only, reducing the parking provision proposed. Whilst the parking provision is

low, they are below the Borough's maximums, and therefore within the standards. HCC also notes that the surrounding highway has double yellow lines, therefore preventing cars using the nursery from parking on the highway. A parking accumulation table has been provided in TN02A which demonstrates that the proposed level of parking would meet the needs of the site. The applicant is reminded that DBC are the parking authority for the Borough, and therefore must ultimately be satisfied with any changes to parking at the site.

All parking spaces in the site should be a minimum of 2.4m x 4.8m, which is demonstrated in drawing PL01 Rev A. Parallel parking spaces should be at least 6m in length. The proposed two parallel parking spaces (drop-off only) appear to be 5.8m in length. Therefore, HCC notes that the applicant should provide swept path analysis drawings that demonstrate that cars are able to safely enter and egress each of the two parallel parking spaces at the site.

To address HCC's initial concerns regarding the lack of safe manoeuvrability with the site, TN02A now demonstrates in drawing PL01 Rev A that the western access would be entry-only and the eastern access would be an exit-only egress, which is welcomed by HCC. The applicant would need to submit a Parking Management Strategy to demonstrate how that these entry-only and exit-only accesses will be enforced, as well as to demonstrate the safe manoeuvrability of cars into the car parking spaces, in particular the four car parking spaces in the north east corner of the site.

TRIP GENERATION: TRICS database has been used to produce the trip generation for the proposed and existing site. TN02A states that the existing site generates the following numbers of trips: o AM Peak (08:00-09:00): 2 Arrivals and 0 Departures o PM Peak (17:00-18:00): 0 Departures and 2 Arrivals

The trip generation for the proposed site would be the following: o AM Peak (08:00-09:00): 6 Arrivals and 6 Departures o PM Peak (17:00-18:00): 5 Departures and 5 Arrivals

Therefore, the net trip generation for the proposed site would be the following: o AM Peak (08:00-09:00): 4 Arrivals and 6 Departures o PM Peak (17:00-18:00): 5 Departures and 3 Arrivals

As stated in TN02A, this is further supported by trip patterns generated by nurseries tending to differ from schools, with nurseries having a flatter profile of peak trips with less of a pronounced peak.

HCC notes that the proposed trip generation for the proposed site appear to be lower than what would be expected, however due to the limited parking and the opportunity to promote sustainable travel at the site this is seen as acceptable to HCC.

SUSTAINABILITY AND ACCESSIBILITY: The pedestrian infrastructure in the vicinity of the site is mixed, with paved footways on most roads, however this is only on one side of the road on sections of both Vicarage Road and The Nap. Cycle parking is proposed at the site, which is welcomed by HCC.

Kings Langley railway station is a 20-minute walk from the site and is served by regular trains which serve London, Hemel Hempstead and Watford. The nearest bus stop to the site is located on the High Street roughly a 1-minute walk from the site and is served by the 500 and 501 buses, which run regularly between Aylesbury and Watford via Tring.

TN02A notes that the site will aim to employ local staff and promote sustainable travel to and from the site. HCC notes that to promote sustainable travel modes at the site, a Travel Plan Statement should be submitted by the applicant, as stated in the above condition.

CONCLUSIONS: HCC as Highway Authority considers that the proposal would not have an unacceptable impact on the safety and operation of the surrounding highway network. Therefore, HCC has no objections on highway grounds to the application, subject to the inclusion of the above planning conditions.

Comments dated 14.1.20

Update on meeting between Highways and agent.

The meeting went well, we discussed potential ways to address the problems outlined in both of my responses so far. The transport consultants have said that they are going to produce another technical note as another amendment that they will send over to me. The following changes to the proposals were discussed:

- . Move the existing access closest to the junction further away so that it is 10m from the stop line at the junction - they suggested doing this with bollards which could enable a safe pedestrian access to the site too
- . Changes to the drop-off bays and how they will be perceived at the site - these changes are to be confirmed in the amended document
- . Reduce the size of the development to 40 pupils and 10 staff
- . Remove the car parking space from the bottom right corner of the site to allow for improved manoeuvrability within the site
- . Make the bicycle parking provided more visible to the street to encourage sustainable travel
- . Ensure that the access closest to the junction would be exit-only.

We also noted that a Travel Plan / parking management strategy would be needed to enforce that the exit-only access and the drop-off bays are used correctly.

I still have some concerns, in particular regarding the limited parking provision and the potential for overfill parking on the double yellow lines in the vicinity of the site, but the proposed changes that they suggested

have potential to reduce the safety concerns to an extent.

Comments dated 23.12.19

Amendment

Technical Note submitted as an amendment to the application for the change of use from office to day nursery, single storey front extension, alterations and revised external layout

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 recommends that permission be refused for the following reasons:

HCC as Highway Authority previously responded to this application (19/02662/FUL) recommending refusal on 27/11/2019. The reasons for recommending refusal were as follows: 1. The proposed parking layout is unsafe and would not allow all vehicles to safely manoeuvre around the site and leave in a forward gear. 2. The level of parking provision is not enough for the scale of the proposals and is likely to lead to congestion and safety hazards on the surrounding highway network. 3. The net trip generation would result in an unacceptable impact on free and safe movement on the highway network, with a significant number more trips generated in the proposed than the existing site, which is heightened by its High Street location.

The applicant has since submitted a Technical Note (TN) - 1907-066 TN01 to address the queries that HCC had when responding to the application. The TN also states that it is understood that the client intends to reduce the size of the proposed nursery from 50 to 40 pupils and from 12/13 staff members to 9/10.

RESPONSE TO REASONS 1 AND 2 FOR RECOMMENDING REFUSAL: In response to reasons 1 and 2 for recommending refusal, in relation to parking, an alternative parking arrangement drawing has been provided, which shows nine parking spaces. Of these nine spaces, three are labelled as drop-off only. The parking standards state that the minimum number of parking spaces for the scale of the site would be nine, and therefore the six parking spaces do not meet this. To be in accordance with the guidance, nine parking spaces would need to be provided, and any drop-off only spaces would need to be in addition to this.

In the TN it is also stated that cars dropping off would not reverse directly out of the parking area onto the highway when leaving the site, however there are no measures proposed to prevent this. The likelihood of cars having to reverse onto the highway is heightened by the limited space in the parking area for manoeuvrability, and therefore if more than four vehicles are dropping off at the same time, then a fifth may be forced to reverse out of the site. The number of trips proposed in the peak periods means that this is a likely occurrence. The proximity of the site to the Hempstead Road / Vicarage Lane junction enhances

the risk of reversing on to the highway from the site.
Therefore, HCC maintains reasons 1 and 2 for recommending refusal in the initial response.

RESPONSE TO REASON 3 FOR RECOMMENDING REFUSAL: In response to reason 3 for recommending refusal, related to the trip generation, it has been noted that the trip rates for the nursery include all trips to and from the site, including staff and parent trips. It was also noted that staff would be required to be at the site before pupils arrive, and would be employed locally and travel by foot, public transport or bike.

It is then stated that the increase of trip generation by 33 trips would be less than 3 vehicles per hour. However, as stated in the Transport Statement (TS) provided in the initial application, the proposals would result in 16 trips in the AM Peak and 12 trips in the PM Peak, the net trips would be 14 in the AM Peak and 10 in the PM peak. HCC reiterate that this is a significant increase. The intensification of use of an existing access less than 10m from a junction would not be in accordance with the Highway Authority's specifications and would have the potential to interfere with the safe and free functioning of the highway.

Therefore, HCC maintains reason 3 for recommending refusal in the initial response.

CONCLUSION: Due to the reasons stated throughout this response in relation to the proposed parking and trip generation, HCC is recommending that the application be refused.

Comments dated 27.11.19

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 recommends that permission be refused for the following reasons:

1. The proposed parking layout is unsafe and would not allow all vehicles to safely manoeuvre around the site and leave in a forward gear.
2. The level of parking provision is not enough for the scale of the proposals and is likely to lead to congestion and safety hazards on the surrounding highway network.
3. The net trip generation would result in an unacceptable impact on free and safe movement on the highway network, with a significant number more trips generated in the proposed than the existing site, which is heightened by its High Street location.

COMMENTS / ANALYSIS: The proposals in the application consist of the change of use from office to day nursery, single-storey extension, alterations, and revised external layout at 1 Hempstead Road, Kings Langley.

The proposals are for a nursery for 50 children and would employ 12-13 staff members.

A Transport Statement (TS), Design and Access Statement (DAS), and proposed and existing plans and drawings have been submitted as part of the application.

ACCESS ARRANGEMENTS: The site is located on the corner of Hempstead Road and Vicarage Lane. Vicarage Lane is a local access "C" road and Hempstead Road is a principal main distributor "A" road, both of which have a speed limit of 30mph and are highway maintainable at public expense. The current vehicular access to the site consists of two accesses onto Vicarage Lane that form a swept access. The access furthest east is less than 10m from the Vicarage Lane / Hempstead Road / High Street / The Nap junction. There are no proposed changes to the vehicular access at the site.

PARKING AND MANOEUVRABILITY: In the TS, Dacorum Borough Council's (DBC) Parking Standards document is referred to when identifying the levels of proposed parking. It is stated that a maximum of 1 car parking space per 4 pupils at a nursery is the standard. The site is located within accessibility zone 4, which requires that between 75% and 100% of the parking standard is met. The proposed site is expected to have 50 pupils, meaning that car parking provision should be between 9 and 13 spaces. The site is stated to likely have 12-13 staff members.

In the TS it is stated that 6 parking spaces would be provided, as well as 3 drop-off bays at the front of the site, although drawing number VS01 in Appendix C of the document shows 7 parking spaces and 3 drop-off spaces. The DAS states that the site would have 5 staff parking spaces in the existing parking area and then a drop-off zone would allow for another 5 parking spaces, resulting in 10 spaces in total. The application form states that there are 10 parking spaces in total. The conflicting information provided means that the car parking proposals are unclear.

From the information provided in drawing VS01, whilst the 7 car parking spaces are appropriate dimensions (4.8m x 2.4m) the three drop-off bays are not drawn out. The nature of the drop-off bays in the drawing means that they are not counted as car parking spaces. If drawn out in the plan, it is likely that the three drop-off bays would block cars moving through the site, and therefore force cars parked at the east of the site (5 spaces) to reverse onto the carriage at the busy junction to be able to leave the site. The car park design, with the stacked parking spaces would also contribute towards this issue further.

The concerns regarding safety are also enhanced due to the fact the eastern access to the site is less than 10m from the Vicarage Lane / Hempstead Road / High Street / The Nap junction. HCC does not deem the parking layout to allow for safe manoeuvrability with the site. The level of parking is also below the required amount, which would potentially lead to on-street parking for nursery drop-offs and collections, as well as some staff members having to park elsewhere, despite the double yellow lines in place.

	<p>The applicant is reminded that DBC are the parking authority for the borough and therefore ultimately should be satisfied with any proposed changes to parking arrangement on the site.</p> <p>TRIP GENERATION: In the TS the trip generation for both the existing and proposed site has been outlined using the TRICS database.</p> <p>For the existing site, the following parameters were used: o Office land use; o Town Centre, Edge of Town Centre, and Suburban Area sites; o South East and East Anglia regions. HCC agrees with the parameters used for the existing site.</p> <p>The trip rates and trip generation calculated for the existing site were as follows: o Trip Rates / 100sqm: o AM Peak (08:00-09:00) Arrivals: 1.158 and Departures: 0.100 o PM Peak (17:00-18:00) Arrivals: 0.102 and Departures: 1.016 o Daily Arrivals: 5.243 and Departures: 4.258 o Trip Generation (180.4sqm GFA) o AM Peak (08:00-09:00) Arrivals: 2 and Departures: 0 o PM Peak (17:00-18:00) Arrivals: 0 and Departures: 2 o Daily Arrivals: 9 and Departures: 8 HCC agrees with the trip rates and generation produced for the existing site.</p> <p>For the proposed site, the following parameters were used: o Nursery land use; o Town Centre, Edge of Town Centre, and Suburban Area sites; o South East and East Anglia regions. HCC agrees with the parameters used for the proposed site.</p> <p>The trip rates and trip generation calculated for the proposed site were as follows: o Trip Rates / Pupil: o AM Peak (08:00-09:00) Arrivals: 0.150 and Departures: 0.150 o PM Peak (17:00-18:00) Arrivals: 0.125 and Departures: 0.125 o Daily Arrivals: 25 and Departures: 25 HCC agrees with the trip rates and generation for the proposed site.</p> <p>The net trips are therefore as follows: o AM Peak (08:00-09:00): +14 o PM Peak (17:00-18:00): +10 o Daily: +33</p> <p>However, no trip rates have been provided for the 12-13 staff members at the proposed site, so the increase of trips from the existing to proposed is likely to be more. Even without the staff trips, the expected increase in trips from existing use to the proposed is a significant amount, from 17 to 50 trips daily. This is heightened by the site's proximity to Kings Langley High Street and village centre, which would likely be affected by the increase in car trips in relation to congestion and consequently air quality and safety.</p> <p>CONCLUSION: Due to the reasons stated throughout this response in relation to the proposed parking and trip generation, HCC is recommending that the application be refused.</p>
<p>Environmental And Community Protection (DBC)</p>	<p>Contamination</p> <p>Having reviewed the documentation submitted with the above planning application and having considered the information held by the Environmental Health Department I have no objection to the proposal but I do have the following advice and recommendations in relation to land contamination.</p> <p>The application is for an extension to a previously developed</p>

commercial site and a change of its use to a children's nursery. This will constitute an increase in the vulnerability of the proposed end use and user to the presence of ground contamination in comparison to the current commercial land use.

Although there is no specific information or land use history to indicate that ground contamination is likely to have occurred, it remains possible that during the redevelopment of the site circa-1960, or as a result of informal land uses and activities, ground contamination could have occurred.

As such, given the vulnerability of the proposed end use to the presence of ground contamination the following planning condition is recommended.

Condition 1:

Any external play area shall not be a soft landscaped area of a type that could result in the users of the site coming into contact with the underlying ground. Unless and until a land contamination risk assessment has been undertaken and submitted in writing to, and agreed by, the LPA.

Reason: to ensure that no development takes place that would introduce a risk to health of the site users that is associated with the potential presence of ground contamination. To ensure a satisfactory development in accordance with Core Strategy (2013) Policy CS32.

Informatives:

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

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

Noise

Comments dated 18.5.20

So, this report is better as it has not just relied on sound insulation but practical methods for managing potential noise issues. The conditions suggested are fine with me, but do require finalisation around children numbers.

I would suggest a noise management plan is finalised before determination which we can condition against the development, rather

than doing afterward or state that the development shall not commence until a NMP is agreed. I like the aspects which use a chill out / quiet area for dealing with children that are upset. I've copied in the suggested NMP below.

Conditions

The hours of site operation shall be restricted to Monday-Friday (07:00 - 19:00) hours. No site activity on Saturday, Sundays or Bank Holidays. No external amenity use outside of 09:00 - 17:00 hours.

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

The number of children using the nursery hereby approved shall be limited to [a quantity, possibly limit number on 1st floor] in total.

Reason: In order to protect the amenities of adjoining occupiers and to ensure adequate parking provision, having regard to saved Appendix 5 of the Dacorum Borough Local Plan (2004), Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 127 (f) of the National Planning Policy Framework (2019).

A scheme of sound insulation shall be implemented to upgrade the separating element between ground and first floor areas of the proposed nursery to the adjacent residential receiver. This shall include structurally independent wall linings at ground and first floor levels and control any weakly insulating flanking elements.

AND

A Noise Management Plan shall be submitted to an approved by the LPA and implemented before the development hereby approved comes into operation.. A log of periodic monitoring and actions be kept. Together with a log of complaints; together with corrective actions undertaken.

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

Suggested NMP

1) This Noise Management Plan shall be reviewed, and the review

recorded in writing (acknowledging any complaints, concerns, actions, amendments or training recorded) annually by the 1st January each successive year hereafter.

2) Any alteration to the Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

3) Training shall be provided to explain the function of the noise management plan along with the mitigating measures contained within it. A record shall be maintained for all staff who have been trained and informed on the requirements of this plan.

4) A complaints procedure shall be implemented and maintained, with a log of complaints and mitigating actions, with time and dated associated records. Attention will be made to community liaison with neighbouring residents and good administrative procedures.

5) Staff shall acknowledge the nursery lies connected to a residential dwelling and so there is an overall emphasis to control unreasonable use to reduce the possibility of noise disturbances.

6) Activities within all playrooms shall always be structured and supervised by staff members, to avoid care-free activities that might lead to noise disturbances.

7) The nursery building shall never be used by any staff or children outside approved hours of development use [suggested 07:00 to 19:00].

8) The nursery shall establish and implement a means to gather children's attention to avoid the need for raised and/or loud voices of supervising staff. A bell or clap may be suitable.

9) The nursery shall establish and implement a calming room or zone, to be appropriately named within the building; as a means to comfort children who may become upset, distressed or act in an unsuitable manner. This shall be actively used on a daily basis.

10) All accidents, incidents and any unforeseen 'noisy' activity shall be logged and notified to site management. Such events shall be discussed in regular training sessions or meetings to establish suitable management provisions and how similar events might be avoided in future.

11) Musical instruments of any kind shall be prohibited from use inside the nursery at all times.

12) Amplified music shall not be played above a level that could be compared to a normal speaking voice as to be considered as background music. This shall be monitored by management. Final judgement on how loud a music source can be shall be provided by management only.

Comments dated 31.3.20

I am struggling with the report since it has applied guidance which is not appropriate to the likely noise that might be associated with a nursery. Therefore I am unable to accept the proposal.

The report uses BS8233:2014 to justify the scheme of sound insulation, but this is not within the scope of the standard and how it should be used. BS 8233 acknowledges that noise levels used refer only to the physical characteristics of sound and cannot differentiate between pleasant and unpleasant sounds. Important though psychological factors are, it is not practicable to consider them in this guide. However, the nature of some nursery activity will be perceived as pleasant / unpleasant sound, and which has not been acknowledged in anyway within the assessment.

The scope of BS 8233:2014 does not provide guidance on assessing the effects of changes in the external noise levels to occupants of an existing building. Examples of noise sources all assess impact from noise sources outdoors, and how this may impact on the internal environment. Determining impact with BS8233 is also limited to very specific sources of noise, that being steady sources, such as those due to road traffic, mechanical services or continuously running plant. This passage is detailed within section 7 of BS 8233, and notably the section used by the acoustic consultant to determine sound insulation requirements does not acknowledge the scope and limitation. By moving from an office occupation to a nursery business there will clearly be change in character of noise, and likely reaction to it.

The assumptions of the layout of the adjoining flat need to be confirmed as well, as this will have a bearing on the outcome of acceptability. It assumes that adjoining rooms (in the adjoining flat) are kitchen and bathroom. These are less critical spaces in respect of noise impact and therefore be of less concern. However we do not know this, and with the uncertainty of the wall treatment has not satisfied if an adverse impact will be avoided. The ground floor also represents a potential source of noise, by which sound can travel through buildings and the likelihood of impact from this part of the business.

The assessment needs to demonstrate why the proposed insulation scheme will not lead to an adverse outcome in terms of noise, having regard to relevant policy context on noise. This could also explore the use of internal layout to create buffers for noise along the party wall, for example redesign of internal layout by creating rooms / buffers between the adjoining space, e.g. cloakroom, walk in toy cupboard, staff room, kitchen etc.

Comments dated 26.2.20

In a policy sense we want the developer to demonstrate that the development can be made acceptable in noise terms noting the site adjoins an existing residential development.

The difficulty arises in that we don't have definitive guidance that states what is acceptable as a noise level for residential property where the noise is neither steady nor continuous. Therefore the best test will be sound transfer between properties to note what is existing, and if adequate. It can give a subjective as well as objective indication of the amount of sound passing through the party wall. If not then we would be looking at either upgrading existing provision or redesign of internal layout to create screening between properties. However if the flat adjacent is also protected by non-habitable rooms it could also make for acceptable development.

comments dated 6.1.20

I can work with a planning condition but will insist that a noise insulation scheme takes account of transmission by testing from the Services Club.

Effectively what I want to avoid is another consultant coming along and seeking to design to BS 8233 or similar. This standard applies to steady / continuous sound whereas nursery noise is going to be laughter, crying, screaming etc.

It may be that a way to address this is to screen the party wall by creating a corridor and reversing the access corridor. Similarly if the layout of the flat is such that habitable rooms are at the front a revision of internal layout of the nursery (reversing staff 1/4s) may be appropriate. If internal layout plans need to be revised would this require a revision of approved plans application?, i.e. which will benefit the applicant more.

Noise

Comments dated 3.12.19

I am minded to object on noise grounds. I have visited the application site this afternoon and note the adjoining Services Club appears to have residential on the 1st floor. This shares a party wall with the application site.

As a nursery there is potential for children related noise which could impact on the existing residential neighbour. The proposed nursery would accommodate up to 50 children and the potential for a noticeable amount of noise to pass through the party wall. Absent a noise assessment of further evidence which demonstrates the adjoining neighbour is not residential, I cannot support this application on noise grounds.

This can be overcome by a noise assessment to determine suitability of

	the site.
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
11	12	1	10	0

Neighbour Responses

Address	Comments
66 Vicarage Lane Kings Langley Hertfordshire WD4 9HR	<p>This property is situated on what is probably the most dangerous junction in Kings Langley, with heavy traffic and footfall at peak times.</p> <p>Parents dropping off or collecting their children will have little parking space and difficult access. The traffic on Vicarage Lane and the High Street is already near the limit at these times and parking in the unloading bay outside the Butchers, and on the double yellow lines in Vicarage Lane by Snack Shop users further aggravates the situation.</p> <p>This is a poorly conceived idea and I urge its rejection.</p>
25 Vicarage Lane Kings Langley Hertfordshire WD4 9HS	A thoroughly crude, lazy and unsympathetic extension to an interesting building in the conservation area and hardly the most inspiring entrance to a new venture.
66 Vicarage Lane Kings Langley Hertfordshire WD4 9HR	<p>This property is situated on what is probably the most dangerous junction in Kings Langley. The site has very limited parking spaces for staff and for drop off areas for parents. The safety of the children should be paramount which is impossible given the size of the site, double yellow lines on Vicarage Lane, Marwood Close, and the Glebe. There is footpath only on one side of Vicarage Lane, again cause for concern where the safety of children are concerned. By 7.30 in the morning students are already arriving for the Senior School in nearby Love Lane, again clashing with parents arriving at the nursery. The outside space is inadequate for 50 children and access outside is very necessary for their well being. There is nothing to recommend the development of this site as a Nursery.</p>
3 Hempstead Road Kings Langley Hertfordshire WD4 8BJ	<p>Concern</p> <p>As the manager of the premises with a car park next door. I am concerned about the Parking/Drop off areas. It all seems very tight according to the plan. Also the plan is working on a medium sized car, which means that if any member of staff has anything bigger, it will not work.</p> <p>The drop off area is also tight and in my experience a lot of mums these days have big 4 X 4's.</p>
Kings Langley	Parking, highway safety and traffic, There are regular damage only

	<p>accidents here (most of which do not appear to have been reported if the planning application is correct). This site is based at possibly the most dangerous junction along this stretch of road and also one of the most congested. The suggestion that parents will walk clearly has not seen the volume of traffic travelling to both main schools which are also in 'walking distance'. If parents have to get to work, they won't be walking.</p> <p>The planning application is made on the basis there will be 12 staff and 50 places available at any time between 7am and 7pm - .traffic trying to use the carriage drive would cause utter chaos at the front of the site would allow for the drop off and collection of children at the start and end of their nursery care period! Presumably the children walk themselves in having got out the car as it pulls away. All the school and commuter traffic will be vaporised to allow this to happen.</p> <p>The traffic along the High Street and Vicarage Lane at peak times is tracking back from the M25 roundabout.</p> <p>Layout and density The play area for 50 kids is part of the strip of land to the west next to the car park entrance for the Services Club. It is clearly insufficient for 50 children or ven half that number.</p> <p>There is an extension (single storey) to the FRONT.</p> <p>Design and appearance Difficult to tell from online plans but will be very visible and not in keeping with the immediate area.</p> <p>Disabled access. Nothing obvious for disabled access, staff, parents or children.</p>
<p>2 The Warren Marwood Close Kings Langley Hertfordshire WD4 9LQ</p>	<p>I am writing to express my concern over the above planning application for a nursery on Vicarage Lane in Kings Langley.</p> <p>The parking on this site is extremely limited, if staff are to park there then there will be little space for parent vehicles. My experience of nursery drop off and pick up is that it tends to be concentrated at a few key times with a significant number of parents arriving together. This will be difficult to manage on this site especially given it is alongside a very busy junction between the High Street, Vicarage Lane and The Nap. In the mornings and evenings the queue from the junction backs up Vicarage Lane, often to Marwood Close where the cars are parked, this makes it difficult to enter and exit the site. Given that the reason most parents use nurseries is that they work themselves it is likely that, even if they live nearby, they will have onward journeys to work and will be bringing their cars to drop off and pick up. The plan shows far more parking spaces than I believe are viable on that site. Having lived in the area for almost 20 years I have seen the site used for a number of things and access to and egress from the site for vehicles is always a problem.</p> <p>Additionally I do not think this is a particularly child friendly site. There is virtually no outdoor space, the nearby roads are busy and difficult to cross and so there are few opportunities to get out into the fresh air.</p>
<p>4 Vicarage Lane Kings Langley Hertfordshire WD4 9HR</p>	<p>This application is not a good idea because:</p> <p>Parking: There would be virtually nowhere to park except illegally and dangerously.</p>

	<p>Highway Safety</p> <ol style="list-style-type: none"> 1. It is not safe for pedestrians or drivers and could cause multiple dangers and inconveniences for them. 2. It is close to an accident hotspot crossroads. 3. It is on an ambulance root. 4. It is a 30 mph road (NOT 20 as they state) 5. Parents would have to park on double yellow lines 6. Parents would be queuing on Vicarage Lane and the High Street, and that would obstruct traffic. 7. Problems already occur when someone parks on the double yellow lines to pop to sandwich shop. When they are overtaken the overtaker is near the junction on the wrong side of the road. 8. Cars will have to overtake the Nursery queue, so then will be on wrong side of the road near junction 9. High way Safety for children going to school Children going to school have nowhere else to cross but on that junction. 10. There is NO pavement on one side of Vicarage Lane 11. Financial viability Most parents would be driving to drop off their child on the way to work. They would not walk there then walk back as they would be rushing to avoid the rush hour which is 7:30-9:30 and not an hour at all. 12. The few parking spaces on Vicarage Lane and in Marwood Close are full to capacity and quite a distance from proposed Nursery due to the blind corner and narrowness on Vicarage Lane needing double yellow lines almost everywhere. There is not enough parking even for the residents. There are Terraced houses with no drives on Vicarage Lane and the parking already causes one way only traffic and queues to go up and down Vicarage Lane. Parents would have to use double yellows to make this Nursery viable and that is illegal and dangerous. 13. Noise At 7-8am Noise of cars 14. Noise of people shouting goodbye 15. Noise of children when they are outside in the ridiculously and cruelly small space planned for them. 16. This is all so close to peoples homes and bedrooms where they may be trying to sleep between 7:00am and 8:30am. 17. Traffic Many cars are likely to arrive and leave at the same time causing
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	<p>multiple problems on top of the current traffic. The proposed Nursery is for 50 children at any one time so many more than that could go and come with some only doing mornings or afternoons etc.</p> <p>18. Kings Langley is a Commuter Village M 25 25 mins train to London Euston Road to Hemel Hempstead and Watford There is not much employment in Kings Langley. Most people commute. People who work here mostly don't live here either. Small population with not many children under five in the Village People will bring children from surrounding area on their way to work</p> <p>19. Double yellow lines are all around near the proposed nursery The double yellow lines are there for very good safety reasons, so cars parking or queuing on them will cause danger to cars and school children. If you are coming to the site to inspect please let me know and I will explain all the hazards I have mentioned.</p> <p>20. In the drawing A car is facing the wrong way! It does not show that there is no pavement on one side of Vicarage Lane The building on the no pavement side is missing as are the driveways to houses missing. This creates a bias toward the proposed nursery looking more doable than is actually the reality.</p> <p>21. Blind bend There is a blind bend on Vicarage Lane outside house number 5 and that is where lorries mount the pavement due to cutting off the corner.</p> <p>22. Turning in the mouth of The Glebe or Marwood Close or peoples driveways This is bound to occur for multiple scenarios I can think of and could show you if you come. Parents will not want to go all the way round either up Langley Hill or down it when they arrive or leave.</p> <p>23. Vicarage Lane is a busy road already and jams already occur, causing whole lines of traffic to have to reverse and give way on occasion. It is the main route from Chipperfield and beyond to school, M25, Kings Langley Station etc.</p> <p>I think the proposed nursery needs to find a more appropriate venue rather than cramming it on a busy junction accident hotspot.</p>
<p>4 Vicarage Lane Kings Langley Hertfordshire WD4 9HR</p> <p>With request that information is provided prior to the DMC meeting.</p>	<p>Comments dated 13.7.20 at 19:50</p> <p>I said that I would get back to you regarding queues forming at the nursery. The points I wish to make are:</p> <p>1) if someone needs to spend 10/15 minutes dropping off their child, perhaps because the child is particularly distressed or a staff member needs to discuss matters with parent/carer, then queues will form. This</p>

can easily happen as it involves very young children.

2) many parents/carers may arrive at certain times, like 7.15, 7.30. Arrivals will not be evenly spread over the hour.

3) you cannot rely on the anecdotal time estimates for drop off from the applicant, who has a vested interest in presenting a low estimate. Whilst there appears to be some acknowledgement of this in Hertfordshire Highways' comments of 9th July 2020: "HCC acknowledges that a 6-minute drop-off may still be optimistic", the times may typically be longer.

In addition, I don't think limited parking should necessarily make the trip generation figures acceptable to HCC. The sentence below is taken from HCC's comments of the 9th July:

"HCC notes that the proposed trip generation for the proposed site appear to be lower than what would be expected, however due to the limited parking at the site and the opportunity to promote sustainable travel at the site this is seen as acceptable to HCC."

Parent and carers do not necessarily prioritise sustainable travel when dropping off their child before rushing to work. The impact could be people parking illegally on double yellow lines where there has historically been an absence of monitoring and enforcement activity.

I would say that the walking time to travel from the Langley Hill Car Park could take much longer than the 5 minutes mentioned in the HCC's comments 9th July when it involves young children, perhaps in pushchairs or walking very slowly. There are endless little jobs with young kids: getting out and opening the pushchair, getting the nappy bag, unstrapping and getting the child out of the car, putting child into the pushchair and strapping them in to the pushchair.

Comments dated 13.7.20 at 13:08

I think much better Trip Generation Figures could be produced. Please see below evidence that indicates that the **vehicle trip generation rate should be at least 40% greater** than the figures from the applicant, which Hertfordshire Highways has deemed as acceptable.

A very important, if not the most important parameter, to determine the estimated vehicle trip generation rate is the population within a mile. If the population within a mile is low, then more people will travel by car from remote locations.

I have previously sent communications (see footnote 1 below) to Dacorum and Hertfordshire Highways about the inadequacy of the applicants' transport figures, both in terms of population within a mile figures and more visually as maps. In simple terms, I can walk from the proposed nursery to endless open fields within 10 minutes, which is not the case for locations used by the applicant to generate trip generation rates. Despite this, Hertfordshire Highways have deemed the most recent trip generation figures from applicant as acceptable.

I now attach some TRICS trip generation figures from another application, which could give an underestimate for the proposed Kings Langley nursery but nevertheless shows almost **40% more vehicles** during peak time. (0.439/0.314 8 to 9 am total trip rate) than the applicant's figures. See link or

attachment: https://www.ribblevalley.gov.uk/planx_downloads/16_1206_Transport_Statement.pdf

It is an underestimate as 80% of survey days relate to locations with populations within a mile greater than that of Kings Langley.

Request to Hertfordshire Highways:

1. Can you please review what parameters for the trip generation rates should apply for this planning apply and advise the applicant accordingly. Whatever the outcome, can you please provide clear justification for why you find the applicant's parameters acceptable and why they reflect the circumstances for the proposed nursery in Kings Langley. So provide geographical descriptions of Kings Langley and of the other locations and shows how similar or different they are.

2. I refer to your comments on the Dacorum planning website as consultees that:

"Parking Management Strategy to ensure that on-street parking in the vicinity of the site is avoided."

Can you please explain why this Strategy is not available before the Dacorum Planning committee meeting, so that all participants can see whether the Strategy addresses parking concerns on double yellow lines and near the homes of local residents.

Request to Dacorum Borough Council

Can you please delay your report and meeting at the Dacorum Management Committee until my requests above have been addressed?

Being a member of the Government Operational Research Service (GORS), I am able to give an opinion about queues forming at the nursery, and will provide my views, hopefully later today.

Comments dated 17.6.20

I have one more comment. The most recent traffic generation figures indicate more traffic between 7 to 8am, and this strengthens the argument I made below about the opening time being from 8am. That would allow local residents to sleep.

I have a concern about parking. There is a requirement to have 7.5 to 10 car spaces, according to Dacorum Parking Standards. See para 2.3 of the applicant's Technical Note of January 2020.

In the applicant's Swept Path Analysis, it shows 5 parking spaces and 3 locations for drop off only. The applicant has miscategorised the drop off only locations as parking spaces.

I therefore conclude that the application does not meet the parking standards of 7.5 to 10 car spaces, as the proposal only provides 5 parking spaces.

Please forward this on to the appropriate person at Hertfordshire Highways, and please let me know if you have done so.

16.6.20

Thank you very much for letting me know. I still have a concern. The secondary filter selection in Appendix A in applicant's Technical Note of June shows "population within a mile" figures that are all much higher than those for the proposed site in Kings Langley.

If there are fewer people living close to the proposed nursery, then more people will drive to it.

Can you please forward this to the appropriate Hertfordshire Highways person?

14.6.20

My comments cover:

1) Trip generation estimates are underestimates.

Please see attachment. I would be grateful if you could forward to the appropriate person at Hertfordshire Highways, and let me know if you have done this.

2) Noise to local residents.

Seeing the new arrangements for cars to enter and leave the site, I think most drivers would arrive via the High Street/Hempstead Road and turn around in Vicarage Lane, possibly near The Glebe where residents live making a lot of noise.

The applicant has requested that the nursery is open from 7 am, and staff would arrive earlier than this. This would disturb resident's sleep.

I therefore request that if planning is granted, then there is a condition that the nursery is only open from 8am and closes at 6pm.

3) Inadequate measure to protect residents from noise.

I refer to the Arrival and Departures policy in Appendix A of the applicant's technical note dated 21 Jan 2020 relating to their transport statement, which includes:

There is to be no parking on designated walk ways or double yellow lines. Please DO NOT block up any residential spaces in the surrounding area. It is important for us to keep good relations with our neighbour's and within the community.

The applicant clearly recognises an important issue, but gives no details about what monitoring there will be and what the sanctions will be.

I therefore request that the applicant is asked to provide details about monitoring and sanctions.

Highway safety concerns - misleading car trip generation figures (19/02662/FUL)

This concerns a planning application to convert a building into a day nursery (1 Hempstead Road, [bottom of Vicarage Lane] Kings Langley).

The current application, I believe, endangers lives. The application has assumed a population in the vicinity of the proposed nursery that is higher than it actually is, which therefore has overestimated the number of people walking to the nursery, and underestimated those that would travel by car. It is reasonable to expect that if one lives further from a nursery one is more likely to travel by car. Population within a mile Actual figure (Kings Langley) 5,000 to 10,000 (estimate, see below)

Applicant's figures, other nurseries	15,000 to 20,000 based on two 25,000 to 50,000.
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The applicant has used car trip generation figures from TRICS database, based on two nurseries with much higher populations in close proximity to their nurseries. (See page 54, pages unnumbered, from the applicant's Transport Statement dated October 2019 for these figures.) This is not a like-to-like comparison, and it seems that the applicant has not justified the selection of these nurseries that have much higher local population figures.

If you look at the homes within a mile of the proposed nursery, most lie within Kings Langley parish. See map of Kings Langley Parish is produced by Dacorum:

http://www.dacorum.gov.uk/docs/default-source/strategic-planning/kings-langley-parishboundary-map---submitted.pdf?sfvrsn=4dc90a9e_4

The Population of the Parish is currently around 5,000.

<http://kings-langley.localstats.co.uk/census-demographics/england/east-ofengland/dacorum/kings-langley>
To demonstrate further that there is a lower population in close proximity to the proposed Kings Langley nursery than indicated in the application, please see maps on next page with a circle showing a twenty minute walk to the proposed nursery. The circle has a $\frac{3}{4}$ mile radius, corresponding to a twenty minute walk.

There are other factors that exacerbate further highway risk concerns:

- o A particularly vulnerable group are children who have to walk to

Kings Langley Primary School or to Kings Langley Secondary School, and have nowhere else to cross the road but at the bottom of Vicarage Lane. There is no pavement on one side of Vicarage lane. Kings Langley is a commuter village and that would further increase the traffic in Kings Langley village generally as well as at the bottom of Vicarage Lane where children cross. Some parents/carers would drop off their children at the proposed nursery and then drive and park their car at Kings Langley station a mile away to travel into London.

My conclusions are that: the current proposal endangers lives, particularly children's lives as they walk to school, and have nowhere else to cross the road. Hertfordshire Highways will most likely want to review the traffic generation assumptions in the application, and then Hertfordshire Highways and Dacorum will most likely want to review the application itself with a focus on highway safety.

Kings Langley is much more rural than the two other nurseries referred to. Blue circle's radius shows twenty minute walk to nurseries, $\frac{3}{4}$ mile radius.

I found out today by chance from Dacorum Councillor Alan Johnson that there is a planning application to convert 1 Hempstead Road, Kings Langley into a day nursery, and Mr Johnson referred me to you. As I live near 1 Hempstead Road, I am surprised that we were not notified of this application by Dacorum council in the usual way. There are important issues like lack of parking, traffic congestion, traffic noise and pedestrian safety.

I am objecting to this planning application, because of
Parking

There is lack of parking provision at the site for parents, carers, so parents and carers will use double yellow lines along Vicarage Lane.

Highway Safety

cars driving into and out of the day nursery will create an accident hotspot as it is so close to the junction to the high street, and one counsellor has says it is already an accident hotspot and I agree.

Parking of unattended cars on double yellow lines is likely to happen as it currently already does, obstructing traffic on a narrow road near the junction.

In relation to the above, the double yellow lines on Vicarage Lane currently do not deter people parking on them and are unlikely to do so for people dropping off infants and children. That is a dangerous situation, particularly at busy school times and for those hundreds of pupils walking to the local school who have to cross the road at the bottom of Vicarage Lane as there is NO other option due to there being NO pavement on one side of Vicarage lane.

Financial viability

The day nursery will only be viable if parents, carers park on double yellow lines, relying on the lack of enforcement. In other words, they will rely on breaking the law.

Noise, in particular traffic noise arising from cars stopping and reversing as they try to find a parking space and then turn around when

leaving. Car door slamming will also be heard from front bedrooms in our and other houses. This is close to residential homes.

No provision for disabled staff, parents, carers and infants. There is no lift between the ground and first floor, and no disabled toilets. This may need to be considered given the change of use of the building and works on it.

Previous refusal for an extension on this site.

There are inaccuracies in the application, which underplay the highway risks.

To support previous points I will first outline the volume of traffic to and from the nursery, the lack of parking and its consequences, and then, bearing these in mind, the creation of an accident hotspot arising from inadequate arrangements for cars to arrive and leave the day nursery.

If you are planning to do a site visit, we would be happy to explain our points at the site.

Volume of Traffic

There is evidence to suggest that many people will drive to the nursery, far more than indicated in the Transport Statement. I would not be surprised if at least 10 to 15 cars arrive around the same time in the morning.

The day nursery has capacity for 50 infants and during the day, some infants will leave allowing space for other infants to arrive. So more than 50 infants could arrive and leave during the day.

There are important factors that make Kings Langley different to the two survey sites day nurseries in Peterborough and Lowestoft used in the Statement to produce the traffic generation estimates for a day nursery.

Kings Langley is a commuter village, has a small population, provides access to M25 and Watford so already has high traffic levels.

Kings Langley is a commuter village, ie a place where people live and travel elsewhere to work, whether it is via train to Central London, or via the M25 which is next to Kings Langley. Below is an example of a property advert with the heading Commuter home hotspots.

The consequence of being a commuter hotspot is that parents, carers' travel times will be much longer, and they will be keen to save time by driving in their car to drop off their infants at the day nursery and then going straight to work from there, and are more likely to arrive at the same time in the early morning. The rush hour is about 7.40 to 9.40 am.

Many parents, carers will be coming from outside Kings Langley which will necessitate car journeys. The population of Kings Langley is only 5000 and so the proposed day nursery will rely on customers from surrounding towns and villages, particularly if the day nursery is on their way to work via Kings Langley train station car park or to surrounding

towns.

This contrasts with the two survey sites. One site is a day nursery about a mile from the centre of Peterborough which will provide many employment opportunities to its residents. Peterborough has close to 200,000 people compared with Kings Langley of 5,000. The location of the other nursery is in Lowestoft, which is a coastal town of 71,000.

There is an absence of information indicating whether the two survey sites are representative of day nurseries in England and so they may not be typical. They are not typical to Kings Langley.

Parking

There is an acknowledgement that there is very limited parking around the day nursery in the Statement. Next to the day nursery are the double yellow lines along Vicarage Lane, and the closest road off Vicarage Lane, the Glebe, also has double yellow lines and Vicarage Lane's double yellow lines go more than half way up Vicarage Lane due to dangerous blind corner where house number 5 is.

Based on our experience of living on Vicarage Lane, people often park their cars on double yellow lines, and there isn't sufficient enforcement of the double yellow lines. Parents, carers will therefore park on the double yellow lines and leave their cars unattended, whilst they carry their babies and infants to the staff at the day nursery. This will all take time.

Some parents, carers will arrive earlier and wait on the double yellow lines with the engines running, therefore creating noise early in the morning. They may also have radios on and windows open in the summer.

Carriage Drive

Paragraph 4.6 of the Transport statement states

The carriage drive at the front of the site would allow for the drop off and collection of children at the start and end of their nursery care period.

Here is a copy of their diagram from Appendix C of the Transport statement. I have added details in green, the added lines which are the edge of the roads and highlighted the junction.

The text in the planning application indicates the opposite direction of arrival to the drawing, as the car in black in the above diagram has arrived via the East entrance.

A photo taken diagonally across from the proposed day nursery on the far east side of the A4251, showing the exit from the proposed day nursery on Vicarage Lane.

You can see from the diagram that the carriage way allows only about three cars to park and drop off their infants at any time, and anymore cars queueing would block Vicarage Lane single lane road both ways, next to junction to the A4251. Dropping of infants and babies will take time as the parent, carer will have to hand them over to staff. This would

	<p>present a highway risk in multiple ways.</p> <p>The use of the carriage way has to be seen in the context of Vicarage Lane being a busy road for school traffic for Kings Langley School, and people from surrounding villages like Chipperfield, wanting to go to M25 junction next to Kings Langley or to park at the train station for the journeys into London. Many parents use it to drive their children to Kings Langley Secondary school, and many pupils walk via crossing the junction at the bottom of Vicarage Lane.</p> <p>Inaccuracies in the application The applicant has understated the highway risk in being inaccurate:</p> <p>A 30 mph limit applies to Vicarage Lane. The transport statement incorrectly states at para 2.11 that Vicarage Lane is subject to a 20 mph.</p> <p>Most roads in Kings Langley are subject to a 30mph speed limit. The application incorrectly states at para 2.7 that most roads are subject to 20mph. There are 20 mph areas but they are only a few of them. Please see email correspondence with Mr Alan Johnson in the Annex.</p> <p>In the extraordinary event of the application being granted i feel that it would be essential Dacorum Bouncil notify Hertfordshire Highways Agency and ask them to monitor the situation, advising the appropriate agency to do what they can to enforce the double yellow lines like adding zig zag lines along Vicarage Lane going upthe road well past The Glebe.</p> <p>Councillor Alan Johnson, Kings Langely Parish Councillor, has confirmed that the 20 mph zone is a small part of the village and it does not include Vicarage Lane.</p>
Kings Langley	<p>With regret, I object to this planning application on four highway and parking grounds.</p> <p>1. This location, in the centre of the village, is already congested at peak times, and contrary to the traffic consultant's report, the traffic generated by a 50 child nursery would cause significant traffic problems at this location.</p> <p>With modern requirements for the transportation of infants, it is not the case that parents can simply drop off or pick up children quickly. Cars have to be parked for quite some time to allow children to be released/fastened, and to be escorted to/from the building, so the sweep parking configuration could not work.</p> <p>Not all the children would arrive or depart by car at the same time, but the space outside the nursery is enclosed, (the other side of the road has no pavement or verge/just the brick wall of a building), and at peak times this use would cause traffic mayhem and block the road network.</p> <p>2. The much higher and sudden amounts of traffic would make turning out of Charter Court opposite more dangerous and difficult for people</p>

	<p>attending the Parish Council.</p> <p>3. The traffic consultant's report concerning the parking on the site is misleading. The car in the drawing designed to show there is plenty of parking does not appear correct to scale, i.e. should be larger. The amount of staff parking meanwhile is not as ideal as claimed, as the parking would have to be treble-stacked, causing reverse maneuvering less than 10m from the village centre crossroads.</p> <p>4. The traffic consultant's report refers to the double yellow lines already present in Vicarage Lane, but not to the enforceability of these double yellow lines. This proposal would lead to the classic situation outside every school in the country where parents park on yellow zig zags and double yellows, because it isn't possible to enforce every parking restriction all at once. The enforceability of these double yellow lines is also hampered in that there are currently no parking charges in Kings Langley.</p> <p>In summary, I believe this proposal would cause significant traffic and parking problems over and above the site's existing usage, and ask that this application is refused planning permission.</p>
<p>33 Vicarage Lane Kings Langley Hertfordshire WD4 9HS</p>	<p>Hi, we live on Vicarage Lane for over 5 years and has been facing problem with all the traffic during school hours, heavy duty vehicles passing through to Chipperfield/Sarratt. When there's congestion/accident in motorway, traffic diverts to country lanes and cause more congestion on Vicarage Lane.</p> <p>Vicarage Lane is very narrow in the middle part which is where our home is, where two ways traffic meet each other. Unkind words being shouted out, honking and cars parked on this lane usually get damaged.</p> <p>Turning office to nursery will only bring chaos to this lane, the junction especially.</p> <p>With the front extension which I believe this planning has no parking space or turning point for nursery pick up/drop off.</p> <p>As a mum myself I think a nursery locating next to a pub is unhealthy.</p> <p>Turning a quiet office to a busy nursery 7am to 7pm business is big effect to those families who live right next door, opposite or nearby.</p> <p>Whoever think this planning is ok should help sorting out the current traffic problem on vicarage lane and the danger of this junction (school children crossing the road).</p>
<p>28 Vicarage Lane Kings Langley Hertfordshire WD4 9HR</p>	<p>The residents of Vicarage Lane have been campaigning for a One Way system to be actioned for many years. The lane is the major thoroughfare to the Secondary School - children walking and parents delivering by car. It is well known that there is chaos at drop off and collection times.</p> <p>Despite the application's positive spin on the allocation of 3/4 parking spaces for the potential nursery parents, the residents understand the reality at this busy junction. Official figures do little justice to the actual incidents which take place on a daily basis. Yellow lines will be ignored, pavements used for a quick drop off and yet more chaos will ensue. Any observer can see this for themselves at 7.00am. Young children</p>

	<p>would certainly be at risk. The High Street is already busy at this time with shop deliveries and customers at Spa and the Post Office, both of which are open at this time. Furthermore, I would suggest there is little outside space for young children to play.</p>
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ITEM NUMBER: 5f

20/00589/FUL	Construction of 7no. 3 bedroom terraced family dwellings, with associated car parking provision of 16.no spaces and landscaping. Parking provision of 7 public spaces and 2no designated spaces (one in existing garage) for staff of Spice Village restaurant. (AMENDED SCHEME)	
Site Address:	Land to the Rear of The Spice Village, Chapel Croft, Chipperfield, Kings Langley, Hertfordshire WD4 9BH	
Applicant/Agent:	Mr John McGowan/ Mr Gregory Basmadjian	
Case Officer:	Simon Dunn-Lwin	
Parish/Ward:	Chipperfield Parish Council	Bovingdon/ Flaunden/ Chipperfield
Referral to Committee:	Recommendation contrary to the views of Chipperfield Parish Council.	

1. RECOMMENDATION

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

- a) The completion of a S106 Agreement for the provision of odour and noise mitigation to the adjacent restaurant extraction system to be maintained in perpetuity; and
- b) The planning conditions set out at the end of the report.

2. SUMMARY

2.1 The proposed development would constitute limited infilling within the village of Chipperfield and would be acceptable in accordance with Policies NP1, CS1 and CS6 of the Core Strategy.

2.2 The proposed scheme is considered appropriate in terms of its scale and design both in the context of the site and its surroundings. It would not result in significant harm to the character and appearance of the village or the wider Chipperfield Conservation Area in accordance with Policies CS11, CS12 and CS27 of the Core Strategy

2.3 The proposed access and parking arrangements for the site are sufficient. They will not result in any significant adverse harm to highways safety. As such, the proposals are considered to be in accordance with Policies CS8 and CS12 of the Core Strategy and Saved Policies 51, 54, 58 and Saved Appendix 5 of the Local Plan 1991-2011.

3. SITE DESCRIPTION

3.1 The site comprises an irregular plot of land located to the rear of the former Royal Oak public house and comprising its car park and an amenity area. The Royal Oak fronts 'The Street' although a large rear wing to the property extends to form a boundary to Chapel Croft.

3.2 The site extends to the rear of Chipperfield Baptist Chapel, a locally listed building and the garden of the Grade 2 Listed White Cottage, The Street, Chipperfield. The Royal

Oak itself is locally listed with several references to its importance, and that of The Street, within the Chipperfield Village Design Statement.

3.3 Chantry View, a new development of four terraced units, is located to the west of the site fronting Chapel Croft.

4. PROPOSAL

4.1 The proposal comprises the construction of a staggered terrace of 7 x 3 bedroom dwellings together with an associated car park, landscaping and the retention of car parking for Spice Village restaurant.

5. PLANNING HISTORY

5.1 The application site has been the subject of four previous planning applications for residential development. The most recent for 6 x 3 bedroom dwellings (19/02712/FUL) was approved by the committee on 30th January 2020. An earlier applications for 5 x 3 bedroom dwellings (4/02423/18/FUL) was approved on appeal on 7th October 2019 following refusal by the Council on 20th December 2018. The first application for 4 dwellings was approved on 4th September 2018 (4/01520/18/FUL).

5.2 The full planning history is set out below:

19/02712/FUL - Six 3-bedroom terraced dwellings with associated car parking provision of 15 spaces and landscaping. Separate parking provision of 9 spaces for restaurant and general public use.

GRA - 31st January 2020

4/02423/18/FUL - Construction of five 3-bed terraced dwellings with associated car parking (12no. Spaces), landscaping on the existing car park site. Separate car parking for the spice village restaurant (14no. Spaces) with reinstated access off chapel croft.

REF - 20th December 2018

Development Appeal - 7th October 2019 – Allowed.

4/01520/18/FUL - Construction of 4 residential dwellings with associated car Parking.

GRA - 4th September 2018

4/01075/16/ADV - Retention of Signage.

GRA - 2nd September 2016

4/01074/16/RET - Retention of extractor fan to remove food Odours.

GRA - 29th July 2016

4/01073/16/RET - Retention of change of use of public house to mixed use restaurant and Takeaway.

GRA - 29th July 2016

4/00879/15/FUL - Demolition of existing rear garage, new side entrance for residential flat on first floor and erection of single storey in-fill rear extension with new rear terrace and internal Alteration. *GRA - 7th September 2015*

6. CONSTRAINTS

Parking Accessibility Zone (DBLP): 4

Special Control for Advertisements: Advert
Conservation Area: CHIPPERFIELD
Green Belt: Policy: CS5

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

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

Relevant Policies:

Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS5 – Green Belt
CS6 – Small Village in the Green Belt
CS8 – Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 – Quality of Public Realm
CS17 – New Housing
CS18 – Mix of Housing
CS19 – Affordable Housing
CS26 – Green Infrastructure
CS27 – Quality of Historic
Environment
CS28 – Carbon Emission
Reduction
CS29 - Sustainable Design and
Construction CS31 – Water
Management
CS32 – Air, Soil and Water Quality
CS35 – Infrastructure and Developer Contributions

Local Plan

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

Policy 51 – Development and Transport Impacts
Policy 54 – Highway Design
Policy 58 – Private Parking Provision
Policy 99 – Preservation of Trees, Hedgerows and Woodlands
Policy 119 – Development affecting Listed Buildings
Policy 120 – Development in Conservation Areas

Appendix 3 – Layout of Residential Development Appendix 5 – Car Parking Standards

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking
Standards Chipperfield Village Design Statement
Energy Efficiency and Conservation
Planning Obligations
Water Conservation

9. CONSIDERATIONS

Policy and Principle

9.1 The site is located within a small village of Chipperfield within the Green Belt. Within the village, a limited level of development will be permitted to support the existing role of the village within the wider settlement hierarchy in accordance with Policies NP1 and CS1 of the Core Strategy.

9.2 Policy CS6 criterion (b), permits limited infilling with affordable housing for local people providing each development is sympathetic to its surroundings, including the adjoining countryside, in terms of local character, design, scale, landscaping and visual impact.

9.3 The National Planning Policy Framework (NPPF) is less restrictive. Indicating that limited infill development within villages in the Green Belt is appropriate development.

9.4 The appeal decision on application 4/02423/18/FUL (APP/A1910/W/19/3231097) clarified that there is no defined limit to dwelling numbers to constitute 'limited infilling', nor was there a requirement for affordable housing provision to accord with the NPPF. It is clear from the Planning Inspector's decision that a consideration of 'limited infilling' would not be confined to numbers but a consideration of other factors such as site coverage, development typology and context within a gap. It was on this basis that 6 dwellings was approved in January 2020 under application reference (19/02712/FUL). Both the appeal decision and the latest approval carries significant weight.

9.5 The site is located in the geographical heart of the village of Chipperfield between a series of terrace properties to the Street, the former public house (now Spice Village) and the new residential development of Chantry View, and detached properties on Chapel Croft. Residential development and local facilities enclose the site on three sides, with a large commercial garage located opposite. The development would therefore constitute infilling within built up area.

9.6 The residential site area is measured on GIS to be approximately 0.16 hectares with a total frontage of approximately 55m (approximately 42m residential site frontage) on Chapel Croft and a maximum depth of approximately 50m. The terraced block would extend to some 34.8m in length (compared to 32.3m in the approved 6 unit scheme) and provide smaller residential units within the village. The built form of the development

provides an acceptable foot print with a robust frontage on to Chapel Croft. The density is calculated at 44 dwellings per hectare (dph) which is compliant with the density range of 30-50 dph set out in Policy 21 of the saved Local Plan. It is not therefore considered to constitute over development of the site and performs well when judged against the amenity space and parking standards within Saved Appendices 3 and 5 in the Local Plan 1991-2011. For these reasons, the proposals are considered to constitute limited infilling within the village. The above clarification responds to the Parish's concerns on density and site area.

Layout, Scale and Design

9.7 High quality design is required in the context of the site and neighbouring properties and in accordance with Policies CS11, CS12 and CS13 of the Core Strategy and Saved Appendices 3 and 5 of the Dacorum Borough Local Plan 1991-2011. The previous planning approvals and appeal decision are a material planning consideration.

9.8 The proposed development involves the construction of a terrace block of 7 x 3 bedroom units central to the application site and fronting Chapel Croft. A car parking area is located to the rear of the site and to the south east of the new properties. A car parking area is retained to the west of the properties and to the rear of the Spice Village restaurant for its use together with a new access off Chapel Croft. The layout utilises existing and historic access points onto Chapel Croft to provide safe access to the site.

9.9 The proposed dwellings would be constructed from a similar palette of materials to Chantry View and extant residential schemes with a knapped flint finish to the front and flank elevations and slate roof. The dwellings would be two storeys with the third bedroom being provided within the loft. Conservation roof lights would be provided in the rear elevation to provide natural light and ventilation to the third bedroom. The proposed dwellings are considered to be appropriate in terms of design, bulk, scale, height and materials, which would make a positive contribution to the Conservation Area in accordance with Policy CS12 and CS27 of the Core Strategy.

9.10 The proposed dwellings would be provided with rear gardens which would meet the minimum garden depths of 11.5m in Saved Appendix 3 of the Local Plan 1991-2011. These gardens can be accessed from a path at the rear of the units from the dedicated car park to the rear. Separate bin and cycle stores are also provided to the front and rear respectively. A good level of usable private outside amenity space would be provided for future occupants in accordance with Policy CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011.

Effect on the Street Scene and the Chipperfield Conservation Area

9.11 The site is located in the middle of the Chipperfield Conservation Area and in a sensitive location. In addition to those policies mentioned above the proposals will need to be considered in relation to Policy CS27 of the Core Strategy and against saved Policy 120 of the Dacorum Borough Local Plan 1991-2011.

9.12 The Chipperfield Conservation Area Appraisal and Chipperfield Village Design Statement (VDS) are important material planning considerations and provide advice on an appropriate design approach.

9.13 The site in its current state is considered to have a negative impact upon the character and appearance of the Conservation Area comprising a car park and overgrown grassland area. The proposed dwellings would sit comfortably in the street scene and would enhance the wider character and appearance of the Conservation Area. The

Council's Conservation Officer has reviewed the scheme and considers it would preserve the character and appearance of the area, in accordance with Policy CS13 and CS27 of the Core Strategy and Saved Policy 120 of the Local Plan 1991-2011.

Effects on listed buildings

9.14 The site lies adjacent to the curtilage of the Grade 2 listed property, The White Cottage and the locally listed Baptist Chapel to the rear. Policy CS27 of the Core Strategy states that 'the integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced' The proposed works would not have any adverse impact upon the listed building or its setting in accordance with Policy CS27 of the Core Strategy and Saved Policy 119 of the Local Plan 1991- 2011.

9.15 Regard has been had to the statutory tests of preserving or enhancing the character and appearance of Conservation Areas and setting of listed buildings under S66 and S72 of The Planning (Listed Building and Conservation Areas) Act 1990, which is accepted as a higher duty. It is concluded that no harm would arise to the setting of the adjacent Grade 2 Listed Buildings at nos. 3, 4, 5 and The White Cottage High Street, and the character and appearance of the Chipperfield Conservation Area would be preserved.

Impact on trees and landscaping

9.16 There is an Oak tree on the boundary of the site and adjacent to the existing access point to the car parking area. This Oak tree makes a positive contribution to the Conservation Area, particularly on approach to the village from Tower Hill to the east. This tree will be retained and protected during the construction period in accordance with Policies CS12 and CS26 of the Core Strategy and Saved Policy 99 of the Local Plan. Specific details and landscaping measures will be secured by a planning condition.

9.17 The site is considered to have a low ecological value as set out within the accompanying ecology report. While the preliminary ecological assessment has not identified any protected species utilising the site and its immediate environs, Herts Ecology consider ecological enhancements should be secured through a Landscape and Ecological Management Plan (LEMP), which is recommended by condition.

Access, Parking and Highway Safety

9.18 The proposal involve the reinstatement of a historical access point to the rear of Spice Village and the use of the existing access onto Chapel Croft The principle of using these access points for the site has been accepted through the previous grant of planning permissions.

9.19 Although circulation space for vehicles has been reduced to accommodate an extra residential unit to the extant planning permissions referred above, this is not in itself sufficiently harmful to highway safety to warrant objection which accords with Policies CS8 and CS12 of the Core Strategy and Saved Policies 51, 54 and 58 and Appendix 5 of the Local Plan 1991-2011. There is adequate maneuvering space within the parking areas behind the restaurant for vehicles to enter and exit the site in a forward gear.

9.20 A total of 16 parking spaces will be provided for the 7 x 3 bedroom homes within a parking courtyard to the rear of the site with adequate turning and maneuvering space for cars to enter and leave the site in forward gear. While it is noted that the Parish have expressed concern about higher car ownership levels in Chipperfield, the proposal is policy compliant. Residential parking provision equates 2.28 spaces per dwelling which

exceed the maximum 2.25 spaces required for a 3 bed house as in Accessibility Zone 4 set out in Saved Appendix 5 of the Local Plan.

9.21 A total of 9 spaces are provided for the restaurant and served by a new/reinstated access off Chapel Croft which is consistent with the approved scheme of 6 dwellings. The parking arrangements for the restaurant is considered to be sufficient to meet the operational needs of the restaurant premises given the limited size of the dining area and having regard to Saved Appendix 5 of the Local Plan 1991-2011. There is no change to the restaurant parking provision from the approved 6 unit scheme from January 2020.

9.22 It is also noted, and discussed at the last committee meeting on 31st January that it is possible to park either side of the street to the front or within the church car park opposite on Dunny Lane, which is within 50m of the site and in close proximity, should the need arise, without prejudicing highways safety. The above address the concerns expressed by the Parish.

9.23 In view of the above, the proposal is considered to comply with development plan policies on highway safety and parking provision.

Impact on Residential Amenity

9.24 The proposed development has been considered in terms of amenity impacts on neighbouring properties in terms of light, outlook and privacy. The spacing and orientation of the proposal would have a neutral impact on the residential amenities of the neighbouring properties. There would be no adverse loss of daylight/sunlight to neighbouring properties, nor unacceptable overlooking or loss of privacy. The proposal is therefore considered to be satisfactory and accord with Policy CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011.

Noise and Odour Impact from the Restaurant Kitchen Extraction System

9.25 The Environmental Health Officer (EHO) raised concerns about the potential impact of noise and odour emission from the proximity of the adjacent Spice Village restaurant. Currently the kitchen extraction system vent is positioned below the ridge to the rear facing wall. The applicant submitted noise and odour reports assessing the extent of impact and recommended mitigation which is accepted by the EHO subject to the mitigation being secured by a S106 agreement. The applicant owns Spice Village restaurant which is on adjacent land not forming part of the development site. It has been agreed by all parties that the recommended mitigation measures secured in a S106 agreement and implemented prior to occupation of the development will satisfactorily address the issue.

Affordable Housing

9.26 Affordable housing contribution would not apply, given the appeal decision and the current national planning policy context, notwithstanding the requirements in Policies CS6 and CS19 of the Core Strategy. The government has made it clear in paragraph 63 of the NPPF (2019) non-major residential schemes of less than 10 units should not contribute towards affordable housing needs in the interests of housing delivery.

Infrastructure & Developer Contributions

9.27 Policy CS35 of the Core Strategy requires all developments to make appropriate contributions towards on-site, local and strategic infrastructure required to support the

development. These contributions will normally extend only to the payment of CIL where applicable.

9.28 The Council adopted its Community Infrastructure Levy (CIL) in February 2015. This application is CIL Liable. The Charging Schedule clarifies that the site is in Zone 2 where a charge of £150 per square metre (as increased by indexation) is applicable to this development.

10 CONCLUSION

10.1 The proposal provides an efficient use of land within a built up area of the village for housing provision, supported by the NPPF and Policies NP1, CS1 and CS6 of the Core Strategy. Housing development is sustainable as established by multiple extant planning permissions.

10.2 The development would not have a detrimental impact on interests of acknowledged importance. Namely the heritage assets, amenity of neighbouring properties and highway safety to accord with Policies CS8, CS11, CS12 and CS27 of the Core Strategy and Saved Policies 10, 51, 58, 119 and 120 and Appendices 3 and 5 of the Local Plan 1991-2011

11. RECOMMENDATION

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

- a) The completion of a S106 Agreement for the provision of odour and noise mitigation to the adjacent restaurant to be maintained in perpetuity; and
- b) The planning conditions set out below:

Conditions and Reasons:

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

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

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

**300A
301A
302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312**

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

- 3. No development (excluding demolition/ground investigations) shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the Local Planning Authority.**

Development shall be carried out in accordance with the approved details. Please do not send materials to the Council offices. Materials should be kept on site and arrangements made with the Planning Officer for inspection.

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

- 4. All new external rainwater and soil pipes shall be formed in metal and painted black.**

Reason: To ensure that the character or appearance of the designated heritage asset is preserved or enhanced as required per Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CS27 of the Dacorum Borough Core Strategy (2013) and Section 16 of the National Planning Policy Framework (2019).

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

- all external hard surfaces within the site;
- other surfacing materials;
- means of enclosure;
- elevational and sectional details of any retaining structures;
- soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;
- trees to be retained and measures for their protection, particularly the existing Oak Tree;
- full elevations for bin storage areas, bicycle stores and any other minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.);
- existing and proposed levels and contours and
- existing and proposed over ground and underground services including meter boxes.

In the case of tree protection measures these should be erected prior to the commencement of works and thereafter retained for the duration of construction activities.

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

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

tree or shrub of a species, size and maturity.

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by Policies CS11, CS12 and CS27 of the Core Strategy and Saved Policy 99 of the Dacorum Borough Local Plan (2004)

- 6. Notwithstanding any details submitted as part of the planning application, no development shall take place until plans and details showing how the development will provide for renewable energy and conservation measures, and sustainable drainage and water conservation, 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 reduce the carbon footprint of the development and address climate change as required by Policies CS28, CS29 and CS31 of the Adopted Core Strategy (2013) and the NPPF.

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

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

- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;**
 - (ii) The results from the application of an appropriate risk assessment methodology.**
- (c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority. This site shall not be occupied, or brought into use, until:**
- (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully**

completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 178 and 180 of the National Planning Policy Framework (2019).

8. **Any contamination, other than that reported by virtue of Condition 7 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 178 and 180 of the National Planning Policy Framework (2019).

9. **No development (excluding ground investigations or archaeological investigations) shall take place until a Landscape and Ecological Management Plan (LEMP) is submitted to and approved in writing by the Local Planning Authority. The LEMP should include details of:**

- **Any retained ecological features.**
- **The ecological enhancements, for bats and invertebrates and compensation for breeding birds listed in the submitted Preliminary Ecological Appraisal (PEA) by Elite Ecology dated January 2019.**
- **Type, number and location of any planting aimed at achieving a biodiversity gain or any additional ecological enhancements.**

The approved LEMP shall be implemented in accordance with the approved details and thereafter so retained.

Reason: To identify and ensure the survival and protection of important

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

10. **No development shall commence until full details (in the form of scaled plans and/or written specifications) have been submitted to, and approved in writing by the Local Planning Authority in consultation with the Highway Authority, to illustrate the following: a. Maximum height of 0.6m for all features fronting the proposed houses and for the proposed "retaining wall" for at least the first 2.4m into the site back from the edge of the highway carriageway. This is to ensure that vehicle to vehicle visibility levels are acceptable when entering and egressing the site.**

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

11. **Prior to the first use of the development hereby permitted the proposed access, on-site car parking and other necessary highway works shall be completed in accordance with the approved plans and retained thereafter for that specific use.**

Reason: In the interests of highways safety and in accordance with Policies CS8 and CS12 of the Core Strategy, Saved Policies 51 and 58 and Appendix 5 of the Local Plan and Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018)

12. **Prior to the commencement of the development hereby permitted a visibility splay measuring 2.4m x 43m shall be provided to each side of the vehicular access into to the proposed dwellings and on the north-east side of the access to the pub/restaurant where it meets the highway and such splay shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.**

Reason: In the interests of highways safety and in accordance with Policies CS8 and CS12 of the Core Strategy, Saved Policies 51 and 58 and Appendix 5 of the Local Plan and Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

13. **The development shall not begin until full details of all proposed construction vehicle access, movements, parking arrangements and wheel washing facilities have been submitted to and approved in writing by the Local Planning Authority. The relevant details should be submitted in the form of a Construction Management Plan and the approved details are to be implemented throughout the construction programme.**

Reason: To minimise danger, obstruction and inconvenience to users of the

highway in accordance with Policies CS8 and CS12 of the Core Strategy, Saved Policies 51 and 58 and Appendix 5 of the Local Plan and Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

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

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

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the character and appearance of the Chipperfield Conversation Area residential and visual amenity of the locality in accordance with Policy CS12 and CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 127 of the National Planning Policy Framework (2019).

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2. Environmental Health Informatives:

The above conditions are considered to be in line with paragraphs 170 (e) & (f) and 178 and 179 of the NPPF 2019. The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.dacorum.gov.uk by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.

Construction Hours of Working – (Plant & Machinery) Informative

In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: Monday – Friday 07.30am – 17:30pm, Saturdays 08:00am – 13:00pm, Sundays and Bank Holidays – no noisy works allowed.

Construction Dust Informative

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

Noise on Construction/Demolition Sites Informative

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

3. Highway Informatives:

Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website: www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-ofhighways.aspx

Agreement with Highway Authority: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. 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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-anddeveloper-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments

Hertfordshire Highways (HCC)	<p>Proposal Construction of 7no. 3 bedroom terraced family dwellings, with associated car parking provision of 16no spaces and landscaping. Parking provision of 7 public spaces and 2no designated spaces (one in existing garage) for staff of Spice Village restaurant. (AMENDED SCHEME).</p> <p>Decision Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <p>1. No development shall commence until full details (in the form of scaled plans and/or written specifications) have been submitted to, and approved in writing by the Local Planning Authority in consultation with the Highway Authority, to illustrate the following: a. Maximum height of 0.6m for all features fronting the proposed houses and for the proposed "retaining wall" for at least the first 2.4m into the site back from the edge of the highway carriageway. This is to ensure that vehicle to vehicle visibility levels are acceptable when entering and egressing the site.</p> <p>Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018)</p> <p>2 Provision of Parking & Access Prior to the first use of the development hereby permitted the proposed access, on-site car parking and other necessary highway works shall be completed in accordance with the approved plans and retained thereafter available for that specific use.</p> <p>Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <p>2 Visibility Prior to the commencement of the development hereby permitted a visibility splay measuring 2.4m x 43m shall be provided to each side of the vehicular access into to the proposed dwellings and on the north-east side of the access to the pub/restaurant where it meets the highway and such splay shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.</p> <p>Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).</p>
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3 Construction Management The development shall not begin until full details of all proposed construction vehicle access, movements, parking arrangements and wheel washing facilities have been submitted to and approved in writing by the Local Planning Authority. The relevant details should be submitted in the form of a Construction Management Plan and the approved details are to be implemented throughout the construction programme.

Reason: To minimise danger, obstruction and inconvenience to users of the highway.

HIGHWAY INFORMATIVES: HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:
HIGHWAY INFORMATIVE: HCC recommends inclusion of the following highway informative / advisory note (AN) to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

AN) Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website: www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx

AN) Agreement with Highway Authority: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. 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

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

COMMENTS / ANALYSIS: The proposal comprises the Construction of 7no. 3 bedroom terraced family dwellings, with associated car parking provision of 16no spaces and landscaping. Parking provision of 7 public spaces and 2no designated spaces (one in existing garage) for staff of Spice Village restaurant. (AMENDED SCHEME).

	<p>ACCESS: There is an existing vehicle access into the site from Chapel Croft, which is to be utilised to provide access to the proposed dwellings. Chapel Croft is designated as a classified 'C' local distributor road, subject to a speed limit of 30mph and is highway maintainable at public expense. This access will lead to a 4m wide access road leading to the car parking area for the dwellings, the arrangements of which are shown on submitted plan no.300. A second access from Chapel Croft is proposed to provide access to the pub/restaurant car park through the reinstatement of a previous vehicle access. Following consideration of the size and use of the development, the access arrangements are acceptable and sufficient and in accordance with Roads in Hertfordshire: Highways Design Guide and Manual for Streets (MfS).</p> <p>The proposals include a pedestrian footpath providing access to the front and car park of the proposed dwellings. The plans also</p>
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include linking this footpath to an uncontrolled pedestrian crossing point on Chapel Croft and the existing footpath on the opposite side of the carriageway. The arrangements are considered to be acceptable to improve pedestrian accessibility to and around the site to be in accordance with Hertfordshire's Local Transport Plan.

The applicant would need to enter into a Section 278 Agreement with HCC as Highway Authority in relation to any works that would be needed on highway land including:

- o Upgrading of the existing accesses on Chapel Croft.
- o Reinstating the access to be used as access to the pub/restaurant car park.
- o Any works in relation to the pedestrian crossing point including tactile paving on the footway either side of each access, laid out in accordance with standards laid out in Guidance on the use of Tactile Paving Surfaces.

Prior to applying to enter into a Section 278 Agreement with the Highway Authority, the applicant would need to obtain an extent of highway plan to clarify the works which would be within the existing highway. Please see the above conditions and informatives.

PARKING & MANOEUVRABILITY:

The provision of 24 on site / off street car parking spaces is included as part of the proposals - 15 for the proposed dwellings and 9 for the restaurant, the layout of which is shown on submitted plan no. 300. The Layout and dimensions of the parking areas/bays are acceptable and in accordance MfS and Roads in Hertfordshire. The level of parking is considered to be acceptable by HCC as Highway Authority. Dacorum Borough Council (DBC) is the parking authority for the district and therefore should ultimately be satisfied with the level of parking.

REFUSE / WASTE COLLECTION: Provision has been made for on- site refuse stores within 30m of each dwelling and within 25m of the kerbside/bin collection points, which is acceptable. The collection method must be confirmed as acceptable by DBC waste management.

EMERGENCY VEHICLE ACCESS: The access arrangements would enable emergency vehicle access to within 45 metres from all dwellings. This adheres to guidelines as recommended in MfS, Roads in Hertfordshire; A Design Guide and Building Regulations 2010: Fire Safety Approved Document B Vol 1 - Dwellinghouses.

TRAFFIC GENERATION & IMPACT ON THE ADJACENT HIGHWAY:

The proposal is of a small scale residential development and HCC as Highway Authority considers that the traffic generation of vehicles should not have a significant or detrimental impact on the local highway network.

	<p>ACCESSIBILITY & SUSTAINABILITY: The site lies in the village of Chipperfield in close proximity to its main amenities and facilities. Kings Langley railway station is approximately 5.2km (3.2 miles) from the site whilst Hemel Hempstead is 6km (3.8 miles) from the site . Due to the village location, there is limited scope to significantly improve sustainable transport options. The plans include an uncontrolled pedestrian crossing from the proposed footpath fronting the proposed dwellings the existing highway footway on the opposite side of Chapel Croft, the arrangements of which are considered to be sufficient and acceptable and would provide improved access for all compared to the very narrow footway next to the pub/restaurant.</p> <p>CONCLUSION: HCC as Highway Authority has considered that the proposal would not have a severe residual impact on the safety and operation of the surrounding highway. The applicant will need to enter into a Section 278 Agreement with HCC to cover the technical approval of the design, construction and implementation any highway works at the accesses to the site and in relation to the pedestrian crossing point. Therefore HCC has no objections on highway grounds to the application, subject to the inclusion of the above planning conditions and informative notes above.</p>
Waste Services (DBC)	At each house there should be space to store 3 x wheeled bins and a kerbside caddy for food waste and space to present them outside the boundary on collection day.
Environmental And Community Protection (DBC)	<p>Contamination:</p> <p>Having reviewed the planning application I am able to confirm that there is no objection to the proposed development, but that it will be necessary for the developer to demonstrate that the potential for land contamination to affect the proposed development has been considered and where it is present will be remediated.</p> <p>This is considered necessary because the application site is understood to have had a commercial use throughout the 1900s and as such the possibility of ground contamination cannot be ruled out at this stage. This combined with the vulnerability of the proposed end use to the presence of any contamination means that the following planning conditions should be included if permission is granted.</p> <p>Contaminated Land Conditions:</p> <p>Condition 1: (a) No development approved by this permission shall be</p>

commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.

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

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

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

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

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

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

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

Condition 2:

Any contamination, other than that reported by virtue of Condition 1 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and

subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.

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

Informative:

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

The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.dacorum.gov.uk by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.

Noise and Air Quality:

With reference to the above amended planning application, please be advised Environmental Health have objections to this application due to the lack of noise and odour assessment evidence.

I am aware there has been a previously granted application, ref: 19/02712/FUL which Environmental Health were consulted on (although no documentation can be found within our files to support this, along with emails between Neil Polden and yourself to advise this), but you as the planning officer have the ultimate decision as to whether this application should be granted or not and whether you wish to take note of our objection.

Updated Advice on 25th June 2020:

Environmental Health are happy with the reports that have been submitted for both odour and noise as requested. Both reports recognise that without mitigation measures there would likely be a detrimental impact on the amenity of future occupiers due to odour and noise from the adjacent food establishment.

Both reports have recommended mitigation to offset those impacts, by way of alteration works to the extraction system serving the food establishment. Would it be possible to either make it a condition of development that remedial work is carried to the extraction system noting it forms part of a separate demise, or by way of planning

	<p>obligation (section 106) which contributes towards cost of remedial works. This would overcome any objection we currently have.</p> <p>Subject to any permission granted I would recommend the informatives below in respect of construction noise and dust.</p> <p>Construction Hours of Working - (Plant & Machinery) Informative</p> <p>In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: Monday - Friday 07.30am - 17:30pm, Saturdays 08:00am - 13:00pm, Sundays and Bank Holidays - no noisy works allowed.</p> <p>Construction Dust Informative</p> <p>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.</p> <p>Noise on Construction/Demolition Sites Informative</p>
Hertfordshire Ecology	<p>Application: Construction of 7no. 3 bedroom terraced family dwellings, with associated car parking provision of 16no spaces and landscaping. Parking provision of 7 public spaces and 2no designated spaces (one in existing garage) for staff of Spice Village restaurant. (AMENDED SCHEME)</p> <p>Address: The Spice Village The Street Chipperfield Kings Langley Hertfordshire WD4 9BH</p> <p>Reference: 20-00589-FUL</p> <p>Thank you for consulting Hertfordshire Ecology on the above, for which I have the following comments:</p> <p>Hertfordshire Ecology provided comments for the previously withdrawn application ref 19/03270/FUL. I am not aware of any new ecological constraints resulting from this amended scheme . Consequently I repeat my previous advice below.</p> <p>The application is supported by the same Preliminary Ecological Appraisal (PEA) by Elite Ecology (report date January 2019).</p> <p>This entailed an extended phase 1 walkover survey, to establish the</p>

presence, absence or potential for protected species and habitats and species of principle or conservational importance. The surveys were informed by a datasearch from the Hertfordshire Environmental Records Centre (HERC) and appropriate to the site.

The survey was carried out in January 2019, a sub optimal timing for botanical surveys, however given the nature and location of the site, I do not consider that further botanical surveys are required.

Appropriate survey effort and methodologies were used and I have no reason to doubt the results.

Habitats

The following habitats were found on site: scrubland, mixed and scattered trees, amenity grassland and bare ground, None of these were assessed as being rare or significant habitats. The DAS describes the area as overgrown with selfseeded trees/shrubs and that "Improvements to the landscaping are envisaged throughout the site, with suitable tree screening , hedges and low shrub planting". I am pleased to see that a mature oak tree on the street boundary is being retained . However, it is not clear whether the removed habitats lost will be suitably compensated for with in the landscaping scheme.

Any existing trees (including roots and overhanging branches) that are remaining on or adjacent to the site should be protected from damage during clearance and construction activities. Protection barriers and/or a no-dig policy may be required and advice may need to be sought from an Arboriculturist.

Protected species and species of conservation importance.

Evidence or potential was found on site for breeding birds and hedgehogs. Offsite there are nearby records of bat roosts. Specific measures to safeguard/mitigate the impacts on these species are recommended in sections 5.3.1 (lighting and bats), 5.3.2 (Breeding birds), 5.3.3 (hedgehogs), which I support and should be followed in full.

In addition I would add the following comments / recommendations relating to reptiles:

Reptiles were not considered to be present on site due to the barrier effect of the perimeter fencing. Whilst I accept this is true with surrounding contiguous habitat the site is open at the front, the photographs included in the report do show a bank of rough grass which would provide suitability for reptiles and as a precaution I advise the following avoidance measures should form part of any clearance works.

Reptiles

Keep any areas of grass as short as possible up to, and including, the time when the works take place so that it remains / becomes unsuitable for reptiles or amphibians to cross. Clearance of existing vegetation should be undertaken progressively using hand-held tools, where appropriate, towards boundaries to allow any animals present to escape to contiguous areas of retained habitat.

Where any hedgerows, long grass or scrub are to be cleared, this work should be carried out in two phases. The first cut should be to >100mm to decrease the suitability of the vegetation for reptiles and encourage any reptiles present to move to retained areas of habitat. Where potential for reptiles to be present remains, following a minimum period of seven days, a second cut to ground level should be carried out in order to render the habitat unsuitable; cleared areas should be maintained to prevent re-colonisation prior to works commencing; and potential hibernacula or refugia such as loose stones or dead wood should be removed by hand. Stored building materials (that might act as temporary resting places) are raised off the ground e.g. on pallets or batons away from hedgerows on site. Caution should be taken when moving debris piles or building materials as any sheltering animals could be impacted on. Any excavations have a ramp left to allow trapped animals to escape easily / provided with a means of escape for any animals that may have become trapped - this is particularly important if holes fill with water.

Ecological enhancements

Ecological enhancements in the provision of artificial refuges for bats and invertebrates are recommended in the report and should be incorporated into the proposal. Given the scale and density of the proposed development it would be unrealistic to incorporate a wild flower meadow as suggested within the development. However, planting should include plants that support and attract invertebrate pollinators if possible.

Biodiversity gain

The planning system should aim to deliver overall net gains for biodiversity where possible as laid out in the National Planning Policy Framework and other planning policy documents. It is not clear from the proposal whether the present proposal will achieve this within the development.

1. I advice to address this, a Landscape and Ecological Management Plan (LEMP) should be provided to the LPA as a Condition. This should provide sufficient information to demonstrate how adequate compensation and biodiversity gain is achieved, consistent with the aims of the NPPF. This should include

	<p>details of:</p> <ul style="list-style-type: none"> o Any retained ecological features. o The ecological enhancements, for bats and invertebrates and compensation for breeding birds listed in the PEA. o Type, number and location of any planting aimed at achieving a biodiversity gain or any additional ecological enhancement's. <p>I trust these comments are of assistance,</p>
<p>Conservation & Design (DBC)</p>	<p>Site name /address Spice Village Chipperfield</p> <p>Brief description of proposal: Construction of 7 dwellings.</p> <p>The proposal follows on from similar approvals to housing developments on this site and replaces the withdrawn application 19/03270/FUL We believe that the proposed layout style and materials are in keeping with the character of the conservation area. Close to the crossroads and at other 'centres' within Chipperfield there are short runs of modest terraced housing. This revised proposal has addressed our design concerns in relation to the terrace as such believe that it would now sit comfortably with the immediate area and would be considered to preserve the character and appearance of the conservation area. As such the proposals would comply with policy and guidance in relation to heritage matters and therefore would not object to the proposals.</p> <p>However it should be noted that we would have concerns about further subdivision as this would potentially introduce a density out of keeping with the character of the conservation area.</p> <p>Recommendation: We would not object to these proposals. External materials and finished including joinery details subject to approval. Hard and soft landscaping subject to approval. Any new meter boxes should be buried rather than installed to the façade of the properties. It would also be recommended that appropriate protection be put in place to protect the oak tree to the street frontage during building works as this adds to the streetscape.</p>
<p>Local Parish</p>	<p>Chipperfield Parish Council objection to planning application.</p> <p>Planning History</p> <p>There is a complicated history of applications for residential development on this site beginning with a scheme for 4 homes in 2018. Chipperfield Parish Council was involved in negotiating the details and ultimately supported planning permission being granted.</p>

The most recent application on this site was for 7 no 3-bed homes, planning application number 19/03270/FUL which was withdrawn in February.

The current application is a re-submission of a 7 no 3-bed home scheme with one additional parking space for residents and a new layout for the 7 spaces for the Spice Village restaurant. The dwellings are narrower (to accommodate the additional spaces for the restaurant). The dwellings now all have the same gross internal floor areas (45,2sqm on ground floor and first floor and 19.4 sqm on the third floor = 109.8sqm). The three double bedrooms in each home are now two doubles and a single. Slate roofing is replaced with clay tiles.

The majority of the changes that have been made seem to relate to comments submitted in response to application 19/03270/FUL. However, there is no indication that the planning authority have accepted that the further increase in density of development on the site is acceptable and the applicant has not sought Pre-application advice.

Indeed the Conservation Officer suggested caution and careful consideration of the number of dwellings proposed, including the acceptability of 7 homes on the site and whether this was in keeping with the character of the conservation area. They noted that the further subdivision of the plots would appear to be higher than the general character of the village. Chipperfield Parish Council agrees with this conclusion.

Density of development

In line with the comments made by the Conservation Officer, a seven- dwelling scheme on a site that was acceptable for 4 homes is not appropriate in the conservation area. The density of development on the part of the site which is reserved for residential use would be approximately 43 dwellings per hectare.

The figure quoted in the submitted Design and Access Statement paragraph 3.2 is wrong and could be misleading. The site area of the residential development is not 0.21 ha. The submitted plan 'Proposed Site Plan' Drawing no. 300 accurately measures the residential part of the site at 1638sq.m. This figure when converted to hectares is 0.16 ha.

When comparing the density of the proposed scheme with the adjacent development of Chantry View at approximately 30 dwellings per hectare the character of the development would be very different. Another recent development in the centre of the village, on the site of

Garden Scene equates to approximately 22 dwellings per hectare. In a rural village conservation area the line must be drawn and no further intensification, beyond the scheme already approved for 6 homes can be accepted.

Car ownership figures

The Planning Authority has already recognised that the car ownership rates in Chipperfield are much higher than in other parts of the Borough with very little in the way of public transport alternatives to the private car. The car ownership rate in Chipperfield, based on the 2011 census is approximately 22% above that for the Borough. The estimated increase in car ownership in Chipperfield since 2011 is 14%.

The Borough's parking standards policy is already lower than would be necessary to ensure that private cars can be parked off-road. Chipperfield Parish Council believe that the correct parking standard for the village should be one space per bedroom which would equate to 3 spaces per dwelling or 21 spaces in relation to this planning application. A development proposal which provides significantly less parking than the Borough's current policy, cannot be acceptable.

The table below shows the deterioration in the parking provision for this scheme with each consecutive application. The current scheme no longer meets Dacorum's parking standards. The previous application was approved because in addition to 2.5 spaces per dwelling there was a small over provision of one space. The current proposal for just 2.3 spaces or 2 spaces per dwelling with a small over provision of 2 spaces hides the fact that three of the spaces would not provide sufficient turning room for cars to exit the site in a forward direction (spaces marked on the plans as 7,8 and 16). A fourth space (space 15) would be impossible to park in if there was already a car in space 16. Therefore this application is clearly against planning policy for residential parking spaces and should be refused.

Schemes granted permission/ appeals allowed	No residents' spaces	Spaces per home	No of restaurant spaces	No homes	No of restaurant spaces
4/01520/18/FUL	4	12	3	13	
4/02423/18/FUL (APP/A1910/W/19/3231097)	5	14	2.8	12	
19/02712/FUL	6	15	2.5	9	
Current scheme 20/00589/FUL	7	16	2.3	9	

Restaurant Parking

Despite the principle of 9 spaces for Spice Village being established

through the Borough's approval of the 6-home scheme, Chipperfield Parish Council do not accept that this number of spaces is sufficient to safely provide parking for the restaurant and take-away. It is also contrary to the Borough's adopted parking standards for restaurants (this figure was reviewed in 2017 and the standard was confirmed as being the right level of parking based on requirements rather than the previously adopted maximum parking standard). The parking standard for restaurants is 1 space per 5m² floorspace of dining area plus a minimum of 3 spaces per 4 employees. This standard for the 60m² restaurant equates to 3 staff spaces and 12 customer spaces.

Highway safety

Overflow of private cars from the residential development and overflow of patron's cars to the Spice Village would exacerbate highway safety. The close proximity of this development site, to the main crossroads, the existence of a large commercial car dealership opposite the entrance to the site, which has frequent deliveries of cars via large car transporters parked on the highway, and overflow parking from a new development should be avoided. Residents living close to the junction monitor accidents at the junction which includes accidents not notified to the police. Five accidents were noted in Q4 2019 (October to December).

EV charging points

Whilst the addition of EV charging points is welcomed, it is difficult to understand how charging points in only 4 parking spaces would serve 7 homes.

Planning conditions

If the application was to be approved or allowed on appeal then the following conditions should be attached to the permission:

The flint detailing shown on the plans should be retained to ensure that the quality and character of the development remains acceptable in its setting within the Chipperfield Conservation Area. Permitted development rights to extend the homes should be removed. The site is so tightly packed that the extension of any one of the homes to increase the habitable area or occupancy would be totally unacceptable in this constrained location within Chipperfield Conservation Area.

The provision of EV charging points in parking spaces should be extended to at least one per house.

Conclusion

This application should be refused as an over development of a site that was originally approved for 4 homes. There is insufficient parking within the scheme for both the restaurant and the residential use.

	Approval of this scheme would have a detrimental impact on the conservation area in terms of density and an adverse impact on highway safety as car parking would overflow from the residential use and the restaurant use onto the highway in the vicinity of a busy crossroads.
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
27	2	1	1	0

Neighbour Responses

Address	Comments
The Old Forge The Street Chipperfield Kings Langley Hertfordshire WD4 9BH	<p>Our objections to the proposed development remain the same as before, but now with seven properties it is even more of a squeeze on the site:</p> <ol style="list-style-type: none"> 1. The access to the site is extremely close to a traffic black spot at the crossroads of The Street and Chapel Croft. There are multiple accidents here every year, and the development will increase pressure on this dangerous junction. 2. The development is a further example of speculative build. According to the Village Design Statement, Chipperfield needs more low-cost housing: "Chipperfield has a real need for further affordable housing." It states further: "it is extremely difficult for first-time buyers to acquire property in the village, thus increasing the trend toward an ageing population. It will also render it more difficult for the children of families with long-established roots in the village to stay here, thus depriving the village of some of its traditional knowledge and connections." 3. The Design Statement is in favour of a "mix of building sizes" and not the proposed suburban-looking uniformity. Moreover six identikit houses looks like a real squeeze on a tiny plot. 4. Whilst the Ecology Report is welcome, the definition of Local Wildlife Site does not extend to private gardens - here at The Old Forge, only a few metres from the site, we have reinstated a wildflower meadow, scrub, mixed native hedging and tree planting which has led to a spectacular boom in species diversity. Not only that but our traditional hazel coppicing regime provides the conditions necessary for the endangered hazel dormice. All the species which now make their home here will be threatened by the new development.

We would argue that the proposed site is far from no-value 'wasteland'. Research has shown that these overlooked, overgrown corners on the margins are "bastions for species on the verge of extinction ... 15 per cent of all national scarce insects are recorded from brownfield sites ... Brown is the new green." (Isabella Tree: Wilding).

There is far too much fenestration to the rear of the development, which will overlook neighbouring properties. Furthermore, on the previous development "Chantry View", 'photovoltaic roof panels' proved to be code for 'more windows'.

I hope that the planners will scrutinise these plans very carefully. Once these breathing spaces in this ancient village are filled in, both its character and the natural diversity it supports are gone for good. We are lucky in this particular area that we have extraordinarily old and beautiful cottages. Our stewardship of this heritage, however, is poor. The curtilage of these sixteenth-century properties is being permanently destroyed by building work. The village is on the brink of losing its rural character and being swallowed into suburbia.

ITEM NUMBER: 5g

20/00700/FHA	Refurbishment of existing property, including first floor extension, rear single storey extension and remodelling of facades.	
Site Address:	Viewpoint Felden Lane Hemel Hempstead Hertfordshire HP3 0BB	
Applicant/Agent:	Mr Daniel Bavington	Mr Richard Dines
Case Officer:	James Gardner	
Parish/Ward:		Bovingdon/ Flaunden/ Chipperfield
Referral to Committee:	Called in by Councillor Riddick	

1. RECOMMENDATION

That planning permission be **GRANTED**.

2. SUMMARY

2.1 The principle of residential extensions / development is acceptable in this area in accordance with Policy CS4 of the Dacorum Core Strategy.

2.2 Regard has been had to the design of the extensions and the resultant impact this would have on the character and appearance of the original dwelling, the street scene and the residential amenity of neighbouring properties, as required by Policies CS11 and CS12 of the Dacorum Core Strategy and saved appendices 3 and 7 of the Dacorum Local Plan. The design is acceptable and would not be out of keeping with the area, which is diverse in terms of architectural styles. The limited increase in scale would not have a significant impact on the residential amenity of the neighbouring property.

3. SITE DESCRIPTION

3.1 The application site is located on the eastern side of Felden Lane, adjacent to the junction with Felden Drive, and comprises of a two-storey detached dwelling. The dwelling is set back from Felden Lane and vehicular access is via Felden Drive, where timber gates lead to a forecourt laid to gravel.

3.2 The front of dwelling is made up of two constituent parts – a wide forward projecting gable with quoin detailing, brick soldier courses above the first floor windows and a porch canopy at ground floor, and a subordinate wing with dormers / half dormer in the roof space. The dwelling is externally finished in painted brick and natural slate tiles.

4. PROPOSAL

4.1 Planning permission is sought for the construction of a first-floor side extension, single-storey rear extension and re-modelling of the front and rear facades, including raising the ridgeline. The extensions and alterations would result in the dwelling going from a 4-bedroom property to a 5-bedroom property.

5. PLANNING HISTORY

Planning Applications:

4/01396/92/FUL – The most recent application at the site was for the construction of Single storey & front canopy extension, which was granted on 4th January 1993.

6. CONSTRAINTS

Parking Accessibility Zone (DBLP): 4
Special Control for Advertisements
CIL Zone: CIL3
Former Land Use (Risk Zone): Old Chalk Pits, The Chestnuts, Hemel Hempstead
Green Belt: Policy: CS5
LHR Wind Turbine
Parish: Hemel Hempstead Non-Parish
RAF Halton and Chenies Zone: Green (15.2m)
Residential Area (Town/Village): Residential Area in Town Village (Hemel Hempstead)
EA Source Protection Zone: 3
Town: Hemel Hempstead

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

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

Relevant Policies:

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS29 - Sustainable Design and Construction

Appendix 3 – Layout and Design of Residential Areas
Appendix 7 – Small-scale House Extensions

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2002)

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

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

Principle of Development

9.2 The application site is located within a residential area of Hemel Hempstead wherein, in accordance with Policy CS4 of the Dacorum Core Strategy (2013), appropriate residential development is encouraged. The principle of the proposed development is therefore acceptable subject to compliance with the relevant local and national planning policies.

9.2.1 The key considerations to the determination of this application will relate to the impact of the development on the character and appearance of the area and impact on the residential amenity of neighbouring dwellings.

Quality of Design / Impact on Visual Amenity

9.3 Policies CS11 and CS12 of the Dacorum Core Strategy seek to ensure that, amongst other things, development preserves attractive streetscapes and integrates with the streetscape character, are still important considerations.

9.3.1 Saved Appendix 7 of the Dacorum Local Plan promotes good design practice in respect of house extensions. In particular, it states that extensions should harmonise with the existing house and surroundings in terms of scale, roof form, window design and external finishes.

9.3.2 The application site is located within the HCA5: Felden East Character Area and described as *“A very low density, spacious area of detached dwellings set on the south-western edge of the town with extensive landscaping dominating its appearance and producing a very high environmental quality.”*

9.3.3 The area is not characterised by a particular architecture style; rather, the majority of the dwellings are unique in design and, owing to their set-back from the highway and strong boundary screening, are generally seen in isolation.

9.3.4 The development principles within HCA5 acknowledge this reality and note that there are no special requirements in terms of design, with variety and innovation being considered to be legitimate and acceptable design approaches.

9.3.5 A more contemporary design approach is proposed as part of this application, with the existing front / rear facing gable being replaced by a wider asymmetric gable formed by combining the existing built development with a first floor side extension. The dwelling is proposed to be externally finished in smooth render with areas of facing brick to add variation and visual interest. Whilst the dwelling does not currently have any areas of render, its external finish is painted brick, which, when viewed from a distance, has a very similar appearance to render. The eaves height of the long section of the main roof would be reduced by extending the roof forwards and altering its pitch, thereby forming a covered area outside the front door, boot room and WC. A similar approach is shown as taking place to the rear, although the purpose in this instance would be to provide a pitched roof over the proposed rear extension. In keeping with the contemporary aesthetic, larger areas of glazing are proposed to be inserted on the front elevation.

9.3.6 This area of Hemel Hempstead is not typified by any one architectural style; the only unifying factor being that of typology (detached dwellings). In an a more dense urban environment, where dwellings form attractive groups or retain architectural detailing and / or features typical of a bygone era – e.g. uninterrupted slate roofs on Victorian / Edwardian dwellings or mosaic tiles on front paths

– there is merit in seeking to maintain that character. Conversely, where no such character exists and the dwellings are of no particular architectural merit, there is greater scope to experiment with contemporary design approaches providing the development integrates with the street scape character in accordance with CS12. This area is characterised by large detached dwellings in generous plots; this development would maintain those key characteristics.

9.3.7 The application site looks over an area of land designated as Green Belt, but is not actually located within the Green Belt. The limited scale of the proposed development, coupled with the substantial mature trees located on the boundary, is such that it is not considered that there would be any adverse impacts on the landscape character of the area; they would therefore preserve the landscape quality.

9.3.8 Overall, the design is considered to preserve attractive streetscapes, integrate with the streetscape character, and harmonise with the original character and appearance of the dwelling. As a result, the proposal is in accordance with Policies CS11 and CS12 of the Dacorum Core Strategy and saved Appendix 7 of the Dacorum Local Plan. The principle of variety and innovation is confirmed by HCA5.

Impact on Residential Amenity

9.4 Policy CS12 of the Dacorum Core Strategy states that development should, amongst other things, avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to surrounding properties.

9.3.1 Saved Appendix 3 of the Dacorum Local Plan states that residential development should be laid out and designed so that the privacy of new and existing residents is achieved. Minimum distances of 23m between the main rear wall of a dwelling and the main wall (front or rear) should be met to ensure privacy.

9.4.1 Given the nature of the extensions; that is to say, their location and scale, it is considered that the only dwelling affected by the development proposal would be Hill Top (the Location Plan notes the property to the north as Farthing, though it is now known as Hill Top), which is located to the north of the application site.

Noise and Disturbance

9.4.2 A certain degree of noise and disturbance is inevitable during the construction process. This would, however, be for a time-limited period and subject to control by Environmental Health legislation, therefore negating the need for planning conditions. Instead, should Members be minded to grant planning permission, it is proposed to include the following informative with the decision notice:

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 - 07:30 to 18:30 on Monday to Saturday, no works are permitted at any time on Sundays or bank holidays.

9.4.3 Concerns have also been raised in connection with increased levels of noise and disturbance arising from the installation of bi-folding doors on the front elevation. However, there are a few important points to note in this regard. Firstly, the installation of new door and window openings can be carried out under permitted development and does not require formal planning permission. Secondly, the dwelling already has patio doors on the front elevation. Thirdly, whilst noting that the bi-folding doors may facilitate greater use of the front garden area, it does not automatically follow that this would result in increased levels of noise and disturbance. Were there to be excessive levels

of noise and disturbance, then sufficient protections exist within Environmental Health legislation to address such an eventuality.

Visual Intrusion

9.4.4 As demonstrated on drawing no. DB/RD/04 (Rev. 2), the highest part of the roof would increase by approximately 0.67m. This section of the roof would be set away from the boundary with Hill Top by approximately 3.80m. The roof of the first floor extension would be no higher than that of the main existing roof and would be of pitched construction, effectively limiting its impact by keeping the full scale of the height increase away from the boundary. It should be noted that the plans were subsequently amended during the course of the application in order to reduce the height and dominance of the roof.

9.4.5 The two dwellings are screened by substantial coniferous trees within the ownership of Hill Top, ensuring that robust screening would be maintained throughout the entire year. It is considered unlikely that the first floor extension would be prominent from the neighbouring dwelling, and that visibility of the highest section of the roof would be somewhat limited and, in addition, seen from a greater distance.

9.4.6 Even if the trees were not present, consideration needs to be given to the existing position of the two dwellings; that is to say, one on higher ground and one on lower ground, that are located in reasonably close proximity to one another. The proposal does not alter the existing arrangement in a detrimental way. It is further noted that views from the windows of Hill Top are generally in the direction of the open driveway area of the application site.

9.4.7 It is submitted, therefore, that the totality of the development is relatively modest and, were planning permission to be granted and the extensions constructed, the impacts would not be materially different to the current situation and therefore not harmful enough to warrant a refusal of planning permission.

Loss of Privacy

9.4.8 The proposed development would result in the removal of all side-facing windows at first floor level. As a result, it is not considered that there would be any adverse effects from a privacy perspective. Indeed, it would represent an improvement.

9.4.9 In terms of the small area of flat roof that is shown as being retained, it is considered appropriate to include a condition which prohibits the use of it as a roof terrace, as this could result in an unacceptable loss of privacy.

Loss of Daylight / Sunlight

9.4.10 Given the positioning of the existing house and the limited height increase in scale, it is not considered that there would be any significant adverse impacts on levels of daylight and sunlight to the windows of Hill Top.

Summary

The increase in scale, mass and bulk is not considered to be significant and, on balance, it is not considered that any impacts on the residential amenity of the nearby dwelling (Hill Top) would be significant enough to preclude the grant of planning permission. It follows that the application is in accordance with Policy CS12 of the Dacorum Core Strategy and appendixes 3 and 7 of the Dacorum Local Plan.

Impact on Highway Safety and Parking

9.5 There would be no adverse effects.

9.5.1 No changes to the existing access are proposed and a sufficient amount of off-road parking would be retained to serve the enlarged dwelling.

Other Material Planning Considerations

Impact on Trees and Landscaping

9.6 No development is proposed at ground floor level in close proximity to trees. As such, there is no risk to the root protection areas of trees in or around the application site.

9.6.1 The first floor side extension is to be constructed on top of the existing ground floor extension. Construction of the extension may require branches of the coniferous trees overhanging the boundary to be pruned; however, the applicant has a common-law right to carry out such works and it is unlikely that such minor works would be fatal to the trees long-term health.

9.6.2 Taking the above into account, the development is considered to accord with saved Policy 99 of the Dacorum Local Plan and Policy CS12 of the Dacorum Core Strategy.

Former Land Use

The application site is located within a former land use buffer and therefore the Council's Scientific Officer was consulted. His response has been provided below for ease of reference:

Having reviewed the application submission and the ECP records I am able to confirm that there is no objection on the grounds of land contamination. Also, there is no requirement for further contaminated land information to be provided, or for contaminated land planning conditions to be recommended in relation to this application.

As such, there is no requirement for conditions in respect of contaminated land reports.

Community Infrastructure Levy (CIL)

9.7 This application is not CIL liable.

10. CONCLUSION

10.1 The application site is located within Hemel Hempstead and therefore the principle of residential extensions is acceptable.

The area is characterised by dwellings of various architectural styles and, as such, the design approach advocated is acceptable. Amendments were made during the course of the application process in order to reduce the height of the roof, allowing the extension to sit more comfortably within the street, where it would be visible, and also in order to limit the impact on the nearby dwelling (Hill Top). Whilst there would be a marginal increase in height, it is not considered that this would be so injurious to residential amenity as to weigh in favour of refusing planning permission. Subject to the inclusion of a condition requiring an area of flat roof not to be used as a terrace, there would be issues with overlooking.

Parking arrangements are acceptable and no changes are proposed to the existing access. No below ground development would take place within the root protection zone of trees; therefore, no concerns are raised in this regard.

11. RECOMMENDATION

11.1 That planning permission/listed building consent be **GRANTED**.

Condition(s) and Reason(s):

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

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

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

**DB/RD/02 REV 2
DB/RD/03 REV 2
DB/RD/04 REV 3
DB/RD/05 REV 3
DB/RD/06 REV 3
DB/RD/07 REV 2**

VIEWPOINT FELDEN LOCATION PLAN

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

3. **The flat roofed areas of the dwelling at first floor level shown on drawing no DB/RD/02 REV 2 shall not be used as balconies, roof gardens or similar amenity areas without the grant of further specific permission from the Local Planning Authority. The roof can be used to escape in an emergency.**

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

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2. 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 - 07:30 to 18:30 on Monday to Saturday, no works are permitted at any time on Sundays or bank holidays.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
DBC Scientific Officer	Having reviewed the application submission and the ECP records I am able to confirm that there is no objection on the grounds of land contamination. Also, there is no requirement for further contaminated land information to be provided, or for contaminated land planning conditions to be recommended in relation to this application.

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
13	3	0	3	0

Neighbour Responses

Address	Comments
Hill Top Felden Lane Hemel Hempstead Hertfordshire HP3 0BB	In addition to the objection already lodged I would like to add further information to the objection in case a site visit does not take place. Due to the topography of the road Viewpoint already stands at an elevated position above our property. This means that the proposed significant increase to the existing overall ridge height will have even more than usual impact on our light and privacy and will grossly affect our visual amenity. This visual intrusion from the side elevation will significantly overshadow our property and restrict our natural light source.
Woodbury Lodge Felden Lane Hemel Hempstead Hertfordshire HP3 0BB	<p>Objection to proposed works to Viewpoint</p> <p>Ref 20/00700/FHA</p> <p>Your Dacorum Borough Council letter, concerning this planning application was dated the 24th March, one day after Boris Johnson asked the British public to self-isolate. In view of the circumstances, as professional advice cannot be sought by ourselves concerning this application, we have been put at a disadvantage to consider this proposal and feel that the council, in view of the present circumstances of the coronavirus epidemic, should pause this application until normal life resumes.</p> <p>After reading the relevant references to planning in the Core Strategy, we object to this proposal for the following reasons:-</p> <p>Not in character to the local environment</p> <p>Felden is an attractive hamlet, whose buildings reflect the character of the area. The proposed design would not fit happily in the style of the areas architecture. As your Core Strategy suggests (4.8) 'Development must celebrate and reinforce local distinctiveness.' This design does</p>

not.

Policy CS6 states that 'each development must be sympathetic to its surroundings, including the adjoining countryside, in terms of local character, design, scale, landscaping and visual impact', and further informs us that it should 'retain and protect features essential to the character and appearance of the area.' This application fails on all those objectives. In CS20 the Core Strategy states any development to a village must represent a logical extension to it. If we consider the area of Felden as a village the design for Viewpoint is not a logical extension to the area as the design is out of keeping and does not reflect the character of the local environment. Please also see CS14, CS23, CS 24, CS25, CS26, and CS27 which also covers the same points in your Core Strategy. Further, themes in Areas of Development Restrain state that rural character should be retained and development should 'contribute positively' (8.11) to the given area and 'respect local character and landscape context'. This design does not. The proposed design is not 'sympathetic to its surroundings' (CS6)

Height of roof line - loss of light

We make objection to the height and appearance of the roof line as we do not believe that any other two storey building in the Felden area has a roof line with such an acute angle. This will lead to a loss of light and loss of privacy as the roof line will be clearly visible from our property. As the new roof is grafted onto the old existing roof, consideration to wildlife habitat and their corridors should also be mitigated for (16.15.). In the Core Strategy (18.25) the layout should make the most effective use of the land. However, the height of the roof would appear to be ineffective as it has no purpose, apart from design.

Balcony at rear - loss of privacy/ visual intrusion

The balcony at the rear of the property will lead to visual intrusion into our garden leading to our loss of privacy. The balcony also faces over Felden Drive, which will be clearly seen by the residents as there are no trees or coverage on that side of the Viewpoint property. Planting of trees in policy CS12 should be considered.

Noise and disturbance resulting from use

If permission is given, noise and disturbance will result from the given extension. Further, Viewpoint's rear garden will decrease in size and as they are a family, a higher distribution of noise and disturbance will naturally result from the proposal.

Design, appearance and type of materials

As this application proposal states that this is a refurbishment of an existing property, your Core Strategy document headed Sustainable Design and Construction says that where a refurbishment takes place 'reuse of material, reduction of waste and recycling' should be adhered to (18.23). This we cannot see from the design. In 18.24 'the layout of the development will be required to make the most effective use of the land'. The design fails to do so as the raised roof and balconies would appear to have no purpose other than architectural design. Therefore

	<p>point 18.24 of the Core Strategy fails to be satisfied.</p> <p>Summary</p> <p>We object to this application as it does not 'protect and enhance both the natural and historic landscape character' (1.17 &1.20), ignoring Felden's 'distinctive character' (3.3) and does not provided' the right type of housing in the right location' (4.2).</p> <p>Following the Core Strategy criterion, policy CS6 ii) each development must 'retain and protect features essential to the character and appearance of the village' and this application proposal fails to do so.</p> <p>On consideration of this application we would ask that the following mitigation be adhered to:-</p> <ul style="list-style-type: none"> - The ridge height of Viewpoint's roof be reduced to the original roof line of the existing property. - The balcony at the rear of Viewpoint's property be removed. - Construction activity and delivery of building materials must only occur between Monday to Friday. In addition, as our telephone line runs through Viewpoint's property, any work must not damage this BT overhead line. <p>Should the above not be acceptable planting trees along our boundary adjoining the applicants property should occur at the applicant's expense in accordance with (CS12 (e)) of the Core Strategy, so mitigating our loss of privacy and visual intrusion from the applicants proposed extension.</p>
<p>Hill Top Felden Lane Hemel Hempstead Hertfordshire HP3 0BB</p>	<p>Objection to proposed works to Viewpoint, Felden Lane, Hemel Hempstead</p> <p>Reference 20/00700/FHA</p> <p>Please note that this application notification was received by us just as the Govt placed restrictions on business due to the Covid-19 crisis.</p> <p>If this application is likely to be approved without amendment then I would urge that, due to the fact that site visits and meetings of the planning team, development management committee and all local govt depts are now on hold, that DBC Planning Dept extend the planning process and timescales to freeze this application until all relevant legislative actions and processes are able to take place.</p> <p>Background</p> <p>Felden is a semi-rural hamlet located in the outskirts of Hemel Hempstead. It is designated green belt land and the Boxmoor Trust Land is home to a vast range of flora and fauna, some of which are protected.</p> <p>All properties are individual, however the majority of properties on Felden Lane have closer boundaries and smaller plots than the</p>

neighbouring Sheethanger Lane. Large scale redevelopment has taken place on Sheethanger Lane due to these larger plots, however most properties on Felden Lane have worked sympathetically within current footprints and more importantly ridge heights. This retention of existing ridge heights has enabled the street scene to retain its open visual aspect.

The houses at the top of Felden Lane benefit from frontages belonging to Boxmoor Trust and far reaching views over Boxmoor Trust Land.

Viewpoint is a standalone property which has an open and exposed location at the top of Felden Lane, it is highly visible from the main road. It is bordered very closely on one side by our property, Hill Top (formerly Farthings).

Whilst we would ordinarily support anyone wishing to make improvements to their property we are very concerned about the scale, the proximity to our boundary and the detrimental impact on both our light, visual amenity and disturbance in association with the impact on the street scene.

It is unusual for properties on Felden Lane to encounter issues with visual intrusion as they have all been laid out on their plots and built in a sympathetic nature, For example, we have covenants in our deeds that prevent us having any windows in the rear elevation of our house to protect our neighbours, therefore this example of inconsiderate planning goes against all design principles in this part of Felden.

Having checked the National Planning Policy Framework and the DBC Adopted Planning Core strategy it would seem that the proposed works contravene the following planning objectives:

POLICY CS5: Green Belt, the Council will apply national Green Belt policy to protect the openness and character of the Green Belt

POLICY CS10: Quality of Settlement Design The design of all new development will be expected to follow the '3 Step Approach to Successful Design' - (f) preserve and enhance green gateways (d) d) protect and enhance significant views into and out of towns and villages

POLICY CS11: Quality of Neighbourhood Design Within settlements and neighbourhoods, development should: (a) respect the typical density intended in an area and enhance spaces between buildings and general character; (b) preserve attractive streetscapes and enhance any positive linkages between character areas; (c) co-ordinate streetscape design between character areas; (d) protect or enhance significant views within character areas;

POLICY CS12: Quality of Site Design On each site development should c) avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties; d) retain important trees or replace them with suitable species if their loss is justified; e) plant trees and shrubs to help assimilate development and softly screen settlement edges; f) integrate with the streetscape character; and g) respect adjoining properties in terms of: i. layout; ii.

security; iii. site coverage; iv. scale; v. height; vi. bulk; vii. materials; and viii. landscaping and amenity space

POLICY CS25: Landscape Character All development will help conserve and enhance Dacorum's natural and historic landscape. Proposals will be assessed for their impact on landscape features to ensure that they conserve or improve the prevailing landscape quality, character and condition

National Planning Policy Framework.

122 (D)

Achieving appropriate densities

122. Planning policies and decisions should support development that makes efficient use of land, taking into account:

d) the desirability of maintaining an area's prevailing character and setting (including residential gardens),

131 (12)

131. In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

The proposed extension is oversized and the increase to the current ridge height would exacerbate the visual intrusion, loss of light and impact. Our home, and all of our main living areas, face directly on to the side of the property where the most impactful change will take place. As this is the highest point of the proposed extension there will also be implications to the amount of light reaching our main living areas.

This is not simply an extension that is being placed on the side of the property that will not be noticed by us as neighbours. Our house faces the side of Viewpoint, we are not two parallel properties.

I would like it noted that due to the orientation of our property and the proximity to our boundary this extension and impact on our light and visual intrusion is something that we will have to endure from almost every room in our house. The house and it's verandas will now mean that our home is overlooked directly into our main living space and our garden, a matter which is exacerbated by the extreme increase to the existing ridge height and the addition of a veranda/ balcony that is right against our boundary, overlooking our bedrooms, kitchen and patio.

We could effectively look out on to a high-rise triangle of brick/white render that would be virtually up against our boundary and obscuring our light. This flank would be oversized and would far exceed any natural vegetation that we have screening it.

This is absolutely not in keeping with the green belt setting. We do have a line of trees that provide a small amount of cover at the existing ridge height but these tree are old and we are concerned that building works may damage them and further impair in any way their effectiveness in shielding us from intrusion.

Ideally, we would like the extension refused as we are in a green belt

area, however we are not unreasonable and have suggestions for consideration that we feel could make this extension more acceptable. We would respectfully ask that the following responsible amendments be considered;

- ridge height is reduced to the same as the current main property.
- the upper storey of the extension is stepped back further from the boundary (inwards from the current ground floor extension footprint as the current flat roof overhangs in breach of any distance back from the boundary) see attached photos.
- the roof is hipped back towards the main house and away from our boundary
- any proposed windows (or subsequent additions are of opaque glass)

- the balcony that looks directly into our garden is removed.

We would also urge the planning team to consider whether any conditions could be attached to;

- prevent any damage to our trees
- restrict delivery times and working hours on site, particularly as it is likely that, should this extension be approved, works will commence just at the time that we would be hoping to enjoy our garden.

Please see letter sent directly to the Planning Officer which includes photographic evidence to support this objection.

'Other' explained - potential damage to existing trees along the boundary with Hill Top.

Further to receipt of a letter from the homeowners and notification from Dacorum Borough Council we have appraised the recently amended plans.

Whilst we appreciate the small amendments made to endeavor to make the application more acceptable (removal of balconies, slight decrease in ridge height) we do not feel that that the alternations significantly improve the overall application and sadly have also discovered new amendments that have further detrimental impact on our property.

Our original comments stand, in line with the Local Plan and NPPF and we would also like to respectfully ask that the following comments be noted in addition to our original objections.

- Ridge Height

The ridge height is still too impactful as it still extends higher than the existing property and as previously mentioned, the property topography already means that it towers over our property.

- Proximity to boundary

It appears from the proposed drawings that the proposed extension, particularly on the first floor will be larger and extend beyond than the current exterior wall. We would seek clarification of the exact distance from our boundary fence on both lower and upper floors. It would not be acceptable, in our minds, to extend to the point of the existing

overhanging roof that already almost touches the boundary fence. From the drawings there would not be sufficient room to install scaffolding etc to work on the new extension without overhanging into our trees or over our boundary. This is the reason why we asked for the first floor to be stepped in from the ground floor and for the roof line to be hipped backwards.

Furthermore, it appears that due to the shape of our property the proposed extension will be only approx. 10 metres or so from our lounge door.

- Installation of Bifold Doors to the front of the property

We are concerned that the installation of bifold doors to the front of the property will cause huge impact by the way of noise disturbance and therefore object to this as a material objection and would ask that fixed windows are used as opposed to opening doors.

Background; our garden and living areas directly face the front garden of viewpoint, adding bifold doors to the front as a means of access to and from a family room and kitchen will result in the front garden being used more extensively, particularly when entertaining, resulting in unusually high levels of noise nuisance, particularly with the proximity to our boundary and the higher level of the garden at Viewpoint.

- Trees

We would still be respectfully seeking assistance from DBC in obtaining some guarantees that safeguards, such as root barriers, are deployed to ensure the safety and health of our mature trees along our boundary. These trees provide partial screening to the property and give us some privacy when in leaf and any loss of these mature trees would be catastrophic as the loss would mean a huge expanse of wall at approx. 10 metres or so from our lounge doors.

We would ask for help from DBC in ensuring that suitable, enforceable planning conditions are imposed to ensure that the trees and their roots are not adversely disturbed by the building works and that there is some means of redress should they be affected. This is even more important due to the recent loss of a very large, mature tree from Viewpoint that has already affected the landscape and vista.

- Hours of Work

In line with the other objection from our neighbours we would seek assistance from DBC in planning conditions ensuring that works on site are only permitted during acceptable weekday working hours, that parking for contractors is contained within the plot itself and that deliveries are also during weekday working hours. There should also be no burning of any waste on site.

- Privacy/Safety

Due to the proximity to our boundary I would like to ask whether there is any provision for us to request screening whilst the building works are being carried out and whether there is any method that permanent screening by large trees could be accommodated as a means of safeguarding the 'green' vista. Could landscaping conditions be imposed to improve the vista and benefit the green credentials? The

installations of suitable mature trees along the boundary by the homeowners could also mitigate privacy issues and noise issues.

I believe that The National Planning Policy Framework requires conditions to be relevant, enforceable, precise, and reasonable. I would hope that protection of trees and the character of this much valued, wildlife rich habitat in Hemel Hempstead would fulfil those requirements.

Summary

We remain in opposition to this application.

Whilst we empathise with our neighbours and would like to offer support for the extension as we understand their desire to achieve their objective, our concerns are currently too significant, on both the original and now the amended plans.

If the considerations outlined in this objection were accommodated without any new additions or material changes to the plans, we would offer no further objections. It is not the principle of an extension that we are objecting to just the material adverse impact of the current versions.

Agenda Item 6

6. APPEALS UPDATE

APPEALS LODGED

Appeals received by Dacorum Borough Council between 01-06-2020 and 23/06/2020

Our reference: 4/02222/19/FUL

PINS Reference: APP/A1910/W/20/3251892

16 Hempstead Road
KINGS LANGLEY
WD4 8AD

Procedure: Written Representations

Our reference: 4/01970/19/FHA

PINS Reference: APP/A1910/D/20/3251555

68 Tring Road
Wilstone
TRING
HP23 4PD

Procedure: Written Representations

Our reference: 20/00043/FUL

PINS Reference: APP/A1910/W/20/3250604

Land Adjacent to Frithsden House
Frithsden Copse
POTTEN END
Hertfordshire
HP4 2RG

Procedure: Written Representations

Our reference: 20/00332/FHA

PINS Reference: APP/A1910/D/20/3254895

6 Long Chaulden
HEMEL Hempstead
HP1 2HT

Procedure: Written Representations

Our reference: 19/03134/FUL

PINS Reference: APP/A1910/W/20/3254551

96 Longfield Road,
TRING

HP23 4DE

Procedure: Written Representations

APPEALS DISMISSED

None

APPEALS ALLOWED

None

APPEALS WITHDRAWN

None

PLANNING ENFORCEMENT FORMAL ACTION STATUS REPORT (July 2020)

HEADLINES

1. Since the last update (April 2020) a total of 7 notices have been served. A total of 2 cases have been removed from this list since the last update.
2. During July, the team has been involved in Dacorum's first virtual planning hearing (Smallgrove Farm).

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
1 Page 170	E/06/00470	Land at Hatches Croft, Bradden Lane, Gaddesden Row	Stationing of a mobile home for residential purposes on the land.	12 Sep 08	20 Oct 09	20 Apr 10	No	N/A	Not complied	Successful prosecution, however mobile home remains on site and no land reinstatement has taken place. p/p granted for new dwelling with compliance of EN to follow.
2	E/07/00257	Gable End, Threefields, Sheethanger Lane, Felden	Construction of new dwelling and hardstanding; construction of boundary wall more than 2m high; MCU of land from agriculture to garden	26 Feb 10	09 Apr 10	09 Apr 11	Yes, appeal dismissed 01 Oct 10	01 Oct 11	Not complied	Crown Court appeal partly successful. Mr Pitblado convicted on one count, Mrs Pitblado discharged. Need to consider next steps. Part II report to be heard in this DMC.

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
3	E/07/00257	Birch Cottage, Threefields, Sheethanger Lane, Felden	Construction of new dwelling and hardstanding; MCU of land from agriculture to garden	26 Feb 10	09 Apr 10	09 Apr 11	Yes, appeal dismissed 01 Oct 10	01 Oct 11	Partly complied	The dwelling has been demolished and the garden use ceased. However, the hardstanding remains. Action dependent on the result of that at Gable End.
4	E/09/00128	The Granary, 49 New Road, Wilstone	The installation of uPVC windows and doors	11 Jan 11	18 Feb 11	18 Feb 13	Yes, appeal dismissed 17 Jun 11	17 Jun 13	Not complied	The new owner has *confirmed the new windows will be installed from 29.06.20 onwards and will send photos of compliance when complete*
5	E/11/00228	342a High Street, Berkhamsted	Construction of rear dormer	19 Mar 12	26 Apr 12	26 Oct 12	No	N/A	Not complied	Latest application to regularise matters (646/17) refused 09 May 17. No appeal submitted. Inspection to take place to understand current position.
6	E/12/00354	Meadow View, Threefields, Sheethanger Lane, Felden	Construction of first floor extension, dormer windows and hardstanding. MCOU of agricultural land to residential garden.	30 Jan 13	11 Mar 13	11 Mar 14	Yes, appeal dismissed	20 Jan 15	Not complied	Enforcing the works required to the building are dependent on action at Gable End. Review of other breaches needs to take place.

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
7	E/12/00354	April Cottage, Threefields, Sheethanger Lane, Felden	Construction of first floor extension, dormer windows and hardstanding. MCOU of agricultural land to residential garden.	30 Jan 13	11 Mar 13	11 Mar 14	Yes, appeal dismissed	20 Jan 15	Partly complied	Enforcing the works required to the building dependant on action at Gable End. Review of other breaches needs to take place.
8	E/12/00354	Woodside, Threefields, Sheethanger Lane, Felden	Construction of first floor extension, dormer windows and hardstanding. MCOU of agricultural land to residential garden.	30 Jan 13	11 Mar 13	11 Mar 14	Yes, appeal dismissed	20 Jan 15	Not complied	Enforcing the works required to the building are dependent on action at Gable End. Review of other breaches needs to take place.
9	E/14/00494	Land at Hamberlins Farm, Hamberlins Lane, Northchurch	MCOU of land from agriculture to construction / vehicle / storage yard.	11 May15	11 Jun 15	11 Dec 15 (for all steps)	Yes, appeal dismissed	17 Dec 16	Partly complied	All vehicles, materials, machinery have been removed. Works now taken place to remove bund. Need to consider Offence.
10	E/15/00301	Land at Piggery Farm, Two Ponds Lane, Northchurch	MCOU of land from agriculture to non-agricultural storage yard; MCOU of building to private motor vehicle storage; construction of raised hardsurface	15 Jul 16	15 Aug 16	15 Feb 17 (for all steps)	Yes, appeal dismissed (other than use of building)	25 Nov 17	Partly complied	Compliance period has passed. Most vehicles removed from the land. Compliance visit confirmed that hard surfaced area has been removed, bund of material arising still on site awaiting removal. Planning granted:1937/19. Further site visit needed to check material removed and to check compliance with conditions of permission.

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
11	E/14/00453	Land at Barnes Croft, Barnes Lane, Kings Langley	Construction of brick garage, brick link extension, and rear sun room.	17 Nov 16	19 Dec 16	19 Dec 17 (for all steps)	Yes, appeal dismissed	19 Jan 19 (for all steps)	N/A	Rear sun room has been demolished. P/P refused for alterations to and retention of detached garage block (3177/18/FHA). Appeal also dismissed. *Owners given final deadline of end of September to comply*.
12	E/16/00449	Farfield House, Chesham Road, Wigginton	Construction of side and rear extension and detached double garage.	23 Jan 17	22 Feb 17	22 Aug 17	No	N/A	Not complied	Planning permission for amended scheme (844/17/FHA) granted. Need to ensure implementation.
13	E/16/00052	Land at Hill & Coles Farm, London Road, Flamstead	MCOU of land to commercial compound/storage of materials and plant, & creation of earth bund.	08 Mar 17	07 Apr 17	07 Oct 17	No	N/A	Partially Complied	EN has been broadly complied with. Land has now been restored, but some elements of material storage have returned. *site visit required to confirm compliance and to continue investigation at other locations within site*
14	E/17/00103	55 St.John's Road, Hemel Hempstead	The insertion of uPVC windows and doors in a Listed Building.	05 July 17	05 Aug 17	05 Nov 17	No	N/A	Not complied	DBC owned property. Contractors are in discussion with the Conservation Officer to confirm final details of replacement fenestration.

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
15	E/17/00104	59 St.John's Road, Hemel Hempstead	The insertion of uPVC windows and doors in a Listed Building.	05 July 17	05 Aug 17	05 Nov 17	No	N/A	Not complied	DBC owned property. Contractors are in discussion with the Conservation Officer to confirm final details of replacement fenestration.
16	E/16/00161	Lila's Wood, Wick Lane, Tring	MCOU – use of woodland for wedding ceremonies; creation of tracks; erection of various structures.	27 July 17	25 Aug 17	25 Nov 17 (for all steps)	Yes, appeal dismissed	12 July 18 (for all steps)	Not complied	Requirements not met in full. Following the re-introduction of weddings at the site (summer months) the issue of items not being removed between weddings arose again. Planning application 19/02588/MFA received 06 Oct 2019.
17	E/17/00296	68 Oak Street, Hemel Hempstead	Construction of raised concrete parking platform.	28 July 17	29 Aug 17	29 Nov 17	Yes, appeal dismissed	28 Nov 18	Not complied	Appeal dismissed. Correspondence sent to owner 20.01.20 to request application/ compliance. Application received Feb 2020, invalid at the moment.
18	E/17/00382	Markyate Cell Park, Dunstable Road, Markyate	Excavation / landscaping works at Historic Park. Storage of tyres and cement mixers.	21 Sep 17	21 Sep 17	N/A	N/A	N/A	N/A	Temporary Stop Notice period expired. Final bund clearance and filling in of holes expected by end of March 2019.

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
	E/17/00266	Land at Red Lion Lane (Sappi), Nash Mills, Hemel Hempstead	Untidy land, left over from building works.	24 Nov 17	24 Dec 17	24 Jan 18	N/A	N/A	Partly complied	Site cleared. Some grass seeding work required. Also need to seek removal of Heras fencing.
20	E/17/00407	Land at The Hoo, Ledgemore Lane, Great Gaddesden	Construction of new road, turning area and bund.	29 Nov 17	29 Dec 17	29 Jun 18 (for all steps)	Yes, appeal dismissed	29 Apr 19 (for all steps)	Partly complied	Bund removed. Period of compliance for track has passed, but no compliance. p/p sought for retention of smaller track (373/19/FUL) – Refused & appeal dismissed. *Site visit arranged for 16.07.20 to discuss compliance with the EN*.
21	E/17/00290	Land adj. Two Bays, Long Lane, Bovingdon	MCOU to a commercial yard, siting of shipping container and portacabin, and construction of open-fronted building.	14 Dec 17	12 Jan 18	12 May 18	Yes, but withdrawn	28 Feb 19 (for all steps)	Partly complied	Buildings, vehicles and materials all removed from EN site. Consideration given to requirement to restore the land as per the notice. Evidence to show the condition prior to the notice was considered in conjunction with expediency assessment. *officers are satisfied that the notice has been complied with to such a degree that this will be removed from the list – all parties updated*

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
<u>22</u>	E/17/00220	17 Langley Avenue, Hemel Hempstead	Construction of raised decking, timber steps and associated fencing and supports.	17 Jan 18	17 Feb 18	17 Apr 18	Yes Appeal allowed (ground g) notice upheld subject to variations	03 July 19	N/A	Appeal allowed in respect of ground (g) (time limits) & Notice upheld subject to the variations. Planning application 01117/19 Granted for re-configuration. *site visit delayed due to COVID 19 restrictions*.
23	E/16/00104	40 Tower Hill Chipperfield	MCOU of land from residential garden to commercial car parking/storage and associated laying of hardstanding.	06 Mar 18	05 Apr 18	05 Apr 18 (for all steps)	No	N/A	*Partly Complied*	Enforcement Notice compliance period has passed. Cars have been removed from the site. Hardstanding not removed. In discussions with executor of estate.
24	E/18/00151	14 The Coppins, Markyate	Construction of raised parking pad.	26 Apr 18	26 May 18	26 Aug 18	Yes Appeal dismissed	06 Nov 19	N/A	Appeal dismissed-application 19/02822/FHA received and granted for different scheme. Additional compliance period has now passed, however this is due to COVID – 19 lockdown. Progress has been made and witnessed by officers. Continued liaison - likely to result in successful implementation of the new permission.

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
25	E/11/00153	Field adj. New Lodge, London Road, Berkhamsted	Untidy condition of land.	14 Sep18	14.10.18	14.12.18	Yes	N/A	N/A	S.215 Notice served requiring various elements to be removed from the land. Notice was challenged at Magistrates Court. Court outcome was that the 215 notice was quashed, but a court order was handed down to the defendant for them to comply with. Some items could remain on the site, but needed to be re-positioned. This has not been complied with. Further action to be considered.
26	E/18/00297	The Old Oak, Hoggpits Bottom, Flaunden	Construction of raised terraces at front of site.	05 Oct 18	05.11.18	05.01.19	Yes - withdrawn	N/A	*Partly complied*	Enforcement Notice Appeal withdrawn following extensive discussions and compliance with the enforcement notice under supervision of the Council. *The occupier has complied with the enforcement notice to a degree to which it would not be expedient to pursue. Case closed and will be removed from the list*.

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
27	E/18/00341	55 High Street, Markyate, AL3 8PJ	Installation of an external ACU (air conditioning unit) to the rear.	12 Feb 19	14 Mar 19	14 Sep 19	Yes - withdrawn	02 Apr 20	N/A	Planning application (20/00415) submitted to reposition and retain ACU. *Now granted – with 6 months to implement the change (in position)*
28	E/16/00007	Land lying to the northwest of Hill Farm, Markyate, AL3 8AU (known as Swaddling Wood)	Parking of vehicles, siting of mobile home and erection of gate in woodland.	15 Feb 19	18 Mar 19	18 Jun 19	Yes	<u>27 Aug 20</u>	N/A	This notice was appealed – PINS issued their decision on 27.05.20 and upheld the enforcement notice (subject to variations).
29	E/18/00385	Site of Smallgrove Farm, Windmill Road, Pepperstock	Creation of a large bund using imported material.	11 Mar 19	11 Apr 19	11 Apr 20	Yes	N/A	N/A	This notice has been appealed. Start letter issued and statements exchanged.
30	E/18/00166	Honeybrook, St Margarets, Great Gaddesden, HP1 3BZ	Formation of level terraces and construction of brick and stone retaining walls in rear garden.	22 Mar 19	22 Apr 19	22 Oct 19	Yes - withdrawn	29 May 20	N/A	This notice was appealed, but appeal withdrawn. Application 20/00141 submitted in order to retain terracing with changes to design and new landscaping proposal.
31	E/18/00166	Honeybrook, St Margarets, Great Gaddesden, HP1 3BZ	Non-compliance with condition 12 p/p 4/02874/15/FUL.	22 Mar 19	22 Apr 19	22 Oct 19	Yes - withdrawn	29 May 20	N/A	Variation application 19/02721/ROC submitted.

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
32	E/15/00238	6 Sarum Place, Hemel Hempstead	Untidy land	21 May 19	21 Jun 19	21 Dec 19	No	N/A	N/A	S215 untidy land notice served in relation to the garden, windows, gate and shed at this property. Previous S215 was complied with following direct action by DBC. Property fallen into disrepair again. Final deadline given to tidy up the site.
33	E/18/00436	68 Tring Road, Wilstone	Erection of a fence in excess of 1m adjacent to a highway	11 Jun 19	09 Jul 19	09 Oct 19	Yes	23 Jun 20	N/A	Retrospective planning permission was refused – Enforcement notice served and notice appealed. Appeal dismissed. Further planning application refused. *No compliance – further action bring considered. Planning application refusal has been appealed*
34	E/19/00010	Boxmoor Lodge Hotel, London Road, Hemel Hempstead	Erection of a marquee	25 Jun 19	06 Aug 19	06 Aug 20	Yes	31 Mar 21	N/A	Appeal dismissed – new compliance date 31 March 2021.
35	E/18/00408	28 Boxwell Road, Berkhamsted	Demolition of wall and creation of parking area	09 Sep 19	09 Oct 19	09 Dec 19	Yes	30 Jul 20	N/A	EN served following dismissal of planning appeal regarding same development. Appeal dismissed – new compliance date 30 July 2020.

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
36	E/19/00321	Land at Featherbed Lane, Hemel Hempstead	Change of use to residential, siting of mobile homes and operational development including laying hard standing and erection of fencing	11 Sep 19	09 Oct 19	09 Jan 19	Yes	N/A		Status quo injunction sought and granted 23 Aug 2019 (made final 20 Sep 2019). EN served following refusal of planning permission on 11 Sep 19. Refusal and EN appealed and likely to be linked inquiry. *Council's statement of case submitted to PINS 26.06.20 – awaiting Inquiry date*
37	E/17/00442	Land north of Home Farm, Flaunden Bottom	Extension to building and construction of new building	12 Sep 19	12 Oct 19	12 Dec 19	No	12 Apr 20		EN served following unsuccessful negotiation. No appeal made following discussions and re-issuing of the EN. *Compliance delayed due to owner's ill health – short, informal extension granted. New planning application granted for large barn on the site*
38	E/19/00302	Lock Cottage, Ravens Lane, Berkhamsted	LBEN: Demolition of wall within curtilage of listed building	13 Sep 19	12 Oct 19	12 Jan 20	Yes	N/A		LBEN served – notice appealed on basis that wall was not listed and that permission was previously granted under 4/01580/15/LBC. *statement submitted to PINS. Awaiting PINS decision*.

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
39	E/19/00302	Lock Cottage, Ravens Lane, Berkhamsted	EN: Demolition of a wall in a conservation area and creation of a raised parking area	13 Sep 19	12 Oct 19	12 Jan 20	No	N/A		EN served – not appealed. Required to comply with the notice by 12.01.20. No compliance – next steps to be considered in line with LBEN appeal.
40	E/19/00492 BOC	Bovingdon Market, Chesham Road, Bovingdon	Breach of conditions 4, 5 and 19 of planning permission 4/01889/14/MFA	05 Dec 19	05 Dec 19	02 Jan 20	N/A	N/A		Breach of condition notice issued in respect of breaches pertaining to vehicular access points and approved plans. *Application 20/00339 refused – further action being considered, COVID 19 restrictions meant that the market was closed for a number of weeks and that site inspections have not been carried out in all cases*.
41	E/18/00558	123 George Street, Berkhamsted	Breach of condition in relation to approved drawings 4/01759/16/FHA.	31 Jan 20	31 Jan 20	30 April 20	N/A	N/A		Breach of condition notice issued following unsuccessful negotiations. Additional roof lights causing negative impact.

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
42	E/20/00023/ MULTI	Haresfoot Farm, Chesham Road, Berkhamsted	Construction of unauthorised buildings, hard surfaces and importation and processing of waste materials.	19 Feb 20	20 Mar 20		Yes	N/A		EN issued in relation to the construction of 7 unauthorised buildings, construction of hard surfacing, change of use of buildings and change of use of land for waste importation and processing. *Notice appealed – awaiting start letter from PINS*
43 Page 182	E/20/00023/ MULTI	Haresfoot Farm, Chesham Road, Berkhamsted	Construction of buildings and provision of hardstanding, operation of waste transfer/recycling and importation of waste.	19 Feb 20	19 Feb 20		YES	N/A		Stop notice issued with enforcement notice in order to cease the continued building work and importation and processing of waste materials at this site.
44	E/20/00101/ NPP	121 High Street, Markyate	Construction of an unauthorised structure to the rear of this Listed Building.	04 Mar 20	04 Mar 20		N/A	N/A		Temporary stop notice issued in relation to the building work. PCN issued to obtain further information on the works. PCN not responded to. *structure subject to TSN removed - planning application submitted for other works, including re-build of structure in a different location, (not the flue or surfacing of yard) – enforcement action to be taken*

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
45	E/19/00439/ LBG	NCP Car Park, Marlowes, Hemel Hempstead	Condition of building	13 Mar 20				N/A		S215 notice issued in relation to the condition of this car park building (external condition).
46	E/20/00088/ NPP	Land East Of Watling Girth, Old Watling Street, Flamstead	Construction of unauthorised structure, hardstanding, internal access road.	31 Mar 20	31 Mar 20		N/A	N/A		Temporary stop notice issued in relation to construction of unauthorised structure on this land. PCN issued and responded to. *planning application submitted prior to expiration of TSN – Refused*.

THE FOLLOWING CASES HAVE BEEN ENTERED ONTO THE LIST FOR THE FIRST TIME

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
47	E/20/00147/ NAP	35 Parr Crescent, Hemel Hempstead	Breach of condition 3 of planning permission 19/03084/FHA (contamination)	29 Apr 20	29 Apr 20		N/A	N/A		Temporary stop notice issued in respect of external works to the extension at this property. A contamination condition had not yet been discharged which related to this property specifically due to the previous land use.

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
48	E/19/00444/ NAP	Plot 1, Cupid Green Lane, Great Gaddesden	Material change of the use of the land from agricultural to use for agricultural research with associated development.	29 Apr 20	24 Jun 20	N/A	YES			Enforcement notice issued. Tents and fencing erected on this sensitive site which lies in the Green Belt. Residential and non-agricultural paraphernalia has been stored on the land.
49	E/20/00136/ NPP	Trout Lake, Station Footpath, Kings Langley	Importation and deposition of soil and other materials.	07 May 20	07 May 20		N/A	N/A		Temporary stop notice issued in respect of the unauthorised importation of large quantities of soil to this site (deposited in/stored adjacent to the lake). Commercial plant and machinery and other materials are being stored on the soil.
50	E/20/00163/ NAP	The Walled Garden, Stocks Road, Aldbury	Breach of condition 17 of permission 4/02488/16/FUL.	27 May 20	27 May 20	27 Aug 20				Breach of condition notice issued which related to approved plans. The garage at this site had not been built in accordance with the approved scheme, such as the loss of features such as bug hotels and flint elevations.

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
51	E/19/00492/ BOC	Bovingdon Market, Chesham Road, Bovingdon	Breach of conditions 1 & 2 of planning permission 4/01889/14/MFA	27 May 20	27 May 20	24 June 20				Breach of condition notice related to the breach of conditions 1 and 2 of the permission (market layout and parking).
52	E/20/00104/ NPP	The Water Gardens Telecoms Mast, Leighton Buzzard	Installation of telecommunications mast.	04 Jun 20	30 Jul 20					Enforcement notice issued in respect of unauthorised telecommunications mast near Water Gardens Car Park. Mast had been erected under emergency telecoms PD rights – this 18- month period has passed and the mast was not removed.
53	E/20/00214/ CONSRV	307-309 High Street, Berkhamsted	Construction of decking area to the front of the premises.	17 Jun 20	17 Jun 20		N/A	N/A		Temporary stop notice issued in relation to decking being built to the front of the 2 x premises. Intention was to create an outdoor seating area for customers. Planning application 20/01795/FUL submitted following TSN.

DACORUM BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE MEETING JULY 23RD 2020

GABLE END, FELDEN

ENFORCEMENT NOTICE, 26TH FEBRUARY 2010

A STATEMENT ON BEHALF OF MR & MRS PITBLADO

This report relates to a long running case which has featured for many years in the quarterly enforcement reports to this committee.

For the first time, Mr and Mrs Pitblado have been asked if they would like to put their views on the case to the committee. We are grateful for the opportunity to put the key facts, as we see them, to the committee.

We would like to apologise for the length of the report and ask for members' understanding of the fact that in a matter that has been live for over 10 years, there have been many occurrences.

In this report we would like to bring to the committee's attention three matters: first, what are the key facts, second, what is the result of the Crown Court hearing, which should really be the last word on the subject in terms of legal proceedings and, finally, what the options are now? It should be stated at the outset that we believe there is only one reasonable outcome and that is that the enforcement notice must now be withdrawn. For a matter that is based on a mistake of fact, that is the only fair outcome.

Part 1 – the facts

1. Many of the important facts in this unusual case are set out in the Crown Court judgment, which is also available for committee members to read. Many of the key facts are known to all parties and we believe that they are not in dispute.
2. First of all, Gable End is located in the Green Belt, like much of the area in Dacorum BC.
3. The site where Gable End now stands has been built on since the 1920s or 1930s at the latest, and it has been a residential site since the 1960s. The site itself and the building on it had residential use before Gable End was built as a conversion but not as a separate dwelling.
4. As Gable End was considered unauthorised development in the Green Belt, Dacorum BC issued an enforcement notice in February 2010 requiring demolition of the house and the cessation of the use of the garden.
5. Gable End is an end of terrace house and in February 2010 similar enforcement notices were also issued in relation to the other four houses in the terrace. The difference in the notice against Gable End was that only the owners of Gable End were required to demolish a so-called boundary wall around the small settlement.
6. Mr and Mrs Pitblado took professional advice and appealed to the planning inspector, as did the owner / occupiers of all the other houses in the terrace. All of them were advised by the

same planning consultant and it is common knowledge that this consultant also worked for the developer of the site.

7. The appeal took place in October 2010. It was an informal hearing and there were no legal representatives present, and like the other appellants, Mr and Mrs Pitblado were asked by their professional advisor not to attend. Clearly this advice was questionable. The Inspector quashed the appeals against the middle three houses in the terrace, Meadow View, April Cottage and Woodside. New enforcement notices were issued later and in 2014 appeals against them were dismissed. These enforcement notices are only in respect of the height of the buildings. However, the Inspector dismissed the appeals against Gable End and xxxxx, the house at the other end. The Inspector believed that both of these were new dwellings and that they had been built on a cleared site. The upshot was that Gable End and Birch Cottage were still subject to enforcement action, and were to be demolished.
8. Birch Cottage was demolished in 2015. This could be accomplished without any difficulty because it was built close to the terrace but it was not actually attached to the rest of the terrace. This was not the case with Gable End.
9. Mr and Mrs Pitblado went to court to appeal against the Inspector's decision. It is easy to say with hindsight but, again, the Pitblados received poor advice and did not appeal against the inspector's finding that Gable End was built on a cleared site, even though this finding is demonstrably incorrect.
10. Instead, the Pitblados were distracted by the strict time limit enforced by the notice for compliance. This troubled them because they wanted more time to take action against their conveyancing solicitor who had misled them, in their view. Whilst they had instructed him to carry out a planning search, the Council's enforcement action clearly showed that he had not carried out his duty to them. The plan the Pitblados had was to seek compensation from the solicitor or from the solicitor's insurer to enable compliance with the enforcement notice. Unfortunately, while the case against the solicitor was being prepared, both the solicitor and their insurer went into liquidation. This plan, therefore, ran into the ground and nothing more could be done.
11. Once the notice came into force, in December 2013, the Council's enforcement officers began to focus on the case and Mr Pitblado attended to PACE interviews. He wanted to explain the situation he had been left in. He explained his circumstances to Mr Stanley, who was leading the investigation. The last PACE interview took place in late 2014, but the Council only initiated prosecution action in 2017. For all that time, the Pitblados were left in uncertainty about what would happen.
12. Before the case was heard at the Magistrates Court Mr and Mrs Pitblado, now advised by a different professional team, sought to make clear to Council officers that the inspector had made a mistake. In an email, the Council's head of planning, Mr Doe has also stated that he is aware that part of the original building remains. It was the case of the Pitblados at the Magistrates Court that the prosecution should not be brought as the Council now knew that the inspector had been wrong to assert that the site was cleared before Gable End was built. Mr Stanley stated under oath that the original brickwork was still visible and that it was not a new building. However, the District Judge did not accept that this was a defence against non-compliance with the enforcement notice. He convicted Mr and Mrs Pitblado and fined them approximately £600 each and ordered them to pay costs.

Part 2 - The Crown Court Case

13. Mr & Mrs Pitblado appealed to the Crown Court. They accepted that the facts of the case, ie. the existence of part of the building on the site long before the notice was served, could not, legally, be a defence at Court.
14. Unlike the Magistrates Court case which was over in one day, the Crown Court ensured that both the Pitblados and the Council could take their time putting forward their respective cases, and that each would have the opportunity to cross examine thoroughly.
15. The Pitblados defence was to explain that it was impossible to carry out the requirements of the notice. This was mainly because the demolition is an extremely expensive job and it could not be carried out unaided. At the lowest end, the Council's witness stated that the work would cost close to £100,000, but the Pitblado's witness said the cost would be nearer £150,000. It is not a free standing building. It is attached to the rest of the terrace, with a flimsy wall between them, making demolition a far more difficult task than the demolition of a free standing house. In addition, work of this nature to the house would mean that under the terms of the mortgage contract, also examined by the Court, the Pitblado's mortgage would fall due. There have also been the legal fees for fighting this case so that altogether it was estimated by the Crown Court that the cost to the Pitblados of carrying out the necessary work would be well in excess of £650,000. They are a working family, and they simply cannot raise the income on their wages. Obviously, they cannot borrow against their only asset, their house, as that would be demolished.
16. It is clear from his judgement and from the sentencing remarks that the Judge found particularly that in the circumstances that this case was disturbing for him. He was adamant that going to court was not the correct way forward. He said
17. "it is the courts very considered opinion that the litigation about this particular building and all that has gone on in relation to it, has reached a point where neither of the parties nor the court ought to be troubled further about it. Later he says there can be no doubt about the views of the court in relation to this matter. We have reached an end".
18. The Crown Court distilled the main facts of the case in the following way:
 - a) Gable End was and is being rented to a family with children and the rental monies are used to discharge the mortgage liability and the mortgage is being served by those rental payments. The mortgage has now some 12 years to run. He found no fault in this.
 - b) The Pitblados followed a reasonable course of action in seeking to pursue litigation against both their conveyancing solicitors and their insurers. However, both the solicitors and the solicitors insurers had gone into liquidation, so there was no recourse to be had to either.
 - c) The Pitblados have been left in the position of owning a property that has no value as a result of the enforcement notice requiring demolition of the property, and which is subject to a sizable mortgage.

d) Although the case law envisages the possibility of selling as a reasonable step forward towards addressing impecuniosity, it is self evident that as far as Gable End itself is concerned it has no capital raising value because of the enforcement notice.

e) Simply handing back the keys to the mortgage company and bringing about insolvency (and the wide ranging and long lasting effects on the Pitblados and their children) is not in the court's view a reasonable course of action.

f) Having examined the Pitblados bank statements over the past years in exhaustive detail, it was clear that they spent their money on daily necessities, not on luxuries, but even if cash had been saved for years, (and the family had scrimped and saved and gone without proper food or clothes) even this would not have been close to sufficient to comply with the notice and raise the amount of money needed for that.

g) It was also found that the boundary wall mentioned in the enforcement notice was not in the ownership of Mr and Mrs Pitblado and therefore the notice could not be enforced against them and they could not be compelled to demolish the boundary wall.

h) There was a substantial conflict of professional views as to whether the notice could be enforced without causing damage to adjoining (lawful) residential buildings, Meadow View. If agents of the council did cause damage when they were seeking to enforce the notice, the Council would be liable in damages. They would also be liable in any event for the additional costs of rehousing the families affected while corrective work is undertaken to Meadow View which of course would have to be rebuilt with weather resistant outer walls where currently there is only a thinner, non-load bearing internal wall.

i) As a result, although the Court said that the Pitblado were liable under the terms of the notice because of their continued use of their garden for residential purposes and for their failure to cease mowing the lawn (the court said that there was no defence to these aspects of the enforcement notice) this is the sole basis upon which the court found in the Council's favour.

j) Mrs Pitblado was given an absolute discharge. Mr Pitblado was fined £120. Unusually, the Council were not awarded their costs, so it has to foot the bill which it stated in Court was in excess of £40,000.

Part 3 – Next steps

19. It has been stated that this is the worst case of a breach of the Green Belt that officers have encountered; that cannot be the case, given the facts as they are now known and admitted. It is a very small property and known not to have been built from a completely cleared site. The reality is that the enforcement notice no longer serves the purpose for which it was served over 10 years ago. The reason for issuing the notice in 2010 was the alleged impact on the openness of the Green Belt and the alleged urbanising effect on visual impact on the area. Residential uses though are well established and lawful in the area and the immediate surroundings. As stated above, even the adjoining houses in the terrace have lawful residential use.

20. The situation in the area has simply moved on and other prominent residential development has been permitted by the Council for many years, including one new house some ten or so feet from the other end of this terrace.

21. The options for dealing with the notice are stark:

- The Council has the legal power to demolish Gable End. The main question to be answered here is – what purpose would demolition serve?

It is for the committee to decide whether this would be worthwhile. The Pitblados would be bankrupt and destitute, with lasting effects on their family life and professional careers.

- The Council could choose to simply “wait it out” until the mortgage falls due, which is simply to delay the bankruptcy.
- The Council has the power to withdraw the notice. This is the only fair course of action. It should also be noted that not only do the Pitblados have school age children, there is also currently a child living at the premises and this would need to be taken into account if any action is taken to demolish Gable End.
- There may still be a view that demolishing Gable End would enable Council to proceed against the remaining three properties in the terrace. This is far from certain; the Council is in possession of a barrister’s Advice that this would be highly unlikely and probably impossible to achieve.

Conclusion

22. This case is very unusual. At its heart is an Inspector’s decision that is flawed. All the parties now accept this – Council officers, including Mr Stanley, have seen the building with their own eyes. They have seen that the brickwork dates from the same time as the brickwork in all the other buildings in the terrace. It is a quirk of the planning system that an Inspector’s decision, upheld in the High Court, cannot be challenged (here the Pitblados were refused leave to appeal to the Court of Appeal).

23. The only solution for the Pitblados to obtain funds to comply with the notice might have been through the route of suing the solicitor who did not carry out an adequate planning search at the time the property was bought. This case collapsed. However, it is testimony to the Pitblados that they made this effort, and this was also recognised in the Crown Court.

24. It has been alleged against the Pitblados that they moved into the house in order somehow to gain some advantage over the planning system, and that they knew that there was a problem with the planning situation. However, their own actions in pursuing the solicitor demonstrate that this is not the case. Again, having heard extensive evidence, the Crown Court agreed that the Pitblados had made an effort to find the funds to comply with the notice, but the efforts had been thwarted.

25. The Council did not appeal against the decision of the Crown Court, so it must be assumed that it is accepted. The committee is asked to do everything possible to avoid bringing this matter back to court again, just as the Judge has said.

26. With this in mind the Council is reminded of the powers under section 173 A of the Town and Country Planning Act which enables the Council to withdraw this enforcement notice. The committee is asked to support officers in taking this action.

Thank you for reading this report which, it is hoped, can give some insight into this situation, and point out the way forward.

By virtue of paragraph(s) 1, 2, 3, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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