



Public Document Pack

# DEVELOPMENT MANAGEMENT AGENDA

**THURSDAY 5 NOVEMBER 2020 AT 6.30 PM  
MICROSOFT TEAMS - MICROSOFT TEAMS**

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.

**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](mailto:member.support@dacorum.gov.uk) by 5pm on Wednesday 4<sup>th</sup> November**

#### Membership

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

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

## AGENDA

### 1. MINUTES

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

### 2. APOLOGIES FOR ABSENCE

To receive any apologies for absence

### 3. DECLARATIONS OF INTEREST

To receive any declarations of interest

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

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

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

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

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

It is requested that Members 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             |
|------------------|---|------------------------|-----------------------------|
| 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 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](mailto: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) 20/02021/MFA- Land To Rear Of Hanburys, Shootersway, Berkhamsted, Hertfordshire (Pages 5 - 90)
- (b) 20/00098/FUL - 143 Belswains Lane, Hemel Hempstead, Hertfordshire (Pages 91 - 140)
- (c) 20/01839/FHA -1 Birtchnell Close, Berkhamsted, Hertfordshire, HP4 1FE (Pages 141 - 146)
- (d) 20/01422/FHA -67 The Horseshoe, Hemel Hempstead, Hertfordshire, HP3 8QS (Pages 147 - 162)

**6. PLANNING ENFORCEMENT REPORT OCTOBER 2020** (Pages 163 - 178)

**7. EXCLUSION OF THE PUBLIC**

To consider passing a resolution in the following terms:

That, under s.100A (4) of the Local Government Act 1972 Schedule 12A Part 1 as amended by the Local Government (Access to Information) (Variation) Order 2006 the public be excluded during the items in Part 2 of the Agenda for this meeting, because it is likely, in view of the nature of the business to be transacted, that, if members of the public were present during those items, there would be disclosure to them of exempt information relating to the financial and business affairs of the Council and third party companies/organisations.

Local Government Act 1972, Schedule 12A, Part 1, Paragraphs 1 2 3 & 7

**8. FAILURE TO COMPLY WITH THE REQUIREMENTS OF AN ENFORCEMENT NOTICE** (Pages 179 - 212)

**ITEM NUMBER: 5a**

|                               |   |                         |
|-------------------------------|---|-------------------------|
| <b>20/02021/MFA</b>           | <b>Construction of extra care (Class C2) development including associated highway access works, car parking, landscaping and other works incidental to the development.</b>   |                         |
| <b>Site Address:</b>          | <b>Land to the rear of Hanburys, Shootersway, Berkhamsted Hertfordshire</b>   |                         |
| <b>Applicant/Agent:</b>       | <b>Elysian Residences</b>   |                         |
| <b>Case Officer:</b>          | <b>Robert Freeman</b>   |                         |
| <b>Parish/Ward:</b>           | <b>Berkhamsted Town Council</b>   | <b>Berkhamsted West</b> |
| <b>Referral to Committee:</b> | <b>The application has been referred to the Development Management Committee at the request of Councillor Symington. Councillor Symington raises concerns regarding the schemes compliance to the site masterplan and the delivery of affordable housing.</b> |                         |

**1. RECOMMENDATION**

- 1.1 That planning permission be **DELEGATED** with a view to **APPROVAL** subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (As amended)

**2. SUMMARY**

- 2.1 The site is allocated for residential use (LA4) comprising general needs housing (C3) and with a high proportion of affordable housing (40%) required. Despite a lack of affordable housing being provided on the site, the delivery of a purpose built housing scheme for elderly residents and those in need of care (C2 – Residential Institution) is considered to make a valuable contribution towards the overall housing needs identified in Policy CS17 of the Core Strategy and those emerging housing needs within the emerging Single Local Plan (SLP). Furthermore the provision of this form of residential development is permitted under the LA4 Masterplan.
- 2.2 The delivery of care facilities is considered to result in social, economic and environmental benefits which would outweigh the limited social harm resulting from the non-delivery of affordable housing. This harm to the supply of affordable homes would be further off-set through a contribution towards the delivery of affordable homes elsewhere within the Borough.
- 2.3 The scheme is considered to be a high quality proposal which allows for the delivery of a number of objectives of the LA4 masterplan. In the context of the NPPF policies the development would be a sustainable development

**3. SITE DESCRIPTION**

- 3.1 The Site is located on the southern outskirts of Berkhamsted, immediately to the south of Shootersway and north of the A41. It is a largely level site, comprising predominantly of open grassland located within the curtilage of the existing residential property known as 'Hanburys'.

3.2 Hanburys abuts the northwest boundary of the site and has an existing access onto Shootersway. A second residential property known as 'The Old Orchard' abuts the northeast corner of the site. The Old Orchard site is under separate ownership and does not form part of this planning application. Immediately to the east of the application site is the British Film Institute (BFI) National Archives and a small number of residential properties forming Archive Mews. The western and southern boundaries of the site abut open fields.

3.3 The BFI National Archive buildings rise to a height of approximately three storeys, but are well screened from the site by a number of mature trees. The BFI site contains a number of grade II listed buildings alongside a number of more modern office, light industrial and archives buildings.

#### **4. BACKGROUND**

4.1 Elysian Residences is a British business focussed on the ownership, operations and development of retirement communities in London and the Home Counties. Elysian provide accommodation for older people (65 and over) and those in need of care.

4.2 The Extra Care model of care housing provides large apartments that are adaptable to the increased care needs of owners as they progress in years. Communal social and care facilities within the development are provided to keep residents physically, mentally, and socially stimulated and promote a longer period of health. This does not extend to specialist care for people with dementia who need purpose built and secure accommodation.

#### **5. PROPOSAL**

5.1 The development will provide 103 x Extra Care (Class C2) homes, with ancillary uses including restaurant/bar, library, multi-purpose room, gym, 24-hour care trained staff, and treatment room on site. The restaurant will be available to both residents and the wider community to visit, whilst it is also proposed for the multi-purpose room to be made available for local community groups to use via a Section 106 agreement.

5.2 The proposals comprise a series of two groupings of three interconnected pavilions set within a landscape setting and interconnected to form a single community. The proposed buildings would be between 3 and 5 storeys in height often featuring a lower ground level. The main entrance pavilion is located centrally to the site with a double height lobby which drops down to connect with communal facilities and a courtyard amenity area. All communal facilities are arranged around a central sunken courtyard and a lower ground level which is partially excavated into the site. This amenity space links pavilion buildings together and allow residents to access all parts of the development through internal spaces. Either side of these spaces are residential units stepped at three and four storeys in height above ground level.

5.3 The development would comprise 15 x 1 bed units and 88 x 2 bed units each of which would be designed to be adaptable to the changing needs of elderly residents in case of deteriorating health, but allowing residents to live with a degree of independence. The units are all designed to significantly exceed the requirements of National Space Standards. In addition to communal facilities at the site, nearly all units have their own private amenity areas in the form of balconies or terraces.

5.4 The proposed building would be accessed via the existing site access to Hanbury's off Shootersway and shared with the existing residential property. 74 car parking spaces would be provided within the site for the extra care units, all of which will be provided with

Electric vehicle charging points and rapid charging infrastructure. 12 Cycle parking spaces will also be provided.

## **6. PLANNING HISTORY**

6.1 The site forms the majority of the planning allocation at LA4 (Land at and to the rear of Hanburys) and has been removed from the Green Belt through the Core Strategy in favour of residential development.

6.2 The applicants commenced pre-application discussion with the Council in February 2019 (4/00232/19/PRE) It is evident from this discussion that there is a need to present a compelling case in support of the development for C2 purposes in view of the affordable housing requirements associated with the Local Allocation LA4 and in the context of the Council's 5 year housing land supply.

6.3 The applicants have worked positively to address the issues raised in relation to the application and in accordance with an agreed Planning Performance Agreement.

6.4 A previous planning application (4/02934/18/MFA) for a small proportion of the LA4 site and comprising land at The Old Orchard was considered by members on the 25<sup>th</sup> July 2019. Members resolved to refuse this application, contrary to the recommendation of officers and for the following reasons:

1) The application site forms part of the wider housing allocation of LA4 within the Core Strategy which, together with other matters, requires the delivery of 40% affordable housing. The proposed development does not make any provision for the delivery of affordable housing either upon the site or as part of the comprehensive development of the Site Allocation. As such the proposed development would be contrary to Policies CS19 and LA4 of the Dacorum Borough Core Strategy (September 2013), the Site Allocations Development Plan Document and the Local Allocation LA4 Masterplan SPD (July 2017).

2) The proposed access and parking arrangements/provision for the site would be inadequate to provide for safe and inclusive access to the site, taking into account the distance of the site to public transport connections and the town centre. Furthermore, the location of the access onto Shootersway is not considered to be practical or safe, especially when taken together with the cumulative arrangement of site accesses and recent development in the locality, and as such would result in significant harm to matters of highways safety. As such the proposals would be contrary to Policies CS8 (f) and (h), CS9 and CS12 (a) and (b) of the Dacorum Borough Core Strategy (September 2013), Saved Policy 51 and Appendix 5 of the Dacorum Borough Local Plan (1991-2011) and the Local Allocation LA4 Masterplan SPD (July 2017).

3) The proposed development, in view of its scale, bulk, density and design, in particular its three-storey height and coverage across the site, is considered to result in the over development of the site. The resulting building would be harmful to the character and appearance of the site and would dominate and be out of character with the area in which it would be situated. As such the proposals would be contrary to Policies CS10, CS11 and CS12 (f) and (g) of the Dacorum Borough Core Strategy (September 2013), and the Supplementary Planning Guidance 'Area Based Policies' (May 2004) for Residential Character Area BCA 12: Shootersway.

6.5 This application is currently subject to a planning appeal (APP/A1910/W/19/3243939). It is proposed to hold a hearing in relation to this appeal on the 18<sup>th</sup> November 2020.

## **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  
CS2 – Selection of Development Sites  
CS4 – Towns and Large Villages  
CS8 – Sustainable Transport  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS13 - Quality of Public Realm  
CS17 - New Housing  
CS18 - Mix of Housing  
CS19 - Affordable Housing  
CS23 – Social Infrastructure  
CS26 - Green Infrastructure  
CS27 – Quality of the Historic Environment  
CS29 - Sustainable Design and Construction  
CS30 – Sustainability Offsetting  
CS31 - Water Management  
CS32 - Air, Soil and Water Quality  
Berkhamsted Place Strategy  
Policy LA4 - Land at and to the rear of Hanburys, Shootersway  
CS35 - Infrastructure and Developer Contributions

## Hertfordshire County Council Waste Core Strategy

Policy 1: Strategy for the Provision for Waste Management Facilities.  
Policy 2: Waste Prevention and Reduction: &  
Policy 12: Sustainable Design, Construction and Demolition.

## Saved Policies of the Dacorum Borough Local Plan

Policy 10 - Optimising the use of urban land  
Policy 12 - Infrastructure Provision and Phasing



Policy 13 - Planning Conditions and Obligations  
Policy 18 - Size of New Dwellings  
Policy 21 - Density of Residential Development  
Policy 51 - Development and Transport Impacts  
Policy 54 - Highway Design  
Policy 58 - Private Parking Provision  
Policy 99 - Preservation of Trees, Hedgerows and Woodland  
Policy 118 - Important Archaeological Remains.  
Appendix 3 - Layout and Design of Residential Areas  
Appendix 5 - Parking Provision

#### Supplementary Planning Guidance / Documents

Accessibility Zones for the Application of car Parking Standards (July 2002)  
Affordable Housing (Jan 2013)  
Energy Efficiency & Conservation (June 2006)  
Environmental Guidelines (May 2004)  
LA4 Masterplan for Hanburys, Shootersway (July 2017)  
Water Conservation & Sustainable Drainage (June 2005)

#### Advice Notes and Appraisals

Affordable Housing Advice Note  
Sustainable Development Advice Note (March 2011)

## **9. CONSIDERATIONS**

### Policy and Principle

- 9.1. The site comprises a designated housing site (LA4) within the Core Strategy and Site Allocations DPD. It is pivotal to the delivery of the Core Strategy and fundamental to the delivery of the Berkhamsted Place Strategy including the local objectives for Berkhamsted to deliver some 1,180 homes between 2006 and 2031
- 9.2 The Core Strategy sets out the following principles for the development of the site LA4:
- The delivery of around 60 new homes,
  - A mix of two storey housing including around 40% affordable homes,
  - A contribution must be made towards educational and community facilities
  - The layout, design, density and landscaping must create a soft edge with the adjoining countryside and secure a long term Green Belt boundary,
  - Development must respect the setting of the adjoining British Film Institute (BFI) site
  - The impact on the local road network will be mitigated by supporting sustainable transport measures and improvements to the Shootersway/Kingshill Way junction,
  - The main access taken from Shootersway and
  - Access to the rear of Hanburys to be considered to allow for allotments and other possible uses

- 9.3 These requirements are expanded upon in more detail through the masterplan for LA4 and in the Site Allocations DPD. The site is predominately allocated for C3 residential purposes although there are references within the associated masterplan for LA4 to the site coming forward as a retirement, care or sheltered housing scheme notably at paragraphs 4.10 and 4.13 of the masterplan document. Paragraph 4.13 states that *“alternatively the site could come forward as a retirement/care or sheltered housing scheme”*.
- 9.4 The allocation of the site for residential purposes indicates that foremost the site is a suitable and sustainable location for development supporting our wider ambitions for the development of Berkhamsted as a key town within the Borough

#### Housing Delivery and Housing Needs

- 9.5 Policy NP1 of the Core Strategy requires the Council to take a positive approach to the consideration of development proposals and work pro-actively with applicants to find solutions for development proposals that help to improve the economic, social and environmental conditions in Dacorum. This would extend to addressing blockages or expediting the delivery of housing sites such as LA4 where it can be demonstrated that there could be an unreasonable delay in the delivery of homes or where sites are identified as needing to come forward within a reasonable timescale. It is prudent to expedite the delivery of allocated sites in the interests of maintaining a housing land supply and the supply of affordable homes and to address causes of under delivery as required under paragraphs 67, 75 and 76 of the NPPF
- 9.6 The housing target in Policy CS17 sets a level of housing which the Council expects to achieve and exceed of the Core Strategy. As members will be aware this target is for the provision of an average of 430 dwellings per annum between 2006 and 2031. This is anticipated to increase as progress is made on a new Single Local Plan (SLP) and as a result of the governments housing projections. Tables 8 and 9 of the Core Strategy make it clear that the towns and allocated sites have an important role in the delivery of the housing strategy. It is important to optimise the use of allocated housing sites in accordance with paragraph 117 of the NPPF and Saved Policy 10 of the Local Plan not only to deliver the requisite housing in the plan but also to limit the allocation and loss of further land within the Green Belt or outside key settlements for residential purposes
- 9.7 Policies CS18 and CS19 of the Core Strategy place a great emphasis on the delivery of affordable homes with identified and larger sites such as LA4 responsible for delivering a high proportion of the overall supply of affordable homes over the plan period.
- 9.8 The underlying need for care provision has historically been less well identified through local plan process. Indeed it is arguable that these needs have been neglected in the knowledge of an aged population. The need to address such matters is recognised in the Government White Paper ‘Fixing our broken housing market’ (2017) The Ministry of Housing, Communities and Local Government published National Planning Practice Guidance on Housing for Older and Disabled People in June 2019 and on Housing needs for different groups in July 2019. These documents recognise that the need to plan for an increasingly aged population and indicates that local planning authorities should produce specific policy or targets for different types of housing in addition to the traditional targets for affordable and gypsy and traveller site provision.
- 9.9 A new general housing target and a number of housing typology targets are integral to the emerging Single Local Plan (SLP) and there is a substantial evidence base that sits behind the production of this document. The South West Hertfordshire Local Housing Needs Assessment not only identified the overall local housing need for the Borough, but also the

needs of different sectors of the community including for affordable housing and specialist accommodation (including care home provision). Therefore, in addition to the overall housing target, it is prudent to plan for the delivery of schemes that provide new bed-spaces to help meet the accommodation needs of older people needing residential or nursing care. Such needs are identified in the emerging and pre-consultation draft SLP

- 9.10 Although the Council's aim is to consult on the draft Local Plan towards the end of the year, and as such it can have only very limited weight in the planning process, much of its housing evidence base is based on the South West Hertfordshire Local Housing Need Assessment (LHNA). The LHNA highlights that the population of people aged 65 years and over is expected to rise by 45% by 2036 and with such a growth in the aged population there is likely to be an increased societal need for specialist accommodation. It identifies over the next plan period that a total of 614 housing with care (both rented and leasehold) will be required. An additional 1019 bed spaces are likely to be necessary within residential care homes and nursing homes over this period (2020-2036).
- 9.11 The proposed development would provide accommodation for the quickly changing and increasing needs for elderly care.
- 9.12 The Council is not at present able to demonstrate a 5 year supply of deliverable housing sites as required by the NPPF and as a consequence one must consider the proposal against the Frameworks presumption in favour of sustainable development (paragraph 11) This requires a balancing of the economic, social and environmental impacts of development. This planning balance will be discussed in more detail later within the report.

#### Affordable Housing

- 9.13 The application site forms part of the designated housing site LA4 and as such there is an expectation amongst the local community that the site will deliver a total of 40% affordable housing in accordance with Policies CS19 and LA4 of the Core Strategy and the LA4 Masterplan.
- 9.14 Policy CS19 of the Core Strategy states that judgements as to the appropriate level, mix and tenure of affordable homes should consider the overall viability and any abnormal costs of development, however the expectation is that larger housing sites will deliver a greater proportion of affordable homes.
- 9.15 Given that the site has an identified capacity of between 40 residential units (as set out in the Site Allocations DPD) and 60 units residential units (as set out in the Core Strategy) this would equate to the provision of 16 -24 affordable housing units at the site. This would not be delivered as a result of a C2 use being developed at the LA4 site.
- 9.16 The NPPF indicates that an exemption to affordable housing should be provided where the proposed development provides 'specialist accommodation' and this is embodied in the Councils Affordable Housing Advice Note which makes clear that C2 (Residential Institutions) are not normally expected to contribute towards the delivery of affordable housing either directly or through the provision of a commuted payment towards the delivery of affordable homes elsewhere in the locality. This extends to the provision of extra care schemes such as that proposed. The costs associated with the provision of care facilities is accepted as have an adverse impact on scheme viability as is recognised in the NPPF, Affordable Housing SPD and CIL Charging Schedule.
- 9.17 The proposed scheme is acknowledged to have a negative social impact in terms in terms of the non-delivery of affordable homes on site. Given the particular circumstances of this

case a contribution towards the delivery of affordable housing has been offered by the applicants in lieu of such matters.

- 9.18 A contribution of some £746,000 towards the delivery of affordable housing has been offered. This has been calculated in accordance with the methodology contained within the Affordable Housing Supplementary Planning Document (2013) and having regard to the expected level of affordable housing under the Site Allocations DPD. This contribution will be secured via a legal agreement under Section 106 of the Town and Country Planning Act 1990 (As Amended)

#### Layout, Scale and Design

- 9.20 The Council expects a high quality design to be pursued in this location in accordance with Policies CS10, CS11, CS12 and CS13 of the Core Strategy. Additional advice upon the layout and design of residential development is contained within Saved Appendix 3 of the Local Plan 1991-2011 with some guidance on layout in the Masterplan for LA4.
- 9.21 The development of the site responds positively to the site with an emphasis on protecting and augmenting the existing landscaping features in addition to providing high quality and well designed buildings. A cluster of trees adjacent to the existing access road and a number of mature trees upon the southern and eastern boundaries of the site as well as a pond upon the south western boundary are retained and afforded generous protection. The result is the siting of a series of interlinked pavilion buildings set within mature landscaped grounds and limited to the southern end of the site. Communal parking areas are provided to the northern boundary and rear of Hanburys where there are significant on site infrastructure constraints (service routes etc).
- 9.22 The scheme is strongly supported by the Conservation and Design team as set out in Appendix A. They conclude that:

*“the architecture and design is of a high standard as is the proposed landscaping. This would in our view create a pleasant space, which would benefit both the residents and the wider architectural interest in the Borough”*

The proposed development is considered to be appropriate in terms of its design, layout, site coverage, scale, height, bulk and materials in accordance with Policies CS11 and CS12 of the Core Strategy.

- 9.23 The scale and quantum of development is considered appropriate. The Site Allocations DPD is very clear that the capacity figures shown for Local Allocations should not be treated as a maxima with the final dwelling capacity being tested through the planning application process. Although the number of units within this proposal significantly exceeds the quantum of development set out in the Core Strategy and Masterplan for LA4, the proposals sits comfortably upon the site through the careful layout and arrangement of buildings, given the size of individual units (1 and 2 bed) and given the use of a sympathetic approach to design. The scheme would not appear as a cramped scheme nor one which is excessive in site coverage and strikes a good balance between built form and landscaping resulting in a pleasant environment in which to reside.
- 9.24 The site is relatively self-contained and is well screened from public view by the mature landscaping around its perimeter. It is not easily read in the context of Shootersway and as such there appears little justification for limiting the overall height of the development to some two storeys in nature as set out in the associated Site Masterplan. Indeed there are a number of taller buildings in close proximity to the site and as result of developments within the locality.

- 9.25 The proposals would require some excavation of the site to provide a lower ground level and courtyard and presents as a two storey proposal with recessed third floor in elevation to the adjacent BFI site. The overall height of the building is reduced by the contemporary approach and the use of flat green roofs such that in section it does not appear incongruous in scale or height to the neighbouring three storey and monolithic commercial building at the BFI. This is clearly demonstrated as being appropriate in drawing 18067 P0-105 of the submitted drawings. This height increases across the site in less sensitive locations within the grounds whilst never appearing excessive in relation to neighbouring buildings or in its surroundings.
- 9.26 The overall height and mass is broken up through the use and arrangement of a series of pavilions and through the elevation, material and design detailing of individual buildings within a restrained and complimentary palette of materials. The use of different materials between the central building and peripheral buildings establishes a hierarchy of form and colour reflecting the internal arrangements of communal and private areas. The materials and architecture are strongly influenced by local materials and buildings, particularly Art Deco buildings such as The Rex, which is heavily reflected in the brick detailing to the main entrance pavilion. A striking green brick similar to those used on the original façade to shopfronts in the High Street (Aitchinsons) and Lower Kings Road is used alongside a black brick to compliment the verdant nature of the site and provide a subtle contrast and contemporary feel to the buildings. The detailing is of a high quality and we support the use of reference to other buildings in the town through the detailing of the brickwork.

#### The Relationship with the British Film Institute (BFI)

- 9.27 A number of concerns have been raised in relation to the impact of the proposed building upon the BFI buildings and the residential properties upon this site, including those in Ernest Lindgreen House and Archive Mews. The BFI are also concerned that occupants of the proposed scheme may complain about noise nuisance from the BFI and prejudice its own operations. On a practical note, they also wish to ensure that the proposed development is sufficiently distant and does not pose a fire risk to the BFI Nitrate Holding Vaults (NHV)

#### *Impact on Residential Amenity for Units at the BFI*

- 9.28 The proposed development would be located some 6-12 metres from the boundary of the application site and the grounds of the BFI. This relationship between the building and the boundary of the site is not uncommon.
- 9.29 The bulk of the BFI building is approximately 32m from the boundary with a large area of open space and car park in the intervening land. At its closest point the building would be approximately 26m from the BFI building. Residential units are located towards the northern end of the BFI site approximately 40m from the boundary with communal space adjacent to the boundary of the Old Orchard. In view of this separation distance and given the dense tree coverage upon the site boundary, one can only conclude that any impact upon the amenity of residential units is likely to be insignificant and would not justify the refusal of planning permission for development on the LA4 site. There would be no significant loss in daylight, sunlight or privacy thereto.

#### *Impact on Operational Matters for the BFI*

- 9.30 The BFI has expressed concerns that the residential units on the adjacent site might complain about the noise generated from commercial operations on the BFI site. As the BFI operations are classified as falling within a B1 (light industrial) use of the site they are

by definition suitable to co-exist within a residential environment. The noise experienced by residents is likely to be similar to that for residents of Archive Mews and the ECP team have confirmed that the Council have received no complaints from these residential properties. Fundamentally the BFI have indicated in their consultation comments that they operate an archiving and storage operation at their Berkhamsted site, activities which are likely to take place during the day. For this reason and providing there is no intensification or change in the operations at the BFI site, I can find no reasonable basis to conclude that noise complaints in relation to the property may arise per se as a result of the development.

### *Fire Implications*

- 9.31 The NHV houses reels of cellulose nitrate film while they are being restored/conserved at the site. This rare material is highly flammable and has rigorous safety procedures relating to its handling and storage. In the unlikely event of a fire there is potential for smoke and toxic gases to be released into the atmosphere.
- 9.32 The proximity of the LA4 site to the NHV was discussed in some detail at the master planning stage and it was noted that the BFI manage the material in a safe and controlled environment on their site. The Health and Safety Executive (HSE) raised no objections to the site allocation and the applicants continue to engage with the BFI in relation to this issue.
- 9.33 Robust measures for the fighting of fire are contained within the Building Regulations and given the relatively high degree of separation between the NHV and the proposed buildings, I find little reason to conclude that the development would provide any exceptional or abnormal risk.
- 9.34 The applicants have confirmed with their highway consultant that vehicular tracking exercises within the associated Transport Statement provide adequate space for the access and manoeuvring of large vehicles including fire and refuse tenders and the site will be served by fire hydrants. This includes a tracking exercise for vehicles larger than the fire tenders used by the Hertfordshire Fire and Rescue Service within Appendix F of the Transport Statement (Refuse Tracker).
- 9.35 These requirements are incorporated within the heads of terms for a legal agreement to ensure that such measures are satisfactory and robust and where necessary exceed the minimum requirements under Building Regulations in the interests of public safety.

### *Future Use of the BFI Site*

- 9.36 It is understood that the BFI has made representations for the site to be reallocated within the SLP as a site for residential use and subject to its own operational requirements and needs. The layout and design of the proposed scheme on the LA4 site does not prejudice the potential developable area of this site, taking into consideration the location of trees upon the common boundary, the relationship between the proposed buildings on the LA4 site and our normal planning expectations under Policies CS10, CS11 and CS12 of the Core Strategy and advice on the layout and design of residential schemes contained within Saved Appendix 3 of the Local Plan 1991-2011.

### Impact on Residential Amenity – General

- 9.37 The closest residential units to the application building are those at The Old Orchard and Hanburys at 24m and 46-51m respectively. Saved Appendix 3 of the Local Plan indicates that the distance between the new development and the rear elevations of neighbouring

units should provide a separation distance of at least 23m and that this may be increased depending on levels, character and other factors. Although there are balconies at penthouse level that would look down at the Old Orchard the separation distance is exceeded and given significant landscaping will occur on this boundary it is considered that there will be no significant impact on privacy to The Old Orchard. It is noted that the Old Orchard forms part of the wider LA4 site and could be subject to development. In the case of Hanbury, these distances significantly exceed the back to back distances included within Saved Appendix 3 of the Local Plan 1991-2011 and provide sufficient separation to ensure that any adverse impact upon both the privacy and sunlight/daylight to neighbouring properties is negligible.

- 9.38 The impact upon the residential amenity of neighbouring units to the site is considered to be acceptable in accordance with Policy CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011.

#### Impact on Heritage Assets

- 9.39 Both the grade II listed Ernest Lindgreen House and the associated grade II listed Granary at Ernest Lindgreen House are located to the east of the site upon the adjacent BFI site. The impact of the development upon these heritage assets needs to be carefully assessed in accordance with the NPPF and Policy CS27 of the Core Strategy.
- 9.40 Ernest Lindgreen House comprises a substantial and irregular 17<sup>th</sup> century house, two storeys in height and fronting Kingshill Way. This property has been extended by the addition of north-west and north-east wings in the 18<sup>th</sup> century with a rear range added to the property in the early 19<sup>th</sup> century. The Granary dates from the early 19<sup>th</sup> century and is a single storey, timber framed and weather boarded structure with a slate roof. This building sits upon cast iron straddles
- 9.41 The Heritage Report concludes that proposed development would not impact on the key visual and historic relationship between Ernest Lindgreen House and the Granary building nor the integrity, setting and distinctiveness of these heritage assets in accordance with Policy CS27 of the Core Strategy.
- 9.42 As set out within the comments of the Conservation and Design team in Appendix A of the report, they would agree with the conclusions within this statement.

#### Landscaping and Ecology

- 9.43 A detailed Landscaping Strategy and Ecology and Biodiversity Assessment have been submitted with the application. These set out a general approach to the retention of key landscaping features upon the site and its boundaries including the retention of the bulk of trees upon the site boundaries, a small treed area along the access route into the site and the retention of a small pond upon the southern boundary of the site.
- 9.44 The site Landscaping Strategy identifies the following character areas
- Terraced gardens with vegetable plots
  - Hedgerow and Meadow edges along the site perimeter
  - A primarily hard landscaped sunken courtyard
  - Private gardens and terraces
  - Green Roofs
  - Woodland gardens
  - The pond and aquatic marginal planting.

- 9.45 The sites perimeter is to be planted and managed to strengthen the landscape character, diversity and range of vegetation with potential to form a wildlife corridor and to provide a soft edge to the development and the Green Belt beyond. Some additional native trees would be added to the existing tree screen particularly to the common boundary of the BFI and to provide screening between the site and the communal areas of Archive Mews.
- 9.46 There is little evidence of use of the site by protected species including bats, badgers and Great Crested Newts despite the presence of a small woodland area and pond on the site. The pond and aquatic environment should experience improvements in water quality and quantity as a result of the drainage strategy for the site with herbaceous planting at the pond edge to benefit the ecology and biodiversity value of this feature.
- 9.47 The site has been subject to a Biodiversity Impact Assessment using the DEFRA matrix to understand the impact of its development upon biodiversity. The site is made up mainly of open semi-improved grassland and woodland and this results in a baseline habitat score of 6.12 units. The proposed development of the site for C2 purposes using this matrix would result in the net loss of 1.93 biodiversity units notwithstanding the high quality landscaping proposals.
- 9.48 The DEFRA matrix does not fully recognise that a number of landscaping works will improve the biodiversity value of the site according to the applicant's ecologist. The landscaping strategy for the site allows for the sensitive management of semi-natural edge habitats (grassland, scrub, tree and hedgerow) to maintain nesting and foraging for birds and small mammals as well as foraging for other fauna including invertebrates and bats. The existing tree stock will be improved through native planting whilst the inclusion of green roofs should further diversity flora within the site for birds and invertebrates. The biodiversity value of green roofs is particularly undervalued in the DEFRA model.
- 9.49 The applicants have also committed to providing a minimum of 12 bat and bird boxes to provide more suitable habitat for birds and bats acknowledging that despite the site location the site currently and surprisingly has relatively low habitat suitability for bats.
- 9.50 Although the landscaping proposals have been developed from the outset to maximise opportunities to enhance the biodiversity and ecological value of the site, it is inevitable given the sites existing condition and residential allocation that it will not be possible to deliver net biodiversity gains through the development of the site. This was acknowledged in the drafting of the LA4 masterplan and in the preparation of the Site Allocations DPD where a reference to "contributions towards off-setting wildlife resource" were added. Having regard to the advice in the NPPF and Policies CS26, CS29 and CS30 from the Core Strategy it is recommended that a contribution of some £23,160 is to be secured towards ecological off-setting in accordance with the advice of Herts Ecology (£12,000 per biodiversity unit).

#### Access, Parking and Highway Safety

- 9.51 The site will be accessed from Shootersway via the existing site access to Hanburys and in accordance with Policy LA4 of the Core Strategy, the associated Site Allocations DPD and Masterplan requirements.
- 9.52 This current access will be widened and in its amended form is considered to be sufficient to accommodate the volume of traffic associated with the development and the use of the site in accordance with Policy CS8 and CS12 of the Core Strategy and as set out within the advice from Hertfordshire County Council as highway authority.



- 9.53 The Transport Assessment demonstrates that the vehicle movements associated with the site are likely to be fewer than would be experienced with a C3 residential scheme and are likely to be outside of peak traffic flows.
- 9.54 The Transport Assessment also demonstrates that there is sufficient space within the application site to access and manoeuvre a range of larger vehicles including refuse and service vehicles and emergency vehicles including fire tenders.
- 9.55 A total of 74 parking spaces would be provided upon the site for use by residents and staff. This would equate to the provision of 0.71 spaces per unit. Saved Appendix 5 of the Local Plan 1991-2011 requires the provision of 0.25 spaces per bed space (48 spaces) with additional parking spaces for staff at a general needs standard (6 spaces). No requirements are set out for visitor parking to C2 schemes within Appendix 5 however based on empirical data from Elysians operating partner this would typically relate to 17 visitors daily. 20 visitor spaces would be provided in this location. The provision of a car club space is included in the scheme at the request of Berkhamsted Town Council.
- 9.56 Given the nature of the occupants, age and care needs, the quantum of parking would be considered sufficient for future occupants and visitors in accordance with Policies CS8 and CS12 of the Core Strategy and Saved Appendix 5 of the Local Plan 1991-2011. These spaces would have access to EV charging infrastructure facilitating a model shift towards electric vehicles by residents in the interests of sustainability.
- 9.57 The proposals would also promote a number of alternative means of travel to and from the application site and to support the mobility and social interaction of future occupants. The occupants of the scheme will be residents with care needs and these may be prohibited from use of the private car. The applicants will invest in the provision of a designated electric bus service to enable these residents to access the town centre of Berkhamsted, supermarkets and important local services such as GP premises. A large parking bay is also provided to enable an electric mini-bus service to operate. The frequency of this service and its use for the life of the development will need to be secured through a legal agreement.

#### Flood Risk and Drainage

- 9.58 The Lead Local Flooding Authority are satisfied with the submitted flood risk assessment and details of site drainage subject to the imposition of planning conditions. These include a number of pre-commencement conditions that have been agreed with the applicants in advance of this report.
- 9.59 The drainage strategy for the site sees surface water discharged from the site into the local surface water sewer network in Kings Road at a reduced rate of 2.11 l/s after storage in below ground attenuation facilities including a tank and permeable paving. Permeable paving areas at the site have been oversized to reduce surface water runoff. This acknowledges that a surface water flow path crosses the site and along Kings Road as a result of soil conditions and reacts accordingly to prevent any off site flooding.

#### Sustainability

- 9.60 The application is accompanied by a Design and Access Statement and Energy Statement which addresses the requirements of Policies CS28, CS29, CS31 and CS32 of the Core Strategy.

- 9.61 The development incorporates several passive and active energy measures including the specification of a high performing building fabric, insulated pipework and efficient fixtures and fittings and the inclusion of air source heat pumps (ASHP)
- 9.62 These ASHP are preferred to meet the operational needs of the provider and will be installed as the most appropriate form of renewable technology for use at the application site and to ensure compliance with Building Regulations Part L 2013 and Part L 2020 (in the event of its release) These will provide heating and hot water. The proposals would currently reduce carbon emissions by some 64% over Part L 2013.
- 9.63 The approach to the development of the site follows the energy hierarchy in Figure 16 of the Core Strategy and is an appropriate and sustainable approach to the development of the site.
- 9.64 The sustainable development of the site extends to the measures to enhance landscaping, minimise impacts on biodiversity, the inclusion of sustainable drainage where feasible and encourage more sustainable forms of transport through the use of EV infrastructure, provision of electric bus service and facilities for other means of transport.

#### Developer Contributions and Infrastructure

- 9.65 All new developments are expected to contribute towards the costs of on site, local and strategic infrastructure in accordance with Policy CS35 of the Core Strategy. The Council seeks to secure such infrastructure contributions through a combination of CIL and through an appropriate use of planning obligations under Section 106 of the Town and Country Planning Act 1990 (As Amended)
- 9.66 The site is located within CIL Charging Zone 1 wherein CIL charges would be levied in relation to residential, retirement housing and large forms of commercial development. In accordance with the Charging Schedule no charge would be levied against Extra Care housing which as a land use can result in marginal or sub optimal scheme viability.
- 9.67 It is prudent to secure those elements of care within the property which result in its overall land use falling within a C2 use class and being exempt from the CIL charges under the adopted Charging Schedule. The suggested heads of terms for such matters are those controlling the age of occupants, an assessment of their medical needs and a minimum level of social care. These will be offered to local residents through preferential marketing in the first instance.
- 9.68 A wide range of communal spaces are also needed in support the care of residents including those covering the medical care suite, the provision of 24/7 care staff and social interaction. Without these facilities being secured in perpetuity in is difficult to make a compelling case for the approval of the C2 facility. The Herts Valley Clinical Commissioning Group (HVCCG) have also requested that be spaces be secured for those in need of adult social care and that a contribution is also provided for GP provision. Whilst the contribution towards GP provision is reasonable and has been adjusted to account for the provision of care and facilities, we are not able to secure bed spaces given a lack of certainty over occupation and the unreasonable operating restrictions that would result upon the operator as a result of vacant bed spaces.
- 9.69 A contribution of £764,000 will be secured towards the provision of affordable housing in order to address the need to provide affordable homes in association with the allocation of LA4 and having regard to the community's aspirations for this development site. The contribution is considered to be appropriate under Regulation 123 of the CIL Regulations

2010 (As Amended) being reasonable, necessary and proportionate in the circumstances. This contribution will be secured via the legal agreement.

- 9.70 The use of communal spaces such as the restaurant and multi-purpose meeting rooms by the wider community of Berkhamsted will also be secured in lieu of a contribution towards community facilities identified in the development requirements for LA4. In particular the provision of community meeting space would be useful in addressing a deficiency in this type of facility within the town. This multi-purpose meeting space would amount to some 70m<sup>2</sup> of the proposed floor area.
- 9.71 The availability of on-site parking is carefully justified in terms of the mobility and use of vehicles by residents of the site. It is accepted that the car use is likely to be lower than a conventional residential scheme and that an electric bus service will be utilised by residents to access other facilities within the town. There is a need to secure this bus service through a Section 106 to ensure that the service is regular and operates in perpetuity.

### The Planning Balance

- 9.72 As identified in paragraph 9.4 of this report, paragraph 11 of the NPPF states that “where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, decision takers must grant permission unless:
- i) The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole
- 9.73 There are no specific development plan policies for the provision of new C2 use class accommodation in the Core Strategy and the Council cannot demonstrate a five year housing land supply. An assessment is thus required as to whether the adverse impacts of development would significantly and demonstrably outweigh the benefits of the scheme.
- 9.74 As identified in the report, there are few negative aspects to the scheme under consideration. The development is a high quality proposal which should be supported.
- 9.75 In terms of the planning balance, I find that the proposals would have slight negative social implications as a result of the inability of the scheme to provide affordable housing on site as per the NPPF and Policies CS19 and LA4 of the Core Strategy. Such harm is however more than adequately off-set by the positive social benefits associated with the delivery of extra care units and mitigated through the provision of a commuted payment for affordable homes.
- 9.76 The proposed development would provide accommodation for quickly changing and increasing needs of the elderly and is likely to address, in part, an issues that will need to be addressed through the SLP in terms of identified housing need. This site will still makes a valuable contribution towards the general delivery of homes in accordance with the NPPF and the housing target under Policy CS17 of the Core Strategy and will assist to address deficiencies in the Councils 5 year housing land supply.
- 9.77 The loss of planned market housing is considered neutral in weight as there is evidence that the provision of extra care housing can assist in the release of underutilised family housing contributing towards the supply and affordability of other homes in the local area.

The proposal will free-up market housing as a result of those moving from dwellings to the care facility. As such, no harm is considered to result from this conflict with the development plan. Residents within the locality are to be provided preferential treatment in securing properties to ensure that the benefits remain local.

- 9.78 Extra care schemes may also assist in delivering benefits in terms of health and well-being of residents leading to a reduction in pressure placed on adult care services, local health and medical service providers. The applicant's scheme incorporates facilities which will increase social interaction amongst the elderly with classes focused on improving cognitive health.
- 9.79 The scheme would deliver economic benefits both through employment opportunities in the construction industry and through the creation of a modest number of jobs (16) in terms of the daily running and administration of the care facility.
- 9.80 The scheme is considered to have a small negative environmental impact as a result of a loss in biodiversity value. This loss in biodiversity is unavoidable and does not compare favourably with alternative C3 residential schemes for the site as set out in the accompanying ecological report. The alternative residential schemes could result in a loss in biodiversity from -1.93 units to -2.6 units. The loss in biodiversity is mitigated by the provision of a high quality landscaping scheme for the site and measures to ensure that the proposed development is sustainable in all other aspects.
- 9.81 I am satisfied that the adverse impacts of development would not significantly and demonstrably outweigh the benefits of the scheme when assessed against the NPPF and as such should be supported.

### Other Matters

#### *Archaeology*

- 9.82 The County Archaeologist has suggested that the site is subject to archaeological investigations to ensure that any on site archaeology is protected or recorded in accordance with the NPPF and Policy CS27 of the Core Strategy. These works have been conditioned.

#### *Contamination*

- 9.83 It is possible that the site may be contaminated and as such there will need to undertake further investigation and remediation works in order to make the site acceptable for residential use. These works have been conditioned.

#### *Minerals*

- 9.84 It is unlikely that the extraction of minerals from the site will be feasible given the proximity of existing residential units. Given the allocation of the site for residential purposes within the Core Strategy permission may not be unreasonably withheld on this basis.

#### *Noise*

- 9.85 The applicants provided updated Noise Information to address the concerns of the Environmental Health team on the 7<sup>th</sup> September 2020 and confirming that the site had been measured downwind of the A41 to represent a worst case scenario for the assessment of the impact of noise on residents. No response has been received in relation to this amended report.

- 9.86 The noise assessment confirms that the WHO guideline level of 55 dB(A) will be achieved on the majority of balconies, however there are a limited number of balconies on the facades of the building overlooking the A41 where this may slightly exceeded (56 dB(A) – 60 dB (A)).
- 9.87 Although these balconies will exceed the WHO recommendation for noise to amenity areas, it is considered unlikely that in the urban context of the site that noise would impact upon their intended amenity use. It is also noted that there will be external amenity areas available to all occupants that are capable of achieving the WHO recommendation. On this basis it is considered that noise should not result in unacceptable living conditions for occupants in accordance with Policy CS12 of the Core Strategy.

#### *Waste*

- 9.88 The site will need to be subject to a construction and site waste management plan to ensure that such matters are appropriately addressed in accordance with the comments of the Minerals and Waste planning team at HCC and the County Council as highway authority.
- 9.89 Refuse collection will be undertaken on the ground floor within the confines of the car park. The refuse collection point is located in the west of the car park and refuse will be transferred to this point from the refuse bins on the lower ground floor level. Refuse vehicles would use the car park to collect, turn around and exit the site through the access. The car park has been designed to accommodate the size and manoeuvrability of this vehicle. Further details of the bin store within the car parking area should be secured through the landscaping condition (9)

## **10 CONCLUSION**

- 10.1 The proposed development will deliver significant planning benefits in terms of the delivery of housing and facilities for social care and these would weigh significantly in favour of the grant of planning permission. The proposed development is a high quality sustainable residential scheme which is well designed and responds positively to its surrounding environment. Accordingly the proposals are considered to meet with the aims and objectives of the NPPF and the statutory development plan for the area.

## **11 RECOMMENDATION**

- 11.1 That the application is **DELEGATED** with a **VIEW to APPROVAL** subject to the completion of a planning obligation under S106 of the Town and Country Planning Act 1990 as amended and subject to the conditions below:

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

- That the occupation of the scheme is restricted to those over or equal to 65 years in age
- That occupants of the scheme are subject to a pre-occupation health assessment to establish any care and support needs
- That the occupation of each unit is restricted to individuals or family units that are in receipt of a minimum 2 hours of care per week
- The retention the use of multi-purpose rooms, catering and medical facilities (24hrs) in perpetuity,
- The use of the multi-purpose rooms by the local community for a minimum of 2 hours per week.

- The provision of a residents electric bus service for the life of the development,
- That there is a period of focused marketing of units for existing residents within the locality
- a contribution of £746,000 towards the cost of providing affordable housing
- a contribution of £27,707 towards the provision of GP services
- a sum of £23,160 towards the off-site biodiversity improvement projects
- a requirement for fire hydrants or alternative means for fire-fighting to be provided prior to occupation of the scheme.

**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:**

**Plans**

**PO-001 (Site Location Plan)**  
**PO-100 (Proposed Site Plan)**  
**PO-101 (Proposed NE Elevation)**  
**PO-102 (Proposed SE Elevation)**  
**PO-103 (Proposed SW Elevation)**  
**PO-104 (Proposed NW Elevation)**  
**PO-105 (Proposed Section)**  
**P1-100 (Lower Ground Floor Plan)**  
**P1-101 (Upper Ground Floor Plan)**  
**P1-102 (First Floor Plan)**  
**P1-103 (Second Floor Plan)**  
**P1-104 (Third Floor Plan)**  
**P1-105 (Roof Plan)**  
**P2-100 (Courtyard Section)**  
**P2-101 (Courtyard Section)**  
**P3-100 (Block A NE Elevation)**  
**P3-101 (Block A SE Elevation)**  
**P3-102 (Block A SW Elevation)**  
**P3-103 (Block A NW Elevation)**  
**P3-200 (Block B NE Elevation)**  
**P3-201 (Block B SE Elevation)**  
**P3-202 (Block B SW Elevation)**  
**P3-203 (Block B NW Elevation)**  
**P4-100 (Entrance Detail)**  
**P4-101 (Bay Detail)**  
**P4-102 (Bay Detail)**  
**P4-103 (Courtyard Detail)**  
**P4-200 (Typical 1 bed unit)**  
**P4-201 (Typical 2 bed unit)**  
**P4-202 (Penthouse unit)**  
**649.02.001 Revision F (Landscape Masterplan)**

## Documents

Air Quality Assessment (BER-WSP-SW-XX-RP-AQ-004) by WSP dated July 2020  
Arboricultural Impact Assessment by Lockhart Garratt dated July 2020.  
Design and Access Statement by ColladoCollins Architects dated July 2020  
Ecological Appraisal (Revision E) by FPCR Environment and Design Ltd dated July 2020  
Energy Statement – Revision 3 by Hoare Lea dated June 2020.  
Environmental Noise Survey – Revision 6 by Hoare Lea dated 4<sup>th</sup> September 2020  
Flood Risk Assessment and Drainage Strategy (BER-WSP-SW-XX-RP-C-001) by WSP dated July 2020  
Landscape and Ecology Management Plan by Bradley-Hole Schoenaich and FPCR Environment and Design Ltd dated July 2020  
Outline Construction Environment Management Plan (CEMP) by Elysian Residences dated July 2020  
Preliminary Geo-Environmental Risk Assessment (Desk Study) (BER-WSP-SW-XX-RP-S-001) by WSP dated July 2020  
Transport Assessment (BER-WSP-SW-XX-RP-T-001) by WSP dated July 2020  
Travel Plan by WSP dated July 2020.

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

## Design

3. **No development, except that involved in the provision of foundations, contamination or other site investigations or services, shall take place until samples 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. These materials shall be made available to view on site.**

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).

## Access and Highway Conditions

- 4 **The development hereby approved, shall not be used, until the means of access, parking and circulation areas have been provided fully in accordance with the approved plans.**

Reason: To ensure the provision and retention of adequate access and parking facilities for the site in accordance with Policies CS8 and CS12 of the Core Strategy.

- 5 **Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The details would need to include:**

a) Works to create the bellmouth entrance, with a kerb radii of 6m on either side.

**b) Works to create a stretch of 2m wide footway fronting the site on the south-west side of Shootersway in addition to a pedestrian dropped kerb with Tactile paving on either side of Shootersway to create a safe pedestrian crossing point, laid out in accordance with standards laid out in Guidance on the use of Tactile Paving Surfaces.**

Reason: In the interests of highways safety and in accordance with Policies CS8, CS12 and CS26 of the Core Strategy.

- 6. The development hereby permitted shall not be occupied until the offsite highway improvement works referred to in Condition 5 shall be completed in accordance with the approved details.**

Reason: In the interests of highways safety and in accordance with Policies CS8 and CS12 of the Core Strategy.

- 7. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include details of:**

- a) Construction vehicle numbers, type, routing;**
- b) Swept path analysis for the largest anticipated vehicle to use the temporary access;**
- c) Traffic management requirements;**
- d) Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);**
- e) Siting and details of wheel washing facilities;**
- f) Cleaning of site entrances, site tracks and the adjacent public highway;**
- g) Timing of construction activities (including delivery times and removal of waste);**
- h) Provision of sufficient on-site parking prior to commencement of construction activities; and**
- i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway.**

Reason: In the interests of highways safety in accordance with Policies CS8 and CS12 of the Core Strategy.

- 8. The Travel Plan hereby approved shall be implemented fully in accordance with the Action Plan set out in Section 9.3 of the Travel Plan by WSP dated July 2020. All monitoring outputs shall be submitted to Hertfordshire County Council as highway authority annually for a period of five years post occupation of 75% of the development.**

Reason: In the interests of highways safety in accordance with Policies CS8 and CS12 of the Core Strategy.

#### Landscaping Conditions

- 9. No development, except that involved in the provision of foundations, contamination or other site investigations or services, 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 landscaping works shall be based on the details contained within the approved Design and Access Statement, drawing 649.02.001**



**Revision F (Landscape Masterplan) and the Landscape and Ecology Management Plan by Bradley-Hole Schoenaich and FPCR Environment and Design Ltd dated July 2020**

These details shall include:

- means of enclosure;
- soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;
- refuse storage facilities;
- minor artefacts and structures (e.g. furniture, play equipment, signs, or other storage units, etc.); and
- the siting and design of any bird boxes, bat boxes and other habitat creation.

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 ensure the adequate landscaping of the site in accordance with Policies CS12, CS26 and CS29 of the Core Strategy.

- 10. No development shall take place until the measures for the protection of trees have been provided in accordance with the Tree Protection Plan within the Arboricultural Impact Assessment by Lockhart Garratt. The fencing shall remain in-situ and be free from the storage of construction material, plant and machinery for the duration of the construction period.**

Reason: To ensure the adequate protection of trees and landscaping features in accordance with Policy CS12 and Saved Policy 99 of the Local Plan 1991-2011.

Archaeology

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

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

**Any demolition/development shall take place in accordance with the Written Scheme of Investigation approved under Condition 11**

Reason: To ensure the adequate protection and monitoring of archaeology in accordance with Policy CS27 of the Core Strategy

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

Reason: To ensure the adequate protection and monitoring of archaeology in accordance with Policy CS27 of the Core Strategy

### Contamination

13. **The Local Planning Authority is of the opinion that the Preliminary Geo-Environmental Risk Assessment (Desk Study) submitted at the planning application stage (Document Reference: WSP BER-WSP-SW-XX-RP-S-001 July 2020) indicates a reasonable likelihood of harmful contamination and so 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.**

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.

14. **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 Condition 13, above; has been submitted to and approved 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.

15. **This development hereby approved 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 (b) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.**
  - (ii) **A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.**

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

16. **Any contamination, other than that reported by virtue of Condition 13 and 14 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.

#### Drainage

17. **The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment and Drainage Strategy, dated July 2020, Project No. 70055659, Ref. BER-WSP-SW-XX-RP-C-001, prepared by WSP and the following mitigation measures:**

1. **Provide attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change (40%) event.**

2. **Implement drainage strategy based on permeable paving with sub-base, concrete attenuation tank and restricted discharge at 2.11l/s via a Hydro-Brake into the Thames Water surface water sewer (MH3051).**

3. **Provide 136.2m<sup>3</sup> of pluvial flood storage in deeper permeable paving sub-base during the 1 in 30 year event, with discharge to be restricted as part of the overall whole site discharge into the Thames Water surface water sewer at 2.11l/s for the entire site; ensuring the predicted surface water flow route is effectively conveyed on site during overflow scenarios.**

Reason: To reduce the risk of flooding to the proposed development and future occupants. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with Policies CS31 and CS32 of the Core Strategy.

18. **Prior to the superstructure works, the final design of the drainage scheme shall be completed and sent to the LPA for approval. The surface water drainage system will be based on the submitted Flood Risk Assessment and Drainage Strategy, dated July 2020, Project No. 70055659, Ref. BER-WSP-SW-XX-RP-C-001, prepared by WSP. The scheme shall also include:**

1. **Assessment of the feasibility of infiltration on site, in the form of BRE Digest 365 infiltration tests for shallow soakaways, or falling head tests, if deepbore soakaways are proposed; in addition to a full site investigation. The final detailed drainage strategy may need to be updated in accordance with any findings.**

2. **Groundwater monitoring over the autumn-winter months.**

3. Survey of the existing pond to determine the source and ensure that the ponds use is fully understood and maintained within the future development.
4. Assessment of the effect of runoff into the sunken courtyard areas.
5. Modelling of the overland surface water flow path, demonstrating that the volume currently proposed is sufficient for the 1 in 30 year event and that there is no flooding of any building up to the 1 in 100 year + 40% for climate change event.
6. Detailed engineered drawings of the proposed SuDS features including their location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance for climate change event.
7. Detailed engineered drawings of all aspects of the proposed pluvial flood storage within the deeper permeable paving sub-base including all connections and conveyance routes; including within landscaped areas.
8. Detailed structural engineered drawings of the proposed concrete tank under the building.
9. Demonstrate appropriate SuDS management and treatment (including the access road) and inclusion of above ground features such as permeable paving, reducing the requirement for any underground storage.
10. Provision of half drain down times for surface water drainage within 24 hours
11. Silt traps for protection for any residual tanked elements.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policies CS31 and CS32 of the Core Strategy

19. Upon completion of the drainage works for the site in accordance with the timing / phasing arrangements, the following must be submitted to and approved in writing by the Local Planning Authority:

1. Provision of a verification report (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme). The verification report shall include photographs of excavations and soil profiles/horizons, installation of any surface water structure (during construction and final make up) and the control mechanism.
2. Provision of a complete set of as built drawings for site drainage.
3. A management and maintenance plan for the SuDS features and drainage network.
4. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with Policies CS31 and CS32 of the Core Strategy.

20. No drainage system for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters and must be carried out in accordance with the approved details.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by the mobilised contaminants in line with paragraph 170 of the NPPF and to prevent the further deterioration to groundwater quality and recovery of a drinking water protected area of the Mid Chilterns Chalk Groundwater body.

- 21. No development shall commence until such time as a scheme for the disposal of foul drainage has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved.**

Reason: To prevent the deterioration to groundwater quality and to support recovery of the drinking water protected area of the Mid-Chilterns Chalk Groundwater body.

- 22. Piling and other deep foundation designs using penetrative methods shall not be carried out other than with the written permission of the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

Reason: Some piling techniques can cause preferential pathways for contaminants to migrate to groundwater and cause pollution,

- 23. A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained will be secured, protected and inspected. The scheme shall be implemented in accordance with the approved details prior to use of any part of the building.**

Reason: To ensure that redundant boreholes are safe and secure and do not cause groundwater pollution or loss of water supplies in accordance with paragraph 170 of the NPPF.

#### Noise

- 24. No individual unit within the scheme shall be occupied until the noise targets for internal and external space as set out in the Environmental Noise Survey – Revision 6 by Hoare Lea dated 4<sup>th</sup> September 2020 have been achieved or an explanation for the not achieving these standards has been submitted to and approved in writing by the local planning authority.**

Reason: To ensure a satisfactory level of residential amenity for future occupants of the scheme in accordance with Policy CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011.

**APPENDIX A: CONSULTEE RESPONSES**

| <b>Consultee</b>                                 | <b>Comments</b>  |
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| Berkhamsted Town Council                         | No objection.  |
| Hertfordshire County Council Archaeological Unit | <p>There are no known archaeological finds recorded from within the proposed development, but cropmarks of two ring ditches visible on aerial photographs are recorded in the adjacent field to the south-west, and these are likely to be ploughed-out Bronze Age round barrows [Historic Environment Record no. 17602]. These, as noted in the Historic Environment Desk Based Assessment (WSP 2020) submitted with the application lie just below a low ridge and development site occupies the same landscape location. The site therefore has the potential to contain prehistoric remains. Since the site has remained undeveloped until the present day, any such archaeological remains present are likely to be well preserved.</p> <p>A geophysical survey and limited trial trench evaluation was undertaken on the site in 2013, as part of the local plan allocation process. No archaeological features or finds were recorded during the evaluation but only a small sample of the site was evaluated, via only three trial trenches. Further assessment of the potential of the site is therefore necessary, in order to clarify the likely impacts of the development. A similar recommendation is made by the applicant’s archaeological consultant (Historic Environment Desk Based Assessment 8.2).</p> <p>I believe therefore that the position and details of the proposed development are such that it should be regarded as likely to have an impact on significant heritage assets with archaeological interest. I recommend that the following provisions be made, should you be minded to grant consent:</p> <ol style="list-style-type: none"> <li>1. The evaluation, via trial trenching, of the proposed development site, prior to development commencing;</li> <li>2. such appropriate mitigation measures indicated as necessary by the evaluation. These may include: <ol style="list-style-type: none"> <li>a) the preservation of any archaeological remains in situ, if warranted, by amendment(s) to the design of the development if this is feasible;</li> <li>b) the appropriate archaeological excavation of any remains before any development commences on the site;</li> <li>c) the archaeological monitoring and recording of the ground works of the development, including foundations, services, landscaping, access, etc. (and also including a contingency for the preservation or further investigation of any remains then encountered);</li> </ol> </li> </ol> |

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

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

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

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

**Condition A**

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

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

**Condition B**

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

ii) The development shall not be occupied until the site investigation

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|   | <p>and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.</p> <p>If planning consent is granted, then this office can provide details of the requirements for the investigation and information on archaeological contractors who may be able to carry out the work.</p>   |
| <p>Hertfordshire Constabulary</p>                     | <p>From a Security and Crime prevention perspective, this office has concerns regarding developments being built to C2. When building to C2, ADQ document Q does not have to be adhered to therefore the security standard will be lower than a development built to C3. If elderly people or people needing care are living in the dwellings they are vulnerable and, their housing should be built to a higher security standard not lower.</p> <p>I would ask that the development is built to the Physical Security standard – ADQ or SBD</p> <p>This would involve :</p> <p>Physical Security – ADQ and SBD:</p> <ul style="list-style-type: none"> <li>•Communal entrance doors to blocks of flats: LPS 1175 SR 2</li> <li>•Individual Flat Entrance doors: S Pas 24:2016.</li> <li>•Ground level exterior windows or windows at other levels that are easily accessible: PAS 24:2016.</li> <li>•Access control standard for flats is: More than 10 flats sharing a communal entrance then audible and visual access control</li> <li>•Mobility Store and Bin Store external doors: to be secured and to BS PAS 24: 2016 or its equivalent.</li> </ul> |
| <p>Hertfordshire County Council - Ecological Unit</p> | <p><u>Protected species</u></p> <p>The ecological survey included an assessment of the presence or potential presence of protected species within the site. This include eDNA tests for great crested newts within the onsite pond, a ground level assessment of the trees for potential roosting features and the application of static bat detectors to characterise the use of the site by bats. The results of these surveys were interpreted as indicating the absence of great crested newts, the presence of four trees with roosting potential and the use of the site as a local foraging and commuting site for bats. No evidence of Badgers was found on site though the likely presence badgers in the area was acknowledged. I have no reason to doubt these conclusions.</p> <p>I advise the precautionary measures relating: to lighting, clearance of vegetation, trenches and trees; detailed within then Extended Phase 1 Habitat Survey by FPCR Environment and Design Lt, sections 5,7 to 5,10 (report date 9/7/2020) form informatives for any consent given.</p> <p><u>Habitats</u></p>  |



The ecological report provides an assessment of the habitats on site and the LEMP an indication of the impact of the proposed development on these habitats as the new habitats is proposed will result from the development. Of the three hedgerows characterised in the report the hedgerow H1 is a priority habitat under the S41 NERC act criteria and was identified as narrowly missing classification under the hedgerow regulations 1997 as hedgerow of importance I am pleased to see this would be retained and improved by the development.

The principle issue of concern relates to the grassland within the meadow to the south of the site. This has been subject to a number of previous assessments in 2013 and 2014 and advice to the LPA regarding the value of the site in respect to site allocation. The most recent survey found an average species diversity of 10.3 plant species per 2m<sup>2</sup>. Whilst this and the species composition may not meet the UK Habitat Classification definitions of 'Other Neutral Grassland', previous surveys have assessed the site differently. The current predominance of palatable grass species such as Yorkshire fog and the apparent low frequency in the survey of the forb species may be a reflection of the current management regime of more regular mowing. The previous hay cutting to around 2010 was entirely consistent with traditional management suitable for supporting a grassland of relatively high biodiversity value. In regarding the grassland as 'Modified' this is defined as representative of a species-poor or otherwise nutrient enriched, agriculturally improved grassland. As such, it would also be considered poorer in quality than a rank, unmanaged, coarse grass dominated sward – which it palpably is not. Consequently, I do not consider this definition to be reasonable – even the most recent species list suggests that the grassland is of greater value than this as it includes at least 10 indicator species for neutral grassland, the criteria for a Local Wildlife Site being 8, from a total of 30 recorded for this grassland area.

This view is also reflected in the earlier surveys - an Extended Phase 1 Habitat Survey by Eco Consult wildlife Consultancy (2013) and a survey carried out Herts Ecology in 2014. Both of these found a greater diversity of plant species on the site than presently recorded, including a total of 13 LWS Indicator plants from both surveys (see attached) from 43 species recorded in total. These were found to occur in a variable but reasonable frequency across the site. Overall the site was assessed by the original consultancy as being a UK Biodiversity Action Plan (UKBAP) Priority Habitat – Lowland meadow (albeit a species-poor example), and by HE as meeting the criteria for status as a Local Wildlife Site.

The site also had a long history of being managed as a hay meadow and it is noted that presently it is still mowed, although more frequently (monthly) but with the cuttings removed. This management will have prevented significant deterioration of the quality of the grassland from nutrient build up in the soil and the creation of any dense thatch but could have modified the visible nature of the sward. According to FPCR it has not been affected by any reseeded and there is also no suggestion it has been improved by herbicides or

fertilizers. Consequently, it is not unreasonable to consider that the former grassland quality has not been lost. In my view whilst more recent management may have affected the grassland, any observable changes are a reflection of more recent times in the history of the site and do not reflect the essential nature of the grassland community which has had up to 14 LWS indicator species consistently recorded in total over the last seven years from three surveys.

It is evident from the information accompanying the supplied metric that the results of the recent survey did not fit particularly well in to an NVC description of a Neutral Grassland type anyway. In fact this may be a characteristic of many Hertfordshire grasslands, and should not be regarded as a definite statement on their nature or quality within the county. Indeed, if we assume this is Modified grassland, this is defined in the UK Habitat Classification as being dominated by a few fast growing grasses on fertile, neutral soils... characterised by Rye-grass and White clover...broadleaved species restricted mainly to White clover, Creeping buttercup, Greater plantain, Dandelion, Broad-leaved dock and Chickweed. I do not recognise this type of grassland as reasonably reflected by any of the surveys undertaken on this site within the last seven years. The grassland clearly supports a semi-natural community which has not been improved and clearly met LWS criteria in terms of number of Indicator species and relative abundances. Nothing has been done to irrevocably damage or destroy the grassland and so its previously identified interest is still highly likely to be present. In my view it should not be regarded as being representative of a species-poor or an agricultural sward, which is what is proposed. Consequently, I would advise that the grassland has a higher value than has currently been proposed and that this should be considered as 'Other Neutral Grassland' for the purposes of the metric. This is consistent with it being degraded from a lowland meadows priority grassland for which it has already previously been identified.

In respect of its Condition assessment, given the principle categories on which this is based, I can agree that it should be assessed as of being in moderate condition although from past management there is nothing to suggest it shouldn't be considered as in fairly good condition. This would change the resulting base line value resulting from the metric for this habitat from 3.88 to 7.76 biodiversity units.

#### Biodiversity Net Gain

I support the use of the Biodiversity metric V2 to calculate the biodiversity value of the site consistent with the present expectations of government policy as reflected in the Environment Bill. The metric already demonstrates that the development is not able to fully compensate for the biodiversity loss within the site. Consequently, the requirements for net gain will need to be recalculated if the LPA is to acknowledge the full extent of loss of ecological interest from this site.

The NPPF aims that in addition to compensating for any loss, a development should enable a biodiversity net gain to be achieved, which should be 10% as proposed in the Environment Bill. Since it is not possible to achieve compensation and gain within the

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|   | <p>development site, an off-site solution should be found to deliver this</p> <p>.</p> <p>On the basis of the above, I advise the metric is recalculated to reflect the grassland to be lost as be Other Neutral Grassland and in Moderate Condition. The number of Biodiversity Units required to achieve this requires conversion to a monetary sum for which I advise a rate of £12000 / biodiversity unit, the mean sum originally proposed by Government in 2018. This should be held by Dacorum to be spent on an identified project, or a project to be identified and initiated within the next five years, that results in delivering suitable biodiversity net gain locally as a result of this development.</p>   |
| Hertfordshire Fire and Rescue Service                         | <p>We were consulted by Herts Highways on the above planning application for comments on firefighter access and was told to pass any comments on to yourself.</p> <p>Appendix E within the Transport Assessment document gives a swept path plan however the vehicle used has a width of 2.530m whereas our standard fire appliance width is 2.9m</p>  |
| Hertfordshire County Council – Growth and Infrastructure Unit | <p>Hertfordshire County Council's Growth &amp; Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within your CIL zone and does not fall within any of the CIL Reg123 exclusions. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.</p>   |
| Hertfordshire County Council Highways Department              | <p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council (HCC) as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. No development shall commence until full details have been submitted to, and approved in writing by the Local Planning Authority in consultation with the Highway Authority, to illustrate the following: <ol style="list-style-type: none"> <li>a. Clarification as to what 278 works are included as part of submitted documents. Drawing no. 70055659-SK-01 P03 indicates a footway but it would need further clarification in line with the 278 comments within this response and the previous HCC pre-app response.</li> <li>b. Approval from Hertfordshire Fire and Rescue (I have forwarded the application details onto them for their attention).</li> </ol> </li> </ol> <p>Reason: To ensure satisfactory development of the site and a satisfactory standard of highway design and construction in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <ol style="list-style-type: none"> <li>2. A. Highway Improvements – Offsite (Design Approval)</li> </ol> |

Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The details would need to include:

- o Works to create the bellmouth entrance, with a kerb radii of 6m on either side.
- o Works to create a stretch of 2m wide footway fronting the site on the south-west side of Shootersway in addition to a pedestrian dropped kerb with Tactile paving on either side of Shootersway to create a safe pedestrian crossing point, laid out in accordance with standards laid out in Guidance on the use of Tactile Paving Surfaces.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

#### B. Highway Improvements – Offsite (Implementation / Construction)

Prior to the first occupation of the development hereby permitted the offsite highway improvement works referred to in Part A of this condition shall be completed in accordance with the approved details.

#### 3. Provision of Parking & Servicing Areas

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

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

#### 4. Construction Management Plan

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:

- Construction vehicle numbers, type, routing;
- Traffic management requirements
- Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
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Siting and details of wheel washing facilities;  Timing of construction activities (including delivery times and removal of waste);  Provision of sufficient on-site parking prior to commencement of construction activities;

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

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](http://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.

AN) Travel Plan for the development consisting of a written agreement with the County Council which sets out a scheme to encourage, regulate, and promote sustainable travel measures to the site in accordance with the provisions of the County Council's 'Travel Plan Guidance for Business and Residential Development', which is subject to an overall sum of £6,000 payable before use of the development. This 'evaluation and support contribution' is to cover the County Council's costs of administering and monitoring the objectives of the

Travel Plan and engaging in any Travel Plan Review.

The applicant's attention is drawn to Hertfordshire County Council's guidance on residential/commercial Travel Plans: [www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx](http://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx)

Our Travel Plan team can provide further advice at [travelplan@hertfordshire.gov.uk](mailto:travelplan@hertfordshire.gov.uk)

#### COMMENTS / ANALYSIS:

The application comprises of the construction of a care home (class C2) development comprising of 103 units and associated works on land to the rear of Hanburys, Shootersway, Berkhamsted. The site is accessed via Shootersway, which is designated as a classified C, local distributor road, subject to a speed limit of 30mph and is highway maintainable at public expense. A Transport Assessment (TA) has been submitted as part of the application. Vehicle Access There is an existing vehicle crossover (VXO) / dropped kerb access to the site, which is proposed to be upgraded to facilitate access to the proposed care home. HCC as Highway Authority would not have any objection to the location of the access point with available vehicular to vehicular visibility splays in accordance with guidance as outlined in Roads in Hertfordshire: Highway Design Guide and Manual for Streets. Vehicular to vehicular splays of 2.4m by 43m are shown on submitted drawing number 70055639\_SK-01 P03 and considered to be acceptable. The proposals include upgrading the existing VXO to a formalised bellmouth access leading to a 5.59m wide access road, parking and turning area, the details of which are shown on submitted drawing no. PL\_100 C. The proposed access design includes kerb radii of 6m on either side and the access road is of an acceptable width to enable two vehicles to pass one another and the designs are in accordance with design criteria as laid out in Roads in Hertfordshire: Highway Design Guide. Consideration would need to be made to provisions to ensure that vehicles do not park along the private access road or within any part of any turning areas to ensure permanent availability of these turning and access areas.

#### Pedestrian Access

There is an existing highway pedestrian footway on the north-east side of Shootersway although no pedestrian footway on the south-west side of Shootersway (the side of the application site). A stretch of 2m wide pedestrian footway is to be provided at the front of the site on the highway extending to the proposed pedestrian footway into

site. A safe and convenient crossing point with tactile paving on either side of Shootersway and visibility splays of 0.5m by 4.3m in either direction would need to also be provided (please see 278 works below and above conditions / informatives).

#### Section 278 Highway Works

The applicant would need to enter into a Section 278 Agreement with HCC as Highway Authority in relation to the approval of the design and implementation of the works that would be needed on highway land including:

- Works to create the bellmouth entrance, with a kerb radii of 6m on either side.
- Works to create a stretch of 2m wide footway fronting the site on the south-west side of Shootersway in addition to a pedestrian dropped kerb with Tactile paving on either side of Shootersway to create a safe pedestrian crossing point, 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 provide the extra information as requested and obtain an extent of highway plan to clarify the works which would be within the existing highway. Please see the above conditions and informatives.

#### Refuse & Service Vehicle Access

The proposals include a loading bay and turning head, which would be necessary to ensure that all vehicles using the site would need to be able to easily and safely turn around on site and egress in forward gear to the highway. Swept path analysis for a 7.5t panel van have been included as part of the submitted TA, the details of which are considered to be sufficient and acceptable by HCC as Highway Authority. Normally, provision would need to be made for an on-site refuse/recycling store within 30m of each dwelling. The current proposals do not demonstrate this although it is acknowledged that the arrangements are for a care home rather than individual dwellings and details of the waste management have been included as part of the TA. Swept path analysis for a refuse vehicle has been submitted as part of the TA to illustrate that a refuse vehicle would be able to access the site and egress to Shootersway in forward gear, the arrangements of which are considered to be acceptable by HCC as Highway Authority. The provisions and collection method would need to be included as part of any full application and confirmed as acceptable by DBC waste management.

#### Trip Generation

The expected trip generation for the proposed development has been included as part of the submitted TA. Only three comparable sites have been used as part of the TRICS assessment (compared to the recommended five as stated in HCC's pre-app response). However following consideration of the details of justification for this in the TA, the approach is acceptable. Following consideration of the anticipated number of trips of 17 two-way in the AM peak and 13 two-way trip sin the PM peak, the trip generation and any associated impacts would not be significant enough to recommend refusal from a highways perspective.

#### Vehicle Parking

The proposals include the provision of 74 car parking spaces (0.71 spaces per unit). The application refers to HCC agreeing to the proposed level of car parking at the pre-application stage, which is not strictly correct. HCC as Highway Authority would not have any particular objection to the proposed level of parking when taking into consideration the proposals for a car club and mini-bus use (both of which would have the potential to reduce the level of car ownership). However Dacorum Borough Council (DBC) as the parking and planning authority for the district would ultimately need to be satisfied with the level of parking for residents and employees of the site.

The general layout of the parking area is considered to be acceptable by HCC as Highway Authority and supports the provision of 20% active and 20% passive electric vehicle charging spaces to ensure that the proposals are in accordance with Hertfordshire's Local Transport Plan. Sustainable Travel & Accessibility The site lies on the southern edge of the town of Berkhamsted approximately 1.2km to 1.5m from the site 150m to 500m from the town centre. Berkhamsted Railway Station is located approximately 1.9km from the site. Whilst these distances are within reasonable walking and cycling distance, it is noted that this would not be achievable for all residents when taking into account the nature of the proposed use. The nearest bus stops are located approximately 700m and 950m from the site, which is more than the normally recommended maximum accessibility distance of 400m. However following consideration of the proposed on-site minibus available for use by residents. HCC as Highway Authority would consider this acceptable.

#### Planning Obligations

DBC has adopted the Community Infrastructure Levy (CIL) and therefore contributions towards local transports schemes as outlined in HCC's South West Herts Growth & Transport Plan would be sought



via CIL if appropriate. A Travel Plan (TP) has been submitted as part of the application, the general details of which would be considered to be sufficient at this stage. For a development of this size, a TP consisting of a written agreement with the County Council which sets out a scheme to encourage, regulate, and promote sustainable travel measures for owners, occupiers, and visitors to the Development in accordance with the provisions of the County Council's 'Travel Plan Guidance' would be required. The Travel Plan would be subject to an 'evaluation and support contribution' totalling £6,000 (index linked by RPI to 2014), received via a Section 106 planning obligation and payable before first occupation of the development. This contribution is to cover the County Council's costs of administrating and monitoring the objectives of the Travel Plan and engaging in any Travel Plan Review.

The applicant's attention is drawn to HCC's guidance on Travel Plans: [www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx](http://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx)

HCC's Travel Plan team can also provide further advice at [travelplan@hertfordshire.gov.uk](mailto:travelplan@hertfordshire.gov.uk)

Emergency Vehicle Access:

A swept path analysis for a fire tender has been submitted as part of the TA (drawing no. 70055659-SK-22), the details of which are sufficient to illustrate that a fire tender can access the site, turn around and egress to the highway in forward gear. Due to the size of the building / number of dwellings, as part of the highway authority's assessment of this planning application we have identified emergency access issues which may benefit from input from Herts Fire and Rescue. Therefore, details of the proposal have been passed to them for attention. This is to ensure that the proposals are in accordance with guidelines as outlined in MfS, Roads in Hertfordshire; A Design Guide and Building Regulations 2010: Fire Safety Approved Document B Vol 1 – Dwellinghouses. Drainage / SUDs The proposals would need to make provision for dealing with surface water run off/drainage for the new proposal, which is to ensure that surface water is collected and disposed of within the site and prevented from entering the surrounding highway. HCC as Highway Authority would recommend that HCC as Lead Local Flood Authority is formally consulted in regard to the drainage strategy or SUDs at: [FRMconsultations@hertfordshire.gov.uk](mailto:FRMconsultations@hertfordshire.gov.uk)

Conclusion

HCC as Highway Authority has considered that the proposal would not

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|  | <p>have an unreasonable impact on the safety and operation of the surrounding highway. The applicant would need to enter into a Section 278 Agreement with HCC to cover the technical approval of the design, construction and implementation of the highway works at the accesses to the site and the footway works.</p> <p>Therefore HCC has no specific objections on highway grounds to the application, subject to the inclusion of the above planning conditions and informatives and further details on the 278 works intended to be provided to ensure they are in accordance with what has previously been discussed with HCC.</p>   |
| <p>Hertfordshire County Council – Lead Local Flood Authority</p> | <p>Thank you for consulting us on the above application for the Construction of extra care (Class C2) (103 units) development including associated highway access works, car parking, landscaping and other works incidental to the development at Land To The Rear Of Hanburys, Shootersway, Berkhamsted, Hertfordshire, HP4 3NG.</p> <p>The applicant has provided the following information in support of the application:</p> <ul style="list-style-type: none"> <li>• Flood Risk Assessment and Drainage Strategy, dated July 2020, Project No. 70055659, Ref. BER-WSP-SW-XX-RP-C-001, prepared by WSP</li> <li>• Preliminary Geo-Environmental Risk Assessment (Desk Study), dated July 2020, Project No. 70055659, Ref. 70055659/GEO/DESK-STUDY, prepared by WSP</li> </ul> <p>We have reviewed the information submitted by the applicant in support of the planning application, and are pleased to see the applicant has taken on board comments within our pre-application advice through our Surface Water Advisory Service.</p> <p>The proposed drainage strategy is based on attenuation and restricted discharge into the Thames Water surface water sewer.</p> <p>The applicant is proposing to discharge surface water from the site to the local surface water sewer network in Kings Road at a reduced rate of 2.11 l/s after storage in below ground attenuation features, including a tank and permeable paving. The surface water network on site has been designed for the 1 in 100 year plus 40% climate change event. A total attenuation storage volume of 1112m<sup>3</sup> is to be provided on site to limit flows to 2.11 l/s. Regarding the discharge rate, we are pleased that the applicant is proposing the QBAR rate.</p> <p>The Thames Water surface water sewer is located a short distance away down Kings Road at Manhole 3051. The applicant has included confirmation from Thames Water in the form of a pre-development enquiry, at Appendix F of the FRA, to identify if capacity is available</p> |

within the existing public sewer network for the discharge of surface water flows from the site, dated April 2020. The shows that Thames Water confirmed that there is sufficient capacity in the local network to accommodate surface water flows from the site.

The applicant has stated how the use of infiltration techniques at the site is limited due to the impermeable superficial deposits of clay-with-flint that covers the site entirely. Borehole data suggesting this is present to a depth of 7mbgl. However, this information has been sort from a desk-based study and this is not wholly sufficient in disproving the use of infiltration techniques on the site. The applicant has therefore detailed within the FRA how they are happy to undertake infiltration testing as part of the detailed design to prove that the surface water discharge hierarchy has been followed in order to connect to the TW surface water sewer.

Regarding the existing drainage on site, the applicant has identified a pond on site. It is stated how this is a small private pond located towards the centre of the south-western site boundary. The applicant refers to a topographical survey carried out in 2017 where the pond is recorded as dried-up. It is also noted how the bottom of the pond is recorded as having a level approximately 1m below the bankside. However, as detailed within the LLFAs pre-application advice, it is possible that the pond is groundwater fed and we would recommend an assessment of groundwater levels on site. The applicant has stated within the FRA how they do not propose to make any changes to this pond. The pond is not shown on the drainage strategy drawing, however, that area does look to be maintained as landscape. Though a sunken courtyard / pathway area is proposed around the building close to it. The applicant has stated how the existing pond will be retained as part of the scheme development, as such the applicant has stated how post planning surveys will be undertaken to determine the source and ensure that the ponds use is fully understood. We would recommend that this is a requirement as part of a pre-commencement condition.

Regarding the proposed sunken courtyards, it is understood that there are to be sunken levels in the region of 4m below the surrounding ground. Without a ground investigation on site, we still hold significant concerns regarding the potential for groundwater. We would therefore recommend a period of groundwater monitoring by way of condition over the autumn-winter months, in addition to the infiltration testing. Following this, the applicant will therefore need to adjust the drainage scheme design and any calculations accordingly.

With regards to the attenuation to be provided on site as part of the surface water drainage strategy, the applicant has detailed that the

majority of attenuation will be split between permeable paving and a concrete attenuation tank. They have also detailed how there are some areas of podium roof planting, however these will be ignored as part of the attenuation benefit. This is in accordance with the LLFAs surface water advisory service advice.

The reason a concrete tank is needed over geocellular storage is that it is proposed to have a podium on top of it, with living space. It therefore needs to be demonstrated that the tank is structurally sound and will not need replacing for the lifetime of the development. Full details regarding the concrete tank will be needed as part of the detailed design, and we would recommend that this is included as part of any conditions.

As this is a greenfield site, we would not expect the use of underground storage features, however, the applicant has provided justification.

One of the primary points of discussion during the LLFAs Surface Water Advisory Service was the Risk of Flooding from Surface Water shown on site. The applicant has discussed this within the FRA: "As the site has an existing overland surface water flow path that could potentially be displaced elsewhere due to the development, the proposed permeable paving at the site has been oversized to reduce overall surface water runoff from the site. This mitigation measure provides an overall betterment in reducing the existing surface water flow path."

The Site is at the edge of the Kings Road Flood Risk Hotspot 20, as identified in the Dacorum Borough Surface Water Management Plan (SWMP). There is a flow path across the site that passes through the site and along Kings Road. As the Site is located within a surface water flow path measures must be taken to ensure that the surface water flood risk is suitably managed as to not increase risk off site.

The applicant has shown a commitment to managing the overland flow route on site, with the provision of additional volume to be provided within the permeable paving sub-base. However, further detail is needed regarding this, and if the volume within the permeable paving sub-base is indeed enough capacity. The applicant has identified the following additional volume able to be provided within the oversized permeable paving sub-base for the overland flow route:

- 1:2 Year = 82mm used in 500mm storage depth, therefore 163.1m<sup>3</sup> still available (84%)
- 1:30 Year = 151mm used in 500mm storage depth, therefore 136.2m<sup>3</sup> still available (70%)

- 1:100 Year = 199mm used in 500mm storage depth, therefore 117.4m<sup>3</sup> still available (60%)
- 1:100 + 40%CC Year = 297mm used in 500mm storage depth, therefore 79.2m<sup>3</sup> still available (41%)

The applicant has stated how an overflow pipe will be provided to ensure that if the storage is exceeded flows can be directed as currently downstream through existing landscape areas within the site. However, whilst the proposed surface water drainage scheme for the development site itself ensures there is no flooding on site up until the 1 in 100 year + 40% for climate change. It is unknown if there is the potential for the overland flow route to overwhelm, utilising this overflow pipe and potentially causing flooding. The applicant has currently providing additional volume within the drainage system on site to accommodate this overland flow path and introduce betterment to the existing situation. However, once the flow path has been picked up and managed within the permeable paving sub-base we would expect it to be managed ensuring no flooding on site for the 1 in 30. As part of the detailed design the applicant will need to model this overland flow route to ensure that the provision of volume currently being provided is sufficient and does not overwhelm the system.

With regards to how much of the site is contributing to the drainage system on site, the applicant has stated how the total impermeable area is 9015.7m<sup>2</sup> and the total landscaping area is 4984.3m<sup>2</sup>. They have assumed that 30% of the perimeter landscaping would drain into the positive drainage system along the boundary of the site, and all other landscape areas based on levels would drain naturally. This equates to a draining area of 773.0m<sup>2</sup>. On this basis the applicant has stated how the total drainage catchment area is 9015.7m<sup>2</sup> + 773.0m<sup>2</sup> = 9788.7m<sup>2</sup>. This catchment (9788.7m<sup>2</sup>) will be drained into two separate attenuation features. The permeable paving and the concrete attenuation tank.

From a review of the Drainage Strategy General Arrangement, Drawing No. BER-WSPSW-XX-DR-C-001\_P1, Rev. P01, dated 12/06/2020, prepared by WSP. We notice that the final flow control, a HydroBrake restricted to 2.11l/s looks to be indicated as situated outside the site. The connection to the Thames Water sewer is a short distance away and we would expect the flow control to be situated within the site boundary. It is acknowledged that Thames Water have accepted the flow rates into this manhole (MH3051) in the pre-planning enquiry. However, if TW are to be adopting the sewer under the road, we would not expect the flow control to be within the road. The Hydrobrake restricting to 2.11l/s should be situated within the site and maintained as part of the development's drainage.

No management and treatment of surface water is currently being provided for the access road. This will need to be provided as part of the detailed design. The current lack of management and treatment is not acceptable. Management and treatment of surface water for the access road will need to be included within the detailed design.

In order to secure the final detail of the proposed scheme, we therefore recommend the following conditions should planning permission be granted.

**Condition 1**

The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment and Drainage Strategy, dated July 2020, Project No. 70055659, Ref. BER-WSP-SW-XX-RP-C-001, prepared by WSP and the following mitigation measures:

1. Provide attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change (40%) event.
2. Implement drainage strategy based on permeable paving with sub-base, concrete attenuation tank and restricted discharge at 2.11l/s via a Hydro-Brake into the Thames Water surface water sewer (MH3051).
3. Provide 136.2m<sup>3</sup> of pluvial flood storage in deeper permeable paving sub-base during the 1 in 30 year event, with discharge to be restricted as part of the overall whole site discharge into the Thames Water surface water sewer at 2.11l/s for the entire site; ensuring the predicted surface water flow route is effectively conveyed on site during overflow scenarios.

Reason

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

**Condition 2**

No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The surface water drainage system will be based on the submitted Flood Risk Assessment and Drainage Strategy, dated July 2020, Project No. 70055659, Ref. BER-WSP-SW-XX-RP-C-001, prepared by WSP. The scheme shall also include:

1. Assessment of the feasibility of infiltration on site, in the form of

BRE Digest 365 infiltration tests for shallow soakaways, or falling head tests, if deepbore soakaways are proposed; in addition to a full site investigation. The final detailed drainage strategy may need to be updated in accordance with any findings.

2. Groundwater monitoring over the autumn-winter months.
3. Survey of the existing pond to determine the source and ensure that the ponds use is fully understood and maintained within the future development.
4. Assessment of the effect of runoff into the sunken courtyard areas.
5. Modelling of the overland surface water flow path, demonstrating that the volume currently proposed is sufficient for the 1 in 30 year event and that there is no flooding of any building up to the 1 in 100 year + 40% for climate change event.
6. Detailed engineered drawings of the proposed SuDS features including their location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance for climate change event.
7. Detailed engineered drawings of all aspects of the proposed pluvial flood storage within the deeper permeable paving sub-base including all connections and conveyance routes; including within landscaped areas.
8. Detailed structural engineered drawings of the proposed concrete tank under the building.
9. Demonstrate appropriate SuDS management and treatment (including the access road) and inclusion of above ground features such as permeable paving, reducing the requirement for any underground storage.
10. Provision of half drain down times for surface water drainage within 24 hours
11. Silt traps for protection for any residual tanked elements.

Reason

To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site

**Condition 3**

Upon completion of the drainage works for the site in accordance with the timing / phasing arrangements, the following must be submitted to and approved in writing by the Local Planning Authority:

1. Provision of a verification report (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme). The verification report shall include

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|   | <p>photographs of excavations and soil profiles/horizons, installation of any surface water structure (during construction and final make up) and the control mechanism.</p> <p>2. Provision of a complete set of as built drawings for site drainage.</p> <p>3. A management and maintenance plan for the SuDS features and drainage network.</p> <p>4. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.</p> <p><u>Reason</u></p> <p>To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.</p> <p><b>Informative to the LPA/applicant</b></p> <p>We have recommended a pre-commencement condition which includes a full assessment of the surface water flow path on site, which must be accepted else this information should be provided up front and we would need to update our letter to an objection with this information to be further clarified. We have also accepted the surface water discharge hierarchy to be fully assessed as part of a pre-commencement condition to include for infiltration testing and ground investigation works, which may affect the drainage strategy proposed; in addition to groundwater monitoring.</p> <p>We would recommend the LPA obtains a management and maintenance plan, to ensure the SuDS features can be maintained throughout the development's lifetime. This should follow the manufacturers' recommendation for maintenance and/or guidance in the SuDS Manual by Ciria.</p> |
| <p>Hertfordshire County Council – Minerals and Waste Team</p> | <p><u>Minerals</u></p> <p>In relation to minerals, the site falls entirely within the Brick Clay Mineral Safeguarding Area (MSA) within the Proposed Submission Minerals Local Plan, January 2019.</p> <p>As a means of protecting clay reserves for future use, a Minerals Safeguarding Area (MSA) has been identified around a wider area of known clay reserves. The MSA ensures that any proposal submitted for non-minerals development that might steralise the mineral reserves should follow the consultation procedure specified in Proposed Strategic Policy 8: Mineral Safeguarding</p> <p>Adopted Minerals Local Plan Policy 5 encourages the opportunistic extraction of minerals in order to prevent mineral steralisation.</p>   |



Opportunistic extraction refers to cases where preparation of the site for built development may result in the extraction of suitable materials that could be processed and used. Policy 8 of the Proposed Submission document requires the prior extraction of minerals unless it is demonstrated through a Mineral Resource Assessment that the mineral cannot be practically extracted in advance of the proposed development.

The Preliminary Geo-Environmental Risk Assessment submitted alongside this report states that the BSG Borehole Log, SP90NE35, identifies the following stratum of note: 0.2 bgl of top soil and 7.3 bgl of brown clay and flints.

The County Council, as the Minerals Planning Authority, would encourage the prior extraction of brick clay at the proposed development site, although it is noted that the surrounding area is residential to the north and therefore may not be appropriate for mineral extraction.

#### Waste

Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council's adopted waste planning documents. In particular, the waste planning documents seek to promote the sustainable management of waste in the county and encourages Districts and Boroughs to have regard to the potential for minimising the waste generated by development.

Most recently, the Department for Communities and Local Government published its National Planning Policy for Waste (October 2014) which sets out the following:

*When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:*

- the likely impact of proposed, non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;*
- new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;*
- the handling of waste arising from the construction and operation of*

*development maximises reuse/recovery opportunities, and minimises off-site disposal.'*

This includes encouraging re-use of unavoidable waste where possible and the use of recycled materials where appropriate to the construction. In particular, you are referred to the following policies of the adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 which forms part of the Development Plan. The policies that relate to this proposal are set out below:

Policy 1: Strategy for the Provision for Waste Management Facilities.

This is in regards to the penultimate paragraph of the policy;

Policy 2: Waste Prevention and Reduction; &  
Policy 12: Sustainable Design, Construction and Demolition.

In determining the planning application the Borough Council is urged to pay due regard to these policies and ensure their objectives are met. Many of the policy requirements can be met through the imposition of planning conditions.

Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP). This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to.

#### Waste Management Strategy

It is encouraging to see that the applicant has considered waste management within the 'Outline Construction Environmental Management Plan (CEMP)' and 'Waste Management Strategy' submitted alongside the application. The CEMP states that a SWMP will be prepared and provide detail on how construction waste arising from the proposed development is proposed to be minimised and how waste will be diverted from landfill.

The 'Waste Management Strategy' submitted alongside the application outlines the waste storage facilities that will be provided for both the residential and commercial elements of the scheme including estimated waste arising, the waste facilities provided to store waste and the management processes and procedures that will have to be implemented to manage the movement of waste from point of generation to the final waste storage areas.

Good practice templates for producing SWMPs can be found at:  
<http://www.smartwaste.co.uk/> or  
<http://www.wrap.org.uk/category/sector/waste-management>.

The county council would expect detailed information to be provided within a SWMP.

The SWMP should cover both waste arisings during the demolition

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|                                | <p>and construction phases. The waste arising from construction will be of a different composition to that arising from the demolition. As a minimum the waste types should be defined as inert, non-hazardous and hazardous.</p> <p>The SWMP or Circular Economy Statement should be set out as early as possible so that decisions can be made relating to the management of waste arising during demolition and construction stages, whereby building materials made from recycled and secondary sources can be used within the development. This will help in terms of estimating what types of containers/skips are required for the stages of the project and when segregation would be best implemented for various waste streams. It will also help in determining the costs of removing waste for a project. The total volumes of waste during enabling works (including demolition) and construction works should also be summarised.</p> <p>SWMPs should be passed onto the Waste Planning Authority to collate the data. The county council as Waste Planning Authority would be happy to assess any SWMP that is submitted as part of this development either at this stage or as a requirement by condition, and provide comment to the Borough Council.</p>   |
| <p>Conservation and Design</p> | <p>The existing site has been allocated for development and as such we would not object to the proposals in principle.</p> <p>We have commented on a number of pre-application proposals before this submission.</p> <p>The proposals have addressed our concerns. We would welcome the scheme as we believe that the architecture and design is of a high standard as is the proposed landscaping. This would in our view create a pleasant space, which would benefit both the residents and the wider architectural interest in the Borough. We believe that the different blocks help break up the overall scheme in a pleasing manner. The detailing is of a high quality and we support the use of reference to other buildings in the town through the detailing of the brickwork. The green roofs would be beneficial both in terms of climate change and the enhancement of the building. The coloured bricks are also a welcome feature and add to the interest of the overall development.</p> <p>We have reviewed the heritage statement in relation to the nearby heritage assets. The listed house and Granary are both grade II listed. The main house has a 17<sup>th</sup> century core with later extensions and additions in the 18<sup>th</sup>, 19<sup>th</sup> 20<sup>th</sup> and 21<sup>st</sup> centuries. It is now adjacent to the national film archive and has been sub divided into a number of dwellings. The immediate grounds have been developed to store the national film archive and therefore have a collection of modern buildings. Given this and that the proposal is some distance and</p> |

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|                                  | <p>despite being visible at some points of the year through landscaping, we do not believe that there would be harm to the significance of this or the adjacent granary building. The views would not particularly change when considering the site as a whole given the changes that have taken place particularly to the landscape adjacent to the house of its former farmland. We would agree with the associated heritage statement that there is no harm to the heritage asset and as such the balancing exercise in the framework does not need to be undertaken.</p> <p>Similarly for the water tower there would be no impact on the significance of the building. The views to and from this specific location would be impacted but it is appreciated more against the surrounding housing and the green space of the playing field opposite. As such we do not consider that there is harm caused and therefore the balancing exercise is not necessary.</p> <p>Overall the proposal is of a high quality, would not harm the heritage assets and we would therefore fully support the proposed scheme and recommend approval.</p>   |
| <p>Contaminated Land Officer</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 is for a change of land use and as such the presence of 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. Please note condition 1 acknowledges existence of an adequate phase 1 report.</p> <p><b>Contaminated Land Conditions:</b></p> <p><b>Condition 1:</b></p> <p>a) The Local Planning Authority is of the opinion that the Preliminary Geo-Environmental Risk Assessment (Desk Study) submitted at the planning application stage (Document Reference: WSP BER-WSP-SW-XX-RP-S-001 July 2020) indicates a reasonable likelihood of harmful contamination and so no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:</p> <ul style="list-style-type: none"> <li>(ii) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;</li> <li>(iii) The results from the application of an appropriate risk assessment methodology.</li> </ul> |

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

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

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

(iv) 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](http://www.dacorum.gov.uk) by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.

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| Environmental Health             | <p><u>Air Quality</u></p> <p>In respect of air quality I have no objections to the development proposal. The travel plan details a number of measures to promote alternative to car travel including a mobility minibus service and car share club. In line with other elements of the NPPF the travel plan should also specify provision for EV charging. I believe this or normally covered by way of condition from HCC.</p> <p><u>Noise</u></p> <p>In respect of noise, further detail is required. The report identifies that road traffic noise will impact upon the residential occupation where natural ventilation is provided (opening windows). It instead proposes mechanical ventilation. The energy statement informs us that air source heat pumps will be used which I assume will form part of the mechanical ventilation system. The impact across site is based upon modelling and calibrated for road noise. However noise modelling is based on prediction of noise based on stable or downwind conditions.</p> <p>The report does not detail if the noise data used were based on downwind assessment and this needs to be confirmed before accepting the results.</p> <p>The assessment identifies that for external noise the target level to be achieved is 55 dBA (A-weighted decibel value of 55) for daytime noise for balcony spaces. It advises this is achieved in all cases, but the modelling suggests this is not the case, particularly those residences directed towards the A41. The noise report needs to be revisited. This matter needs to be clarified as well.</p> |
| Berkhamsted Citizens Association | <p>The Group considers this to be an ill-conceived scheme on various levels, as follows:</p> <p>Concept:<br/>The model is wrong for Berkhamsted in this semi-rural part of the settlement recently released from the Green Belt. This can be demonstrated by examining the existing provision for the elderly in the town and its success, or lack of it. Provision for the over 55s should be town centre, on the level, near to public transport, shops and facilities.</p> <p>This is none of those things</p> <p>Layout:<br/>The layout is too cramped with modest amenity space. There is inadequate parking, especially as social life is emphasised, and public access encouraged. The over 55s will not be giving up their cars!</p> <p>Design:<br/>The design is totally unsuitable for the location. Mansion flats are too suburban; not for market towns. The architects should go back to the</p>  |

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|                  | <p>drawing board with a copy of the Chilterns Conservation Board Design Guide at their elbow. The current design will dominate the skyline, but not in a good way.</p> <p>We would urge DBC to refuse this application.</p>   |
| Chiltern Society | <p>The Society is strongly opposed to the proposed development on the above site for the following reasons:</p> <p>Dacorum has allocated the Hanbury site for development, and as such has an Adopted Master Plan for Local Allocation (LA4). This was adopted on 12 July 2017 and <b>must</b> be taken into account in determining any application. It gives very detailed principles for development which has taken into account the location of the site on the southern edge of Berkhamsted, adjacent to open countryside and the character of the area as a whole.</p> <p>The developers have totally disregarded the detailed principles of this Master Plan and have proposed a wholly unacceptable scheme. There is no resemblance or cognition of the Indicative Spatial Layout Plan (Figure 6) which shows a mix of low and medium density development focused around a key green space, with a soft edge to the southern and eastern boundaries of the site, and an area of public open space. This Plan requires any development to meet the Council's standards for open space and <i>'to ensure a pleasant, coherent and wildlife friendly network throughout the development that links to the adjoining open countryside'</i>. (Para 4.17 of Master Plan). The Elysian proposal is woefully lacking in adhering to these principles ensuring.</p> <p>The Principles of the Master Plan propose:</p> <ul style="list-style-type: none"> <li>- <i>60 two storey dwellings (of which 40% are affordable).</i></li> </ul> <p>The current scheme has 103 flats in six, large monolithic 4/5 storey blocks. An attempt to disguise the height by excavating the land fails totally. The buildings are totally dominating the site and its surroundings.</p> <p>One requirement of the Master Plan is that <i>'the development must respect the setting of the adjoining British Film Institute'</i>. It is difficult to see any such respect with two of the blocks built adjacent to the common boundary with minimal space available for landscaping, thus dominating the BFI buildings.</p> <ul style="list-style-type: none"> <li>- <i>the layout, design, density and landscaping must create a soft edge with the adjoining countryside and secure a long term Green Belt boundary.</i></li> </ul> <p>The proposal shows long continuous blocks of flats around the edge of the site which will clearly impact on the countryside and leaves little room for the existing boundary vegetation or any additional planting. The density far exceeds that required and the blocks are all identical in design. The design approach to the buildings is totally inappropriate. They are massive, monolithic and 'blocky' and the use</p> |

of dark, heavy materials exacerbate their bulk and oppressiveness. They dominate the site and will totally overshadow any small amount of landscaping that is shown on the plan. The site is located in the Chilterns and not in the suburbs of London (the examples given are Ilford and Stanmore where the buildings can be read in the context of more dense development). This particular scheme pays scant regard to the site's location on the very edge of a country town within the Chilterns Area of Outstanding Natural Beauty. It is suggested that the architect refers to the Chilterns Conservation Board Design Guide which gives details of local vernacular more suitable to the countryside in which this site sits.

*- the impact on the local road network will be mitigated by supporting sustainable transport measures and improvements to the Shootersway/Kingshill Way junction.*

The developers seem to think that the residents will not require cars but if they do have one, will be happy to park them in a communal car park. This is unsightly and some way from the flats themselves. The site is nearly 2 miles from the town centre which is in the valley reached by a steep slope. Therefore, most trips to the town, amenities and station will be by car. There is no public transport along Shootersway and the suggested minibus is a very poor substitute unless run frequently and is free (most residents would be entitled to a bus pass). Therefore, most residents will retain their cars as long as possible and some will still have at least two per household. They will also have visitors and not from just the District Nurse!

*- the main access taken from Shootersway.*

At least this is proposed.

*- access to rear of Hanburys to be considered to allow allotments and other possible uses.*

This has not been provided.

The Master Plan puts great emphasis on the openness of the site and its proposals focus the development around a key green space. A sunken courtyard garden contributes nothing to the open landscaping of the site and given the overall footprint of the buildings, their height and proximity to the boundaries they will overshadow the majority of the site making any small amount of amenity space unusable. Nor will it contribute to the retention or enhancement of the ecology of the site given the amount of hard surfacing.

The proposal states that it is for extra care but no special facilities are provided for those who need nursing, nor safeguarding for those who are suffering from more progressive illnesses such as dementia. Therefore, this is a residential development for those over 55 who are fit and active. However, there is an excess of accommodation for elderly persons in Berkhamsted which is clearly demonstrated by the number of unsold such properties, either in the centre of town or in the countryside (i.e. Castle Village). So there is no 'need' in the area for such a development and therefore no exceptional circumstances to



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|                    | <p>justify non-compliance with the Council's Adopted Master Plan.</p> <p>In conclusion, whilst good modern architecture is usually welcome, this scheme is overpowering and its leanings toward the Bauhaus, communal brutal architecture of pre and post war years, is totally inappropriate for this semi-rural setting in the Chilterns. Several four/five storey buildings in very close proximity to each other is clearly gross overdevelopment of a relatively modest site. It is cramped, lacking in usable amenity space, (where is the '<i>parkland feel</i>'?), and has insufficient car parking given its location.</p> <p>Therefore, the Chiltern Society strongly objects to the application and would respectfully request that it is refused</p>   |
| Environment Agency | <p>We have no objection to the application, however controlled waters are sensitive in this location because the site is within Source Protection Zone 3 and upon a secondary aquifer overlying a principal aquifer. The propose development will only be acceptable subject to the following conditions:</p> <p>Condition 1</p> <p>If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented in accordance with the approved details.</p> <p>Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from contamination sources in accordance with paragraph 170 of the NPPF</p> <p>Condition 2</p> <p>No drainage system for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters and must be carried out in accordance with the approved details.</p> <p>Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by the mobilised contaminants in line with paragraph 170 of the NPPF and to prevent the further deterioration to groundwater quality and recovery of a drinking water protected area of the Mid Chilterns Chalk Groundwater body.</p> <p>Condition 3</p> |

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|   | <p>The development hereby permitted shall not be commenced until such time as a scheme for the disposal of the following has been submitted to and approved in writing by the local planning authority.</p> <ul style="list-style-type: none"> <li>- Disposal of foul drainage</li> <li>- Disposal of surface water</li> <li>- Installation of oil and petrol separators</li> <li>- Roof drainage.</li> </ul> <p>The scheme shall be implemented as approved.</p> <p>Reason: To prevent the deterioration to groundwater quality and to support recovery of the drinking water protected area of the Mid-Chilterns Chalk Groundwater body.</p> <p>Condition 4<br/>Piling and other deep foundation designs using penetrative methods shall not be carried out other than with the written permission of the Local Planning Authority. The development shall be carried out in accordance with the approved details.</p> <p>Reason: Some piling techniques can cause preferential pathways for contaminants to migrate to groundwater and cause pollution,</p> <p>Condition 5<br/>A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained will be secured, protected and inspected. The scheme shall be implemented in accordance with the approved details prior to use of any part of the building.</p> <p>Reason: To ensure that redundant boreholes are safe and secure and do not cause groundwater pollution or loss of water supplies in accordance with paragraph 170 of the NPPF.</p> |
| Hertfordshire and Middlesex Wildlife Trust. | <p>We would object to this development</p> <p>This application does not demonstrate a 'measurable' net gain to biodiversity by utilising the Defra biodiversity metric.</p> <p>This development must demonstrate that it can deliver a 'measurable' net gain in biodiversity in accordance with NPPF and BS 42020. At present it contains no objective, quantified assessment of net ecological impact and so should be refused until a calculation which utilises the DEFRA biodiversity metric has been submitted and approved. The following additional information is required:</p> <p>Net gain to biodiversity (habitats) should be adequately and</p>  |

objectively demonstrated by application of the DEFRA biodiversity metric.

The NPPF states:

170. Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value....

d) minimising impacts on and providing net gains for biodiversity

174. To protect and enhance biodiversity and geodiversity, plans should:

b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing 'measurable' net gains for biodiversity.

175. When determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure 'measurable' net gains for biodiversity.

The object of an ecological report submitted in support of a planning application should be to demonstrate how the proposals are capable of being consistent with NPPF and local planning policy. Therefore the ecological report should state, what is there, how it will be affected by the proposal and how any negative impacts can be avoided, mitigated or compensated in order to achieve 'measurable' net gain to biodiversity. Subjective assessments of net impact (as in this case) are not sufficient, not 'measurable' and therefore not consistent with policy.

In order to prove net gain to biodiversity, the ecological report must include a 'measurable' calculation of the current ecological value of the site and what will be provided following the development. BS 42020 states:

'8.1 Making decisions based on adequate information  
The decision-maker should undertake a thorough analysis of the applicant's ecological report as part of its wider determination of the application. In reaching a decision, the decision-maker should take the following into account:

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|   | <p>h) Whether there is a clear indication of likely significant losses and gains for biodiversity.</p> <p>The most objective way of assessing net gain to biodiversity in a habitat context is the application of the Defra biodiversity metric. This metric assesses ecological value pre and post development on a habitat basis, has been upheld by the planning inspectorate as an appropriate mechanism for achieving the ecological aims of NPPF, and its use is advocated in government guidance e.g: <a href="https://www.gov.uk/guidance/natural-environment">https://www.gov.uk/guidance/natural-environment</a></p> <p>In order to meaningfully and measurably accord with planning policy to achieve net gain to biodiversity, the applicant will need to use this metric. The development must show a net positive ecological unit score to demonstrate compliance with policy. Habitat mitigation can be provided on or offsite. This will give some legitimacy to statements claiming that net gain can be achieved.</p> <p>If the development results in a negative - net loss score (which it will as currently presented), a biodiversity offset must be proposed and endorsed by a legitimate biodiversity offset broker or provider with full establishment, management and monitoring regimes.</p> <p>Until this information has been provided, the application should not be approved.</p> |
| Herts Valley Clinical Commissioning Group | <p>HVCCG would like to request that a provision is made on each care home site for health and social care funded patients. This should amount to some 10% of all units. There is a shortage of available beds and we would be grateful for your support in order to overcome this.</p> <p>In addition to this, there will be an impact on local GP services (despite on-site health facilities) and I would therefore request that a contribution is secured towards increasing the capacity of GP services in the vicinity of the care home. This should be calculated using our standard methodology which I have adapted to reflect the reduced use arising as a result of on-site care.</p> <p>In the circumstances, I would request that a contribution of £269 per unit is made towards GP services.</p>   |
| Thames Water                              | <p>Waste Comments</p> <p>Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p>Thames Water would advise that with regard to SURFACE WATER network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should</p>  |

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|  | <p>liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.</p> <p>Water Comments<br/> With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.</p> <p>The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <a href="https://www.gov.uk/government/publications/groundwater-protection-position-statements">https://www.gov.uk/government/publications/groundwater-protection-position-statements</a>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.</p> |
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**APPENDIX B: REPRESENTATIONS**

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| <p>1 Green Barn, Archive Mews</p> | <p>Although the green belt status has been removed does this automatically follow that development is therefore permitted or required. The wildlife that is in abundance in the area is enjoyed by everyone and will be severely affected if this application is unfortunately passed.</p> <p>I have studied the sales pages in and around Berkhamsted and there is a prolific amount of surplus empty retirement/care properties on the market. So excluding financial gain for the developers is there any demand for a further care home development flooding the market. Just because retirement/care homes are notoriously more sympathetically reviewed by the planning dept. Is there really a demand for this?</p> <p>I have use of a communal garden within archive</p> |
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|                                   | <p>mews which adjoins this proposed development. This is in continual use by the children on a daily basis. I feel that the impact, whilst in construction, and loss of privacy, following construction, will be completely diminished. There will be a loss of light in this area and the dust and debris generated will affect their safe playing area. With the Covid situation already impacting their well-being I feel that this is unacceptable.</p> <p>Kingshill Way is an extremely busy road for commuters and school runs. The junction where this proposed development is sited is extremely busy at all times as it is the connection to the A41. Any further traffic along this road will add to the congestion already in place. Do we really need Kingshill Way to become another Berkhamsted High Street which is at a standstill most of the time? One little hiccup in the traffic flow completely gridlocks the town centre as it is. Therefore what are the impacts on traffic flow once this development starts - if passed</p> <p>Recently we experienced a major mains water pipe burst in Kingshill Way, this completely affected traffic flow throughout Berkhamsted. Can you ensure that this unnecessary development, if passed, will not have the same impact on our already clogged roads and access?</p> <p>Once again, please note I strongly object to this development and the upheaval it will generate.</p> |
| <p>2 Green Barn, Archive Mews</p> | <p>I strongly object to the proposed plan to develop this land. This is based on:</p> <ul style="list-style-type: none"> <li>- the location</li> <li>- the lack of nearby amenities</li> <li>- developments already undertaken nearby</li> <li>- the environment</li> <li>- impact to residents of Archive Mews</li> </ul> <p>I do not believe this is the right location for a development. Firstly due to the type of development being proposed. Berkhamsted is lacking in affordable housing for people trying to get on the housing ladder, or moving from their first property. It is not lacking in retirement properties.</p> <p>Secondly retirement properties would be more suitable to a town centre location or a flat area. It would be a 25 minute walk to the town centre and the footpath is too narrow at the top to support wheelchairs, therefore you are unlikely to get people walking down.</p>   |

This therefore would cause an increase in driving, which is something Berkhamsted does not need, particularly since the Kings Road is extremely busy during rush hour. It is pertinent to point out that 74 parking spaces for 103 properties is not sufficient, not taking into account parking spaces for deliveries, for visitors or for maintenance. Where will the extra cars park? There is no space to park on the road unless they mount the pavement, which would be not fair on pedestrians who use Shootersway. Shootersway is particularly busy with schoolchildren during term time. I note the reference to creating an on-site restaurant which I would question as where would anyone park to visit the restaurant? The potential visitors nearby would be limited Re: those who would consider walking there.

Whilst I note and applaud the idea of an electric minibus that can take residents to town and back, I question whether this will be used bearing in mind COVID-19 has impacted the way elderly individuals interact and would hinder social distancing. It is more likely that individuals will want to continue having their own car so that they can socially distance and use this to drive into town. Thus this development would likely cause an increase in pollution locally.

The site is too close to the very busy turning of Shootersway onto the A416. Traffic is busy along here during rush hour, particularly during term time. It is not feasible to add people turning out of the proposed entrances for the site and would risk causing an accident.

I note the documents refer to the need to do improvements to the Shootersway / Kingshill roads. In the last 5 years the road has been closed numerous times for road works and the impact on the surrounding roads is significant, causing traffic having to divert through Berkhamsted town centre and jam the roads. I would therefore raise this as an issue as the development are aware that they would not be feasible with the current road system. I can't see what improvements can be done here without affecting the pavements, which are well used with school children walking along Shootersway to Ashlyns.

A further issue with the location arises from the proposal to discharge water to avoid the flood plain via Kings Road. As you may be aware, the drainage system at Lower Kings Road is not fit for purpose and does not support further flood waters being discharged to it, as the water ends up next to the Victoria school, flooding the alley way next to it. This

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|  | <p>has in the past stopped parents being able to get through the alley or left them soaked, particularly those parents in wheelchairs.</p> <p>I don't think a risk setting of medium for surface water flooding is acceptable and therefore don't believe this area should be developed.</p> <p>The site is a significant distance from local amenities. The closest shops and cafes are a 25 minute walk. The closest doctors surgery is a 20 minute walk and is already busy. It is a group practice with the other site based in Tring. If the residents cannot park at their flat (due to the lack of proposed spaces) then how would they be able to keep a car or access the Tring GP surgery? It is the wrong location for a development and would create more vehicles on the road locally as there are constraints walking to access local amenities.</p> <p>There are already retirement developments locally, I cannot see any evidence that there is more local demand and am concerned that if the developers are unable to sell these as retirement they will they sell them for other purposes. The closest school (Greenway) is already significantly oversubscribed. Meaning that if people with children do more in then they will struggle to get school places within walking distance and again will have to drive to take their children to school.</p> <p>The development at Bearroc Park is on-going and therefore we already know that there will be increased traffic at this end of Berkhamsted along with increased demand for local services. What has been done to address this? The closest large hospitals are 30 minutes away without traffic; until locally more amenities are created I can't see why building here is appropriate?</p> <p>From an environmental point of viewing developing this site would have a significant impact. Whilst I acknowledge that this area has been removed from green belt consideration I think this is an error and this land should not be developed on. The bfi has a wildlife garden with bees and butterflies which would use the field of the proposed development. I regularly see deer, hedgehogs and badgers in the field - since the latter of these are decreasing in population I urge you not to remove an area that currently enables their habitats. Elysian acknowledge that the site contains both bats and reptiles and further studies should be undertaken. Why have they put a proposal forward when they are not aware of the full extent of the biodiversity on site and what animals a development</p> |
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|  | <p>would impact?</p> <p>Whilst I note that Elysian properties identify that there is no requirement for net biodiversity gain in Dacorum, they don't expand on how they will not harm the local biodiversity. Building on this land will impact on the ecology of this area. Planting 21 trees will not combat this or create a habitat for the numerous animals that will be disturbed by developing this land.</p> <p>On a personal note the impact of this development on my family would be significant. I also believe it would be significant to the other residents of Archive Mews.</p> <p>The shared garden for Archive Mews borders the proposed development and this is used daily by residents from most of the properties.</p> <p>The children play in this area and a development here would significantly affect them. There would be a loss of light and overshadowing of this garden.</p> <p>There would be a significant loss of privacy as the development is right next to the garden and would overlook anyone in there. The proposed balconies and height of the build would mean the garden and therefore my children would be overlooked by multiple individuals, this loss of privacy is significant.</p> <p>Having read the air quality information I would be significantly concerned with having my children outside during development, which would be for a significant period. My youngest child has severe respiratory issues and therefore I would be very concerned with the impact of a development and next to the garden she plays in. During lockdown we have taken the advice very seriously due to her health complications and therefore have used the garden daily. I must reiterate that the severity of her respiratory issues and therefore my concern.</p> <p>Further, there were other residents who were shielding and use the garden regularly when children or others are not in it. Therefore it is a very well used area which would be significantly and severely affected by this.</p> <p>The potential noise disturbance from the use of the property on an on-going basis combined with the visual intrusion is a further concern. 103 properties would result in significant noise.</p> <p>I would also question when in March the noise survey</p> |
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|  | <p>was completed, I note it says it was undertaken over 11 days, since lockdown occurred in March and from early March peoples working patterns were amended for COVID-19 I don't believe this would have truly reflected the normal situation.</p> <p>I am also surprised that the development has put houses so close to the BFI storage facilities, bearing in mind their flammable nature I understood that any residential building would need to be further away, similar to the Mews area.</p> <p>My stance is therefore that I object to a development here and believe this area should be preserved as green belt.</p>   |
| <p>1 Ernest Lindgren House, Archive Mews</p> | <p>Aside from the fact that there is already more than enough assisted housing/retirement village style accommodation in Berkhamsted, my main objection is as that the road and utility services in the area cannot support another large development.</p> <p>The junction of Shootersway, Kingshill way, Kings Road is the main route in and out of town via the A41. This became heavily congested when the traffic lights were introduced a few years ago as a measure to justify the substantial new housing developments along Shootersway towards Durrants lane.</p> <p>It hasn't worked, there is traffic queuing constantly at rush hour and has significantly increased pollution as cars are sitting idle with engines on waiting for periods right outside my house.</p> <p>Adding another significant development with further strain the resource not just during construction (which will be chaos) but the ongoing life of the development will significantly increase car traffic each day. Workers going to and from the new development, deliveries, the residents themselves. Given the nature of the development, it is likely that emergency service vehicles (ambulance, rapid response doctors) will be attending the site regularly and this will heavily impact queuing traffic but also risk traffic collisions as emergency services will have to traverse the traffic jam to get there quickly.</p> <p>In addition, the existing utilities for sewage &amp; water are already at breaking point at the junction. A water main broke only last week and closed the road for over 1 week to repair. Each year we have had flooding at the junction due to yet another pipe bursting under the pressure placed on it by surrounding developments.... another one is not going to help the situation as there is no provision in</p> |

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|                                       | the construction to upgrade the existing utilities.   |
| 2 Ernest Lindgren House, Archive Mews | <p>I strongly object to the proposed plan to develop this land.</p> <p>The proposal to develop this land is simply ridiculous, the impact to the volume of traffic, the increased risk to the safety of local residents particularly children and potentially the proposed elderly residents of this development, the environmental impact and the simple lack of thought and demand means it cannot be allowed to proceed.</p> <p>Parking:</p> <p>The proposal suggests 103 properties with a provision of 70 parking spaces that's not even one space per household? What about visitors? Delivery people? Staff? The proposal makes mention of a "community bus" this is impractical for two reasons, firstly elderly residents should not be sharing vehicles currently due to covid-19 and the lack of ability to social distance and will certainly be nervous doing so, as such they will prefer to keep their personal vehicles rendering this option void. Secondly the choice to live in a retirement setting that is not a care home suggests that the residents will wish to maintain their independence and quite rightly so as some may be as young as 55, another key indicator that they will not wish to surrender their own vehicles meaning that the car park provision is not sufficient and the out spill from the development will cause havoc on Shooters Way and surrounds. The other potential outcome from lack of parking provision is that the developer will not be able to sell the properties as they don't have the provisions the potential residents may want and therefore the properties remain empty, like so many of the other retirement developments in Berkhamsted that we have already - please see empty sites Sheldon Lodge, Castle Village, Gilhams Court to name but a few! Or equally as bad the developer will suddenly seek to "re-purpose" the properties for different use bringing further challenges and even more increased traffic and pollution.</p> <p>Road Layout/Traffic pressures, Noise &amp; Safety:</p> <p>Volume of traffic is already high on Shooters way, KingsHill way and Kings road, and so is the number of school children who use the pedestrian walkways to access Ashlyns particularly, and Greenway and Berkhamsted Schools putting more cars on to this stretch of road is both dangerous and frustrating for the local residents. There will already be increased</p> |

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|  | <p>pressure on this stretch of road from the current build "phase 2" at Bearroc park. This is an unnecessary development that will put the lives of our children at further risk from increased traffic volumes, increased accidents and increased pollution, particularly at a time when due to Covid respiratory health is crucial. Not to mention the increased level of noise from all these extra vehicles and comings and goings from the proposed 103 dwellings!</p> <p>Lack of and strain on local community facilities:</p> <p>Berkhamsted is already struggling to accommodate the current residents for doctor and dentist provision adding a development to accommodate yet more of our ageing population will put even more pressure on these services, and this is pressure that these facilities cannot take. No more development of previously green belt land without further thought into services to support increase of residential numbers. Infrastructure has to be thought through and addressed before accepting any more development.</p> <p>Environment and the Effect on local Ecology:</p> <p>In a world where we should be taking far greater care of nature to protect our planet how can building a new development of retirement properties, when there is no actual demand for such things be a good sound decision? I can only see this decision being made through financial gain not through actual need. You would be destroying several protected trees and so much wildlife that currently frequents this proposed site, we know this as we see evidence of badgers, hedgehogs and deer regularly as well as amphibians. No matter how many single use plastics myself, my family even all the residents of Berkhamsted reduce we could never out way the amount of damage you would do to our planet if you allow this preposterous development to go ahead.</p> <p>Overlooking / loss of privacy:</p> <p>The development will also cause a loss of privacy to the communal gardens that are part of our property, our children and neighbours all play here on a regular basis and I do not feel at all comfortable that this site will now become overlooked by new properties, it presents safeguarding issues where previously our children have played in comfort knowing that the gardens were safe and private.</p> <p>Final Thought:</p> <p>I grew up in Berkhamsted and came back here to</p> |
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|  | <p>raise my family, if planning decisions continue to be granted based on financial gain as opposed to soundly thought out infrastructural decisions based on needs of the local and neighbouring communities, Berkhamsted will soon become an un desirable place to live, with no green belt left, no facilities to accommodate it's growing population and an increased number of cars churning out an unnecessary amount of pollution, it is therefore our wish that in this instance you decline approval for this unnecessary development and return the site to green belt land and allow our neighbourhood and planet to continue to thrive.</p> |
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| <p>2 The Cottage<br/>Archive Mews</p> | <p>On behalf of my family, I am writing to strenuously object to this proposed planning application for many reasons as outlined below:</p> <p>Berkhamsted is a thriving town with superb amenities and excellent schools and I believe that more housing is required for younger families moving into their first or second homes. Put simply, Berkhamsted has no need for further 'extra care development'. It is already overrun with such services, most of which have still yet to fully sell their plots after many years of advertising. Furthermore, the location is totally inappropriate for the proposed clientele. It is situated on the top of a hill in a residential area with no amenities in walking distance. All local footpaths do not lend themselves well to wheelchair and mobility scooter accessibility.</p> <p>A particular concern to my family is the reduction in air quality both post build with the build-up of traffic and during the build, which we imagine will take a significantly long time. Both my son and I have asthma and if this development goes ahead, it will have a detrimental effect on both of our health. Furthermore, the impact on traffic and pollution (and the environment) is also a major issue in this already overdeveloped area. I note there is a proposed bus available, however with recent pandemic and social distancing rules, this is unlikely to be a popular option for elderly residents and could result in 103 extra cars (or more if households have 2 vehicles) using the entrance of Shootersway and the Kingshill Way junction - what is already an extremely busy junction, and has become even busier with the opening of phase one of Bearroc Park development and now the soon to be opened phase two.</p> <p>The proposed plan of just 74 parking spaces for a site which has 103 proposed units is nowhere near sufficient for the residents, or indeed their families, visitors and anyone else needing to visit the development. Furthermore, I note that there are plans for a restaurant which will be open to the public - where will diners park? There is no room inside or outside of the development - and more to the point, why on earth would we need a restaurant up here when we have an array of excellent eateries in the high street?</p> <p>The impending increase in noise is going to be an issue. With so many people (103 households - does this mean 206 people?) living in a small development where socialising will be actively encouraged, such as joining groups and taking part in planned activities, whilst we understand that this is a positive</p> |
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|                                       | <p>part of their daily lives, for us as residents, and particularly us who live so closely, it will become a daily nuisance.</p> <p>Our Archive Mews communal garden borders the proposed development, and this is used most days by most residents. The proposed development would reduce light and overshadow various aspects of our garden. Currently the space is not overlooked however the proposed balconies and height of the build would cause significant loss of privacy. This space is used by the children of Archive Mews and loss of privacy would be increase the risk of the safety of the children in the communal garden.</p> <p>From an environmental perspective, it will be a devastating decision to allow these plans to go ahead. This previously Green Belt areas provides the perfect haven for wildlife and is home to various habitat including bats, deer, badgers, bees, mice etc. I note that Elysian say they will plant 21 trees however the phrase 'needle in a haystack' comes to mind as this will have zero impact to protect the wildlife and landscape. We must not allow our natural habitat and wildlife to further diminish in order to enable a private 'extra care development' to be built when there is no such data which suggests that these services are in great demand in our area.</p> <p>Furthermore, we are most surprised to see that the proposed properties are planned to be built extremely close to the BFI storage vaults which contain highly flammable materials.</p> <p>In summary, my family and I feel very strongly that this development should not be approved. It will have a huge impact on us, and the residents of Archive Mews, as well as the increased issues with traffic congestion and the impact of increase in pollution and reduction of air quality during, and after, build. We therefore ask that this application is refused, and the current landscape remains with no threat to wildlife, for the sake of a private development opportunity for a service which is not in demand, at this time, in our area.</p> |
| <p>3 The Cottage<br/>Archive Mews</p> | <p>This scheme creates too much traffic and is a danger to local school children</p>  |

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| <p>British Film Association (BFI)</p> | <p>We refer to the above application submitted by Elysian Residences for a C2 care residence.</p> <p>We have been instructed by BFI, owners of the J Paul Getty Conservation Centre at Kingshill Way Berkhamsted to review the application and submit representations.</p> <p><u>Background to the BFI at Berkhamsted</u></p> <p>The BFI was founded in 1933, and is a registered charity governed by Royal Charter. It is responsible for creating and maintaining the BFI National Archive of film, television and the moving image, one of the National Collections supported by public funds. In 2011 the BFI became the lead organisation for film in the UK. It is a Government arm's length body and is a distributor of Lottery funds for film.</p> <p>BFI's mission is to ensure that film is central to our cultural life, in particular by supporting and nurturing the next generation of filmmakers and audiences. The BFI serves a public role which covers the cultural, creative and economic aspects of film in the UK.</p> <p>The BFI currently operates from the following locations:</p> <ul style="list-style-type: none"> <li>• Stephen Street, London W1 – BFI Head Offices</li> <li>• BFI Southbank, South Bank, London</li> <li>• BFI IMAX, Waterloo, London</li> <li>• The BFI National Archive accommodated on two sites, one at the JP Getty Conservation Centre in Berkhamsted, Hertfordshire, with additional storage facilities on a former MOD site near Gaydon in Warwickshire</li> </ul> <p>The BFI National Archive came into being in 1935, as the National Film Library (NFL), with a key part of the remit of the British Film Institute to "maintain a national repository of films of permanent value". Initially the collections were housed on the premises at the BFI's London headquarters.</p> <p>In May 1968, the BFI acquired new premises at Berkhamsted in Hertfordshire, and 1987 saw the opening of the new, purpose-built Conservation Centre in Berkhamsted. The site is named in honour of its sponsor, John Paul Getty Jnr, whose generous donation also enabled the BFI to move to new headquarters at Stephen Street, central London.</p> <p>The BFI National Archive has developed a ground breaking digital preservation infrastructure (DPI) as a</p> |
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result of changes in moving image production technology and public access demands, funded through major Lottery access and digitisation programmes. This infrastructure preserves new born-digital film and television, as well as archival material such as videotape currently being digitised in the tens of thousands.

#### BFI's current objectives

BFI intends to continue to operate the current archive and conservation activities at the site for the foreseeable future. BFI needs to ensure that any development of the application site for residential development does not impact on the on-going operation of the BFI site.

Whilst the BFI site is not allocated for residential development in the adopted Local Plan, in order to protect BFI's longer term interests as a major landowner in the area, BFI has formally sought an allocation through representations on the emerging Local Plan and, at the current stage, this and other potential allocation sites within the SW area of Berkhamsted are being positively considered by the Council for residential development to meet local housing needs.

Therefore, subject to BFI operational requirements in the future, there is a prospect that the BFI site could be developed for residential purposes and it is important that any development of the Hanbury's site does not prejudice the bringing forward of the BFI site for residential development in the future.

#### BFI's Involvement in the LA4 allocation

BFI has been actively involved in responding to the allocation of the Hanbury's site (LA4) and has consistently made its views known about the potential development of the site and its relationship with the BFI site.

BFI notes that the need to respect the BFI site appears in several reference documents relating to the Core Strategy and the Site Allocations DPD.

In relation to the Dacorum Core Strategy, the Statement of Common Ground agreed between Dacorum Borough Council and the owners of the LA4 Land to the rear of Hanbury's, dated September 2012, states that:

"In accordance with the principles for the site contained in the Berkhamsted Place Strategy in the Pre-Submission Core Strategy, development on the

site can be provided to respect the setting of the adjoining BFI site. “

In Appendix B of the Statement of Common Ground the conceptual plan shows a setback of buildings away from the BFI boundary in order to respect the BFI site.

BFI and its advisers took part in a meeting on 7 May 2013 organised by Dacorum Borough Council in relation to the proposed LA4 allocation. The minutes of the meeting confirmed the comments made by BFI which were:

“RP [BFI representative] was concerned that development should not be located close to the boundary with the BFI site. His preference was for houses backing onto the site. FW thought that this boundary could be reinforced to help maintain the security of the BFI...

Some participants asked whether there was a safety issue for LA4 given that the BFI stores nitrate-based film material. RS commented that this was well managed by the BFI in a safe environment. LW confirmed that the Health and Safety Executive (HSE) had raised no objections to the LA4 site...

Participants were supportive of open space provision provided it was well managed. Landscaping should be designed to allow views out of the site while ensuring secure boundaries. RP was particularly keen to ensure a secure boundary with the BFI site. SP pointed out that, in respect of crime and security, Development Management work closely with the Police Architectural Liaison Officer.”

The LA4 Masterplan adopted in July 2017 includes key development principles which include:

“Carefully locate buildings, open space and landscaping so as to respect the setting and security of the neighbouring British Film Institute (BFI) site. Development should not be located close to the boundary with the BFI site: new housing should back onto the site.”

It is also noted that the Masterplan envisages the development will be limited to 2 storeys.

#### BFI Initial Comments on Application

On 18 August 2020 BFI set out its initial comments on the application confirming its support in principle of the development of the LA4 site for a C2 care

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|  | <p>residence recognising that the site is allocated for residential development in the Core Strategy and Site Allocations DPD.</p> <p>Since then BFI has assessed the application with particular reference to the following key issues:</p> <ol style="list-style-type: none"> <li>1. Potential impact on BFI operation, with specific reference to the risks associated with the existing nitrate store and proximity of the proposed development</li> <li>2. Potential impact on BFI operations in relation to adjoining residential development</li> <li>3. Potential impact on the future development of the BFI site for residential purposes.</li> </ol> <p>During this time, we have been in discussion with the applicant and its team and they have sought to address the BFI concerns about the proposed development.</p> <p><u>Issue 1</u></p> <p>In respect of Issue 1, the BFI site at Berkhamsted includes Nitrate Holding Vaults (NHV) which house reels of cellulose nitrate film while they are being restored/conserved on the BFI site. This is a flammable solid and has rigorous safety procedures about its use, handling and storage. In this respect BFI had a concern about the closeness of some of the proposed buildings and the possible fire, smoke or toxic gasses which could be released in the very unlikely event of a fire. As noted above BFI took part in discussions with Dacorum Borough Council when they consulted on the LA4 allocation, in 2013 and at that time BFI requested that any development built on the adjacent land should be constructed as far as possible from the boundary to lessen the risk.</p> <ol style="list-style-type: none"> <li>2. Potential impact on BFI operations in relation to adjoining residential development</li> <li>3. Potential impact on the future development of the BFI site for residential purposes.</li> </ol> <p><u>Issue 1</u></p> <p>In respect of Issue 1, the BFI site at Berkhamsted includes Nitrate Holding Vaults (NHV) which house reels of cellulose nitrate film while they are being restored/conserved on our site. This is a flammable solid and has rigorous safety procedures about its use, handling and storage. In this respect we have a</p> |
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|  | <p>concern about the closeness of some of the proposed buildings and the possible fire, smoke or toxic gasses which could be released in the very unlikely event of a fire.</p> <p>As noted above BFI took part in discussions with Dacorum Borough Council when they consulted on the LA4 allocation, in 2013 and at that time BFI requested that any development built on the adjacent land should be constructed as far as possible from the boundary to lessen the risk.</p> <p>We have discussed the risk posed with regards to smoke being expelled from the nitrate holding vault in the unlikely event that there is a fire with the applicant, Elysian, and it is noted that the vault is over 40m from our site and Elysian's technical team do not see this as a concern. The applicant has agreed to set up a management regime whereby the BFI can call Elysian's staff on-site at any time of day or night in case of an emergency and Elysian will ensure any windows are shut on the boundary and the air intake is closed off.</p> <p>On the basis of this commitment BFI confirms that these arrangements will mitigate against the potential impact of smoke in the event of fire in the nitrate holding vault.</p> <p><u>Issue 2</u></p> <p>BFI has also assessed the proposals in the context of the BFI operation which is light industrial in character.</p> <p>However, the site has significant amount of plant and conditioning equipment (known as HVAC plant) for the storage vaults which needs to operate 24/7.</p> <p>Objections have been received by BFI in connection with this plant equipment in the past from residents located further away than the proposed development and complaints were also received more recently concerning demolition works – indicating the sensitivities about noise in the locality. BFI is thus concerned about potential noise complaints in the future from residents of the application site which may impact on BFI's future operations and ability to correctly condition the storage vaults which house the National Collection of Film and Television.</p> <p>The applicant has discussed various changes to the layout of the units within Block B to reduce the potential exposure of main living areas towards the BFI site and has suggested that the final internal layouts of the units will be subject to a planning</p> |
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condition. The applicant has also drawn attention to the proposed specification of the building façade and windows, along with the use of a mechanical ventilation system which does not require homeowners to open their windows for cooling purposes. We are aware that the applicant's noise consultants Hoare Lee conducted a noise assessment in March 2020, and this report was placed on the Dacorum planning portal in September 2020.

We note that this report did not specifically address the potential noise impact of the BFI operation. Indeed, the report refers to the 'BFI National Archive Gallery' as commercial offices and the British Standard relating to these types of spaces. The site is not a commercial office and is environmentally conditioned to a much higher standard. The noise assessment does not take account of the noise which emanates from the HVAC operation at the BFI site.

We have therefore requested that the applicant undertakes further noise assessments during the day and at night using the same methodology as the previous assessment to specifically test the conditions in the area of Block B, i.e. close to the BFI and from the level of the top floor proposed for Block B. On further review we would be able to discuss further mitigation that might be required to address any concerns arising.

We would suggest that in the event of the recommendation that planning permission be granted for the proposed development a condition is imposed on the planning permission requiring these further noise assessments to be undertaken and mitigation measures agreed to reduce the impact of noise from the BFI operation on the new residential development.

### Issue 3

We have noted above that BFI intends to continue to operate the current archive and conservation activities at the site for the foreseeable future. Notwithstanding our concerns about the proximity of the proposed development to the NHV, as a key landowner in this part of Berkhamsted, BFI has assessed the proposals to ensure that the proposed layout does not prejudice bringing forward the BFI for residential development in the future. The BFI site is not allocated for residential development in the adopted Local Plan. However, BFI is currently considering its longer-term plans for the site. BFI has therefore formally sought an allocation of the site,

and, at the current stage, this and other potential allocation sites within the SW area of Berkhamsted are being positively considered by the Council for residential development to meet local housing needs. Therefore, subject to BFI operational requirements in the future, there is a prospect that the BFI could be developed for residential purposes and it is important that any development of the LA4 site does not prejudice the bringing forward of the BFI site for residential development in the future.

In this context we are aware of the LA4 master planning guidelines which require schemes to: “carefully locate buildings, open space and landscaping so as to respect the setting and security of the neighbouring British Film Institute (BFI) site. Development should not be located close to the boundary with the BFI site: new housing should back onto the site” We have previously noted that the south-eastern block forming part of Block B is proposed to be located within some 6 -12m of the BFI boundary and that this may prejudice the development of the BFI site if it proved necessary to further set back buildings on the BFI site to ensure acceptable residential conditions. If this were to be the case it would potentially reduce the amount of development that could be achieved on the BFI site, and thus the return to BFI, which, as a publicly funded body, would be of concern.

The applicants have provided further information which potentially demonstrates that the BFI site would not be prejudiced by the proposed development and on the basis that the final internal layouts of the units would be discussed further with BFI and be the subject of a planning condition, in order to reduce the potential impact on the residential amenity of the BFI site, this would assist in allaying BFI’s concerns in this regard.

We have also discussed the proposed boundary treatment to the BFI site and the proposed tree works in this area and the applicant has agreed to work with BFI to ensure the retention of as much existing trees and vegetation as possible and the early replacement of any trees proposed to be removed or coppiced in order to maximise the screening of the application site from the BFI site to protect current and future amenities as well and ensure the security of the BFI site is protected.

#### Conclusions

BFI is supportive of the principle of the development of the LA4 site for a C2 care residence recognising

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|                | <p>that the site is allocated for residential development in the Core Strategy and Site Allocations DPD.</p> <p>The key outstanding issue for BFI relates to the potential impact of noise from the BFI operation, in particular its HVAC plant, on the proposed development and its residents and BFI is not convinced that the applicant has suitably demonstrated that noise from the BFI site would not cause issues for the new residents and the mitigations proposed have not given BFI comfort or are seen as practicable. We therefore urge the local planning authority to include planning conditions in order to ensure the following issues are fully addressed by the applicant prior to commencement of development:</p> <ol style="list-style-type: none"> <li>1. Details of the internal unit configuration to minimise windows and balconies serving main living areas in Unit B facing the BFI site.</li> <li>2. Further noise assessment to be undertaken during the day and at night using the same methodology as the previous March 2020 assessment to specifically test the conditions in the area of Block B, including from the level of the top floor proposed for Block B, and to require the agreement of further mitigation measures to address any concerns arising.</li> <li>3. Details of tree works and boundary treatment along the boundary with BFI to maximise tree and vegetation cover, including requiring the replanting of any trees to be removed, as soon as practicable following the commencement of the development.</li> </ol> <p>We trust you will take these considerations into account in reaching your recommendation on the application and that these comments are relayed to members of the Planning Committee.</p> |
| 3 Chalet Close | <p>There is an approved Masterplan for this site which provides for 2 story housing including affordable housing.</p> <p><a href="https://www.dacorum.gov.uk/docs/default-source/strategic-planning/la4-master-plan-(adopted-12-july-2017).pdf?sfvrsn=d0453c9e_4">https://www.dacorum.gov.uk/docs/default-source/strategic-planning/la4-master-plan-(adopted-12-july-2017).pdf?sfvrsn=d0453c9e_4</a></p> <p>Page 8 lists the design principles for this site few of which seem to be met by this development.</p> <p>I assume a Masterplan cannot just be dumped or it seems a bit pointless creating them in the first place.</p>   |

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| <p>86 Cross Oak Road</p> | <p>I have a relative who I visit at least once a week if not more as they live near Tower Close/Oxfield Close area. Tower Close and Oxfield close are for private residences only.</p> <p>If you Build this development, you will be ruining local residents privacy, dignity and treating some of them unequally and not valuing their wishes. Please do not discriminate against these residents on Shootersway, Tower close and Oxfield by building the Development.</p> <p>I know on Tower close, an issue had to be sorted in regards to parking which was eventually resolved and a stop was put to it.</p> <p>I am unhappy as when it will rain, the development could cause an even greater risk to both Tower close and Oxfield Close in respect to flooding.</p> <p>Also if the development came, just imagine the amount of noise that would be created. We have enough noise from the bypass and do not need to have any more.</p> <p>On original plans I have viewed, I noticed they are planning a café which would come on the development. Why would anyone want to come to a café which is out of the way of town? As well as the café, homes and other public uses this development will provide, there will only be 75 spaces. Where can the other vehicles park as the residents on Tower Close and Oxfield close will not permit this to happen.</p> <p>A quote taken from Hertfordshire highways "However Dacorum Borough Council (DBC) as the parking and planning authority for the district would ultimately need to be satisfied with the level of parking for residents and employees of the site." DBC please read other comments, and mine as do you really think 75 spaces for 103 homes is really adequate and adding to it public facilities like the café, carers, visitors and residents who will be living on site? Also you have 4 bays which will be for blue badges only, what happens if there are more than 4 residents or staff with a blue badge? Where will they park? The answer again is No it is unsuitable.</p> <p>I have also noted from the comments made by Hertfordshire Highways, "the nearest bus stop is approximately 700m from the development". As an elderly person, do you think they could walk 700m? Elderly people as they get older will be able to walk less and less not more and more.</p> |
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|  | <p>Another issue is that unlike other elderly developments, these houses are not built near a town they built away at the furthest point making it difficult for elderly people to gain access to shops and banks as well as other local facilities.</p> <p>As you are aware, we have just had the pandemic Covid 19. After Covid 19 I appreciate them using an electric bus, but how many people would want to get on this electric bus due to social distancing guidelines. The answer is not many people would so therefore it is a waste of time having this method of transport.</p> <p>I walk, cycle and drive along Shootersway regularly to access the bypass as well. Shootersway during the day is always very busy. When trying to turn out of either Oxfield or Tower close this just over the last 20 years has become a waiting game due to the volume of traffic which has already increased along Shootersway. Sometimes to get out of these turnings you can be waiting for more than 5 minutes. If you have had a working day in London, that can add to the day. There are other housing developments round Berkhamsted in the pipeline and having this housing affect will just add to the pressure of the traffic. Also, during the duration of constructing the development will be a hassle for traffic with all the various lorries and building vehicles clogging up Shootersway. Children should be able to walk safely to school which is not happening due to narrow pavements. Adults should be able to drive in a safe manner but this is not able to happen due to the volume of traffic.</p> <p>Families should be able to enjoy pleasurable cycle rides. Due to the volume of the traffic, some people are even being knocked off their bike and ending up in hospital. Some needing surgery. A road like Shootersway, do you really want all these people ending up in hospital or having to have unnecessary surgery due to a dangerous road? The development will make this road more dangerous. Also looking at the cycling plans, these are not very legible.</p> <p>Another problem with the traffic lights at the top of Kingshill way, is when turning right coming up from town, some people just go thinking it is green, when really, they should wait for people coming from the roundabout down into town and a lot of near misses have happened.</p> <p>Another concern I do have is with these high sided vehicles such as lorries and you see it when they</p> |
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come down any road, is that they bang and knock tree branches down due to them being high. I feel all the trees that are along shooters way are very beneficial to all residents and members of the public due to producing enough oxygen for us to breathe. Having the houses with more cars will create more pollution. Some people suffer from asthma and other underlying health conditions and building new homes as well as the current developments going on round Berkhamsted is not helping their medical needs due to the amount of air pollution being given off.

It has also been noted as more and more houses have cropped up round Berkhamsted, the water and sewage pipes are unable to cope and therefore burst closing the road for several days if not weeks. Due to a pipe breaking on Kingshill way and the road having to be closed, traffic was diverted via the Highstreet. Also, a similar thing happened when they closed Shootersway just to resurface it. The point I am trying to make is due to both the main roads having to close, it created congestion and other problems in other parts of Berkhamsted. Looking at the map from where the junction will be it would cause complete chaos if one of these roads were to close again. This is why the development cannot take place. Berkhamsted is supposed to be a historic place. I know an open day was held at the Film archives and it was a fantastic building.

Looking at the plans I see the development will be on the boundary and will definitely spoil the "historic film archives".

I have noted from other websites how some birds and other animals are on the verge of being extinct. Also the greenbelt land to me makes Berkhamsted and if we are not careful people will be moving due to Berkhamsted residents not being able to get the services they require. I know some Doctors surgeries are bursting and not allowing any more patients on. We cannot take this development as more people in Berkhamsted, the harder it will be for these resources to be used when needed essentially.

I saw Elysian are going to plant trees but wildlife does not need these trees they will provide. What the wildlife needs is for their current habitats to be left alone which they can enjoy not have houses being built on them just like Bearroc Park which destroyed a wildlife jungled habitat. Also the more trees round Berkhamsted and Shootersway, the less light we will have.

I would like to raise another issue where the figures

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|                 | <p>in "housing need Statement" document demography. Where have these figures come from for older people in Dacorum?</p> <p>I hope my comments along with others raised, are taken into account.</p> <p><u>Additional Comment</u></p> <p>I would just like to add, I have noted as well since lockdown, due to an increased volume of traffic along Shootersway, the number of carbon emissions being given off and pollution in the air has increased. With this planning application, this will not help for people who suffer from health conditions who may even one day live at the venue if it does go ahead.</p>  |
| 1 Oxfield Close | <p>We have no underlying objection to developing this site, but we observe that the on-site parking seems hugely inadequate for 103 dwellings. There needs to be sufficient on-site parking for all resident households, some of which will have more than one vehicle. In addition, there will be visitors to the site. There is a real danger of clogging up nearby streets with parking by residents and/or visitors. This will make the surrounding streets less safe, and inconvenience other local residents. Such an effect will be exacerbated if there are access controls at the vehicular entrance to the new development.</p>   |
| 7 Oxfield Close | <p>We object to the proposal on the basis that the area cannot support such a large development. Access is onto an already extremely busy road (shootersway). Mornings and afternoons already see the traffic lights at the shootersway/kings road junction highly congested with traffic which often makes it extremely difficult to turn out of Oxfield close, something that will surely be exacerbated by such a development.</p>   |
| 8 Oxfield Close | <p>This development, whilst reasonably attractive in its own right, is totally unsuited to the proposed site.</p> <p>The proposed egress close to the junction of Shootersway and Kings Road is already a pinch point at rush hours, in spite of the recently installed excellent traffic light system, and is unsuitable for the amount of traffic the development will generate.</p> <p>The developers are highly optimistic if they think that the number of apartments proposed will not generate at least an equal number of cars and daily traffic movement. Also, if care is to be provided for the residents, the number of care staff ( often on a ratio of at least one to two per resident) travelling in and out of the property at all hours will also generate an</p> |

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|                  | <p>unacceptable increase of traffic. The property is situated at the top of a hill and at least a mile away from the likely homes of such care staff so it is not unreasonable to expect they will use their own cars, there being no public transport passing the site and the hilly situation deters people from cycling or walking.</p> <p>This development has not been thought through properly and the increased traffic would have a disastrous effect on nearby residents, both in noise, pollution and traffic bottlenecks throughout the day and possibly at night (due to change of staff shifts).</p> <p>I wholeheartedly protest at this development purely on the effect it will have on the local environment due to the increased traffic it will generate and the dangerous egress onto Shootersway</p>   |
| 16 Oxfield Close | <p>Access</p> <p>Access to the proposed development will be through the existing entrance to 'Handbury', which is about 15 yards from a major junction. Cars leaving the site and turning right will have to cross the line of traffic and will have to hope that they can get across whilst there is fast moving cars come from the direction of the Film Archives. At certain times of day traffic heading in the direction of the A41 or into Town are queued back as far as Cross Oak Road. There is also a steady stream of students heading to school. With additional cars associated with the development plus staff cars, delivery vehicles, visitors and the bus to take some people into Town several times a day, this will increase the volume onto what is a busy narrow road.</p> <p>On Site Parking</p> <p>There will be 103 apartments (191 bedrooms) but parking spaces for only 74. There is no mention of where visitors, staff or delivery people will park. Opposite the site there are two small cul de sacs, most of which have dropped kerbs. Mention is made of an electric bus taking people to and from the town - is this expected to cater for all the travel needs of the residents. Will the people living there suddenly give up their independence for the sake of a bus ride into town?</p> <p>Travel</p> <p>Mention is made of a sustainable travel plan being implemented including 12 cycle spaces. Car spaces are shown as 74 which is expected 'to meet demand</p> |

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|                        | <p>without undermining the opportunity for sustainable travel'. This includes foot/cycle and public transport. Given the location of the site, at the top of the valley and a 1 mile walk up and down a steep hill to the railway station and any cycle ride would encounter several steep hills - is this the type of journey the residents are expected to make after giving up their cars?</p> <p>Great play is made of the electric bus going up and down during the day but this will limit the time the residents would be able to leave the complex and given the public transport available, would restrict their movements.</p> <p>Housing</p> <p>It states that the proposal will 'release of under-utilised family housing and will have a multiple effect through the housing supply chain'. A few weeks ago, we had a glossy card put through our letterbox with said 'free up housing for families looking to grow in turn creating a more balanced local housing market'. For this statement to be true it would mean that anyone living outside of Dacorum would not be allowed to live in the complex.</p>   |
| Hollydene, Shootersway | <p>Whilst we are not against the development of this site per se it does seem excessive to erect three huge mansion blocks giving 103 homes on the land of just one family home.</p> <p>Our main objections are:</p> <ul style="list-style-type: none"> <li>- We think our road is significantly overdeveloped already. In the last year (and ongoing) 180 homes (looking at probably at least 800 more people) have been built on the Taylor Wimpy site at Durrants Lane. This is without any extra provision for amenities - there's no shop or no playing fields which were promised. The nature area which was initially created has disappeared (poor animals/insects who made it their home) and the playing fields opposite don't seem to be for general public usage.</li> <li>- Shootersway started life as a residential lane and now (in last few years) gets extremely busy especially in the mornings and evenings (especially around school drop off and pick up times). This has increased traffic enormously in recent years alongside (due to development above) and the route being used as a rat run to avoid Berkhamsted high street which can still be pretty congested even in the middle of the day. In the mornings and afternoons, many children use it to walk to Ashlyns school and</li> </ul> |

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|  | <p>Chesham Grammar buses and with narrow pavements, it is a worry that traffic to the site (not to mention construction traffic for 1-2 years) could lead to incidents.</p> <ul style="list-style-type: none"><li>- The development is also very close to the relatively new traffic lights at the junction with Shootersway and Kings Road. Whilst these traffic lights are effective with the traffic flow, cars do whizz across the junction and into Shootersway which could cause issues approaching the development as traffic slows down to turn in or delivery drivers block the entrance.</li><li>- Whilst the development is planning a private bus, we would like to point out that it doesn't seem well suited at all for a retirement development being at the top of the hill, a good 20-25 min walk away from town (up a steep hill on the return) with no good bus links and narrow pavements.</li><li>- Berkhamsted has already had many new houses in recent years not least the huge Taylor Wimpy development along Shootersway. We still have no increase in amenities locally apart from the car park which has taken nearly two years to open. Already our doctors' surgeries in town are merging, it's hard to get appointments (Covid issues excepting) and a retirement complex of potentially over 200 people is likely to add pressure still further to this over used resource.</li><li>- Interestingly, on the consultation document it talks about consultations with local stakeholders such as The Hospice of St Francis, its corporate network, the Friends of St Peter's - it would be useful to know exactly why these were considered stakeholders for this developments and what the outcome of conversations were here? Has the Berkhamsted Citizens association been contacted as they weren't listed? We would also add that a virtual consultation over a very limited time-frame in the midst of a pandemic, inviting virtual comments from local people is probably not going to receive the consideration it deserves.</li><li>- Whilst we like older people, the town does seem extremely well set up already for older folk with Castle Village, retirement flats by the library, the Churchill development by the Shell petrol station and further sites down towards Northchurch. Interestingly, the Churchill development has been built for around 3 years and still has show homes available indicating that retirees are not flocking to move into our lovely town. What evidence do you have of the demand for this type of property? We would not be keen on</li></ul> |
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|               | <p>seeing marketing literature displayed outside the property for years (as per Churchill) whilst trying to fill the development. Do we not need more homes in the town for families and could we not have a few additional houses on the plot for this audience, plus affordable homes, rather than building a whole new insular community?</p> <p>Thank you for taking the time to read our comments.</p>   |
| 3 Tower Close | <p>This is a totally unsuitable development for a residential area. The proposal for three pavillion-style buildings three or four storeys high will ruin the South Berkhamsted skyline. It is claimed that they will be below the treeline but they will stick out like a sore thumb from the A41 and other southern approaches. Trees can be removed. I am also concerned about precedent which is always quoted for backland developments and will be used by developers for the hundreds of other houses planned along Shootersway resulting in high rise string development.</p> <p>We are informed that the development will house mainly elderly Berkhamsted residents releasing housing and taking the strain off local NH services. Local residents will retain their registration with local doctors and dentists so there will be no change. Any incomers will require to register despite the claim that extra care on-site will reduce pressure on the NHS by 35%.</p> <p>Access to and from the site for construction vehicles and, later, residents will be hazardous. The MOVA intelligent lights system aims to ease traffic flow but it also increases the speed of traffic travelling west from the A41. Observation indicates it results in a 'go fast attitude when the lights are green'. The traffic flow should also be seen in the light of the Strategic Plan to build many more houses in Haslams and along Shootersway without adding a western junction to the A41. This is a narrow residential road with many intersections and even now is a hazard to pedestrians especially mothers with prams and children making their way to school. Traffic back up will increase the CO2 emissions.</p> <p>The lot is mainly laid to planting but this will be removed in the main and replaced by buildings and concrete for parking yet it is claimed bio-diversity will be improved. Bio-diversity involves genes, species, communities of creatures and eco-systems. How can excavation, building and importing more people improve a garden setting. In this case, it is sales jargon coupled with a promise of section 106</p> |

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|                      | <p>provision.</p> <p>Despite assurances from the Water Authorities I am convinced that this, and the other planned developments in the area will result in future water shortages.</p> <p>This development will not improve the Borough's Housing Stock of affordable homes. The development will be expensive to buy into and the houses of local residents who are 'downsizing' will be too expensive for the majority of local families and their children. No, the 'downsized' homes of those local residents who do move to Elysian Field will be bought by incomers and many more elderly people will move into the development from elsewhere.</p> <p>Poor Berkhamsted 'an ancient market town' soon to be swallowed up by an ever growing concrete jungle, choked by traffic with an increasing population of older people. The developers and the owner of the site will be the only winners.</p>   |
| <p>5 Tower Close</p> | <p>I am writing to object to this development for the following reasons:</p> <ul style="list-style-type: none"> <li>- Shootersway is already a busy road and can become gridlocked in rush hour or during the term time. Turning out from Oxfield close or Tower close onto Shootersway can sometimes be impossible due to the volume of traffic. To get from Tower close to the A41 bypass in school traffic can sometimes take 15 minutes by the time you have gone through traffic lights. Due to the volume of traffic, accidents are occurring and Shootersway is now becoming very dangerous for cyclists. I have heard of several incidents where people have got knocked off their bike due to the car on Shootersway coming close and clipping them. The Junction also leads out onto Shootersway causing even more congestion.</li> <li>- Also having the development site here, will make it even harder, as you will constantly have lorries and other building vehicles needing to turn and block shootersway and cause unnecessary travel problems.</li> <li>- During lockdown, I could not help but notice how nice and peaceful Berkhamsted was, ever since lockdown has lifted after the first few weeks, the noise from the bypass and Shootersway has exceeded expectations. Adding more homes and a café will just create more noise and extra unnecessary pollution to the atmosphere.</li> </ul> |



- From the plans I noted they are planning to build 100+ homes but only have 75 car parking spaces on site. Where will staff and visitors park? Oxfield Close and Tower Close are for private residents only and building these houses you will be invading their privacy. Tower close even had to stop people who invaded their privacy when cars were parked from the playing fields. This had a stop to it. Residents and my relative who live in the area of Oxfield close/ Tower close should have their wishes respected by the council for privacy purposes only.

- Due to some of the pavements being narrow already round Berkhamsted, this causes a problem for elderly people like us.

- Every time I have looked for houses for sale, numerous retirement apartments have cropped up under the search when searching around Berkhamsted area only. There are several retirement apartment blocks for the elderly. These include Gilhams court, Compass point, Castle Village, Nightingale Lodge and Sheldon Lodge. Also, there are flats near Kilfilan which are for 55+. Berkhamsted does not need another retirement block

- Another problem is that this housing estate is being built on green belt land. I was reading and the plans do not specify what actions would happen if badgers were found living or made a set in the grounds.

- Also Berkhamsted needs green grass and land like this for all the wild animals to enjoy. Birds and other wildlife like hedgehogs are declining due to an increase of their habitats being destroyed. An example is Bearroc park just up the road, wildlife love it up there, and now it has been destroyed by housing.

- Should the development come, these homes/ apartments are being built for "elderly" people. Round Berkhamsted there are loads of steep hills, Drs Commons, Cross Oak, Kings hill way and others. Do you think it is fair for all these elderly people to have to walk down or up the steep hills? I know an electric bus has been proposed, but unless they can provide the bus for people outside the development, I feel you are putting these people and other individuals at risk from suffering medical problems i.e. heart attacks, broken bones due to falling.

- An ambulance would need to be called when an incident like this occurs. At the moment our local doctors surgeries are struggling to accommodate

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|  | <p>patients. Some surgeries not accepting new patients. The NHS service is stretched to the limit and if an emergency vehicle is needed police, ambulance, they are unable to get to certain places quickly due to the volume of individuals who need them. Our GP's surgeries and NHS cannot cope with a huge development like this.</p> <p>- Looking through some of the plans, I feel some of the residents will be discriminated against as some of the flats will get balconies and some won't. Elderly people need to get fresh air on a daily basis and some who would like to sit out on a hot day will be unable to do this without a balcony.</p> <p>- Looking at the letter from affinity water, I feel there is not enough water, electricity or Gas to help look after these homes. Having to install underground tanks for water and possibly waste this is just not acceptable.</p> <p>I hope the committee take in the above points for health and safety reasons as well as respecting our wishes and respecting all the residents in Berkhamsted. I object strongly to this development coming to Berkhamsted.</p> |
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**ITEM NUMBER: 5b**

|                               |   |                        |
|-------------------------------|---|------------------------|
| <b>20/00098/FUL</b>           | <b>Demolition of existing house and development of 8 new houses</b> |                        |
| <b>Site Address:</b>          | <b>143 Belswains Lane Hemel Hempstead Hertfordshire</b>             |                        |
| <b>Applicant/Agent:</b>       | <b>Mr Steve Badcock</b>   | <b>Mr Chris Fidler</b> |
| <b>Case Officer:</b>          | <b>Elsbeth Palmer</b>   |                        |
| <b>Parish/Ward:</b>           | <b>Nash Mills</b>   |                        |
| <b>Referral to Committee:</b> | <b>Due to scheme of delegation refer to 9.7 &amp; 9.8</b>           |                        |

**1. RECOMMENDATION**

That planning permission be granted.

**2. SUMMARY**

- 2.1 This application seeks full planning permission for demolition of the existing dwelling and construction of 8 new dwellings with 12 car parking spaces, private garden amenity spaces and external bin stores.
- 2.2 The site is located within a designated residential area of Hemel Hempstead wherein the principle of development is acceptable in accordance with Policies CS4 and CS17 of the Core Strategy (2013).
- 2.3 Saved Policy 10 of the Local Plan (2004) also seeks to optimise the use of available land within urban areas. This proposal seeks to optimise the use of urban land.
- 2.4 There would not be an adverse impact to neighbouring properties as a result of the proposals and satisfactory parking is provided on site. The access to the development would not compromise highway safety and the site would be enhanced by additional planting and landscaping. The design and form of the development would be in character with the area which is already very diverse. The proposal complies with Policies CS4, CS11 and CS12 of the Core Strategy 2013.

**3. SITE DESCRIPTION**

- 3.1 The application site lies within a designated residential area of Hemel Hempstead and is located between Belswains Lane and Pinecroft with access off Belswains Lane opposite the access to Dickinson Quay, Hemel Hempstead.
- 3.2 The site is .1878 of a hectare (which is large in comparison with adjacent dwelling curtilage sizes) and comprises a long private drive leading to a single two storey dwelling.
- 3.3 To the north lies Pinecroft where an existing pedestrian access allows access to the site via Pinecroft. To the east lies garden amenity space to the rear of 141 Belswains Lane and to the south a new housing development which has access directly from Belswains Lane. The site slopes gently from north to south.

**4. PROPOSAL**

- 4.1 The application seeks full planning permission for the demolition of the existing house and redevelopment to provide 8 new two bedroom dwellings. The proposal includes provision of 12 car parking bays, private garden amenity spaces and external bin stores.

## 5. PLANNING HISTORY

Planning Applications (If Any):

4/02450/17/FUL - Demolition of existing house. construction of 5 3-bed houses and a block of 3 x 1 bedroom and 1 x 2 bedroom flats, together with ancillary 14 bay car parking. private garden amenity spaces and external bin stores.

*REF - 31st May 2018*

Appeals (If Any):

4/02450/17/FUL - Development Appeal  
- 7th May 2019

## 6. CONSTRAINTS

Parking Accessibility Zone (DBLP): 4

CIL Zone: CIL3

Former Land Use (Risk Zone): Builders Yard, The Denes, Hemel Hempstead

Former Land Use (Risk Zone): Apsley Mill Site, London Road, Hemel Hempstead

Former Land Use (Risk Zone): Former Coal Depot, The Denes, Hemel Hempstead

Former Land Use (Risk Zone): Former Plastics Factory, Belswains Lane, Hemel  
LHR Wind Turbine

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

CS8 – Sustainable Transport

CS9 – Management of Roads

CS10 - Quality of Settlement Design

CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS13 – Quality of the Public Realm  
CS17 – New Housing  
CS18 – Mix of Housing  
CS19 – Affordable Housing  
CS23 – Social Infrastructure  
CS26 – Green Infrastructure  
CS28 – Carbon Emission Reductions  
CS29 - Sustainable Design and Construction  
CS30 – Sustainability Offsetting  
CS31- Water Management  
CS32 – Air, Soil and Water Quality  
CS35 – Infrastructure and Developer Contributions

Supplementary Planning Guidance/Documents:

Area Based Policies (May 2004) - Residential Character Area HCA18 Belswains  
Area Based Policies (May 2004) - Residential Character Area HCA19 Nash Mills  
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)  
Water Conservation & Sustainable Drainage (June 2005)

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

**9. CONSIDERATIONS**

Main Issues

9.1 The main issues to consider are:

- Background
- Policy and principle
- Layout and Design
- Impact on Street Scene
- Amenity Space
- Impact on neighbours
- Trees and Landscaping
- Ecology
- Impact on Highway Safety and Parking Provision
- Flood Risk and Drainage
- Contamination and Air Quality
- CIL

Background

Previous Application

9.2 A previous application 4/02450/17/FUL for the demolition of the existing dwelling and redevelopment to provide 9 new dwellings and provision of 14 car parking bays, private

garden amenity spaces and external bin stores was refused at Development Management Committee on 24.5.18 for the following reasons:

1. By reason of the proposed mix of terraced and flatted development and the combined number of units proposed on the site and resultant density of approximately 50 dwellings per hectare, the proposal would significantly alter and therefore adversely affect the character of this area identified under The Area Character Appraisal for HCA18: Belswains. The proposal would be contrary to Policies CS11 and CS12 of the Dacorum Core Strategy 2013.
2. The proposed development would provide insufficient off street parking below the Council's maximum standard which would be likely to lead to additional on street parking which would Place undue parking stress on the area, contrary to Policy CS12 of the Dacorum Core Strategy 2013.

### Appeal

9.3 An appeal was made by the applicant which was dismissed on 7<sup>th</sup> May, 2019.

9.4 The Inspector stated in the Appeal Decision Notice:

"The main issues to be considered are

- i) the effect of the proposed development on the character and appearance of the area;
- ii) the effect of the proposal upon highway safety."

".. I find the proposal would be contrary to CS Policies CS1, CS4, CS10, CS11 and CS12 which place emphasis, amongst other things, upon seeking to ensure that developments are in keeping with the surrounding area in terms of size, mass, height and appearance. This is noted as being reiterated in the saved Policies of the Dacorum Borough Local Plan (2004) (LP) Policies 10, 18 and 21."

"The proposal is not supported by information to demonstrate that safe access can be provided for refuse vehicles and fire trucks as well as adequate turning space within the site to allow such vehicle to enter and leave in a forward gear."

"I therefore conclude that the proposal fails to demonstrate that the development can be accessed, and used, safely by all vehicles utilising the site which is contrary to paragraph 109 of the Framework which seeks to avoid unacceptable impact to highway safety. Whilst the proposal may provide sufficient off-street parking, it is nonetheless contrary to Policy CS12 which seeks to provide a safe and satisfactory means of access for all users as well as provide sufficient space for servicing."

"An overall shortfall from the maximum standards by 2.5 spaces, outlined in the appendix 5 of the Dacorum Borough Local Plan 2004 (LP) and the Accessibility Zones for Car Parking Standards Supplementary Planning Guidance (SPG), is acceptable within this location. The appeal site is acknowledged to be within walking distance of public transport and services where maximum parking standards seek to encourage use of more sustainable modes of transport."

9.5 Pre application discussions were held regarding what could be supported on this site.

9.6 This application is a resubmission of the original application with changes to reflect the reasons for refusal for the planning application and dismissal of the appeal.

- 9.7 Councillor Maddern had originally “called in” this application to go to DMC but after negotiations with the agent this “call in” was removed. However the Scheme of Delegation states:  
“2.3.2 The following matters are excluded from delegation under paragraph 2.3.1: (1) Decisions on proposals other than householder developments\*, which would have the effect, either cumulatively or otherwise of granting permission, consent or other approval for matters previously refused by the Development Management Committee.”
- 9.8 As a result this application which now has the support of the local community is still bound by the Scheme of Delegation to be considered by the Development Management Committee.

#### Principle of Development

- 9.9 Core Strategy (2013) Policy CS1 states that Hemel Hempstead will be the focus for homes and Policy CS4 states that appropriate residential development within residential areas in the Towns and Large Villages is encouraged.
- 9.10 The National Planning Policy Framework (NPPF) encourages the provision of more housing within towns and other specified settlements and the effective use of land by reusing land that has been previously developed. Saved Policy 10 of the Local Plan (2004) also seeks to optimise the use of available land within urban areas.
- 9.11 Policy CS 18 states that new housing will provide a choice of homes which will comprise a range of housing types and sizes.
- 9.12 The application site is located within an urban area in the existing town of Hemel Hempstead. As such the infrastructure in the immediate area has been developed to provide good transport links for existing land uses. There are also services and facilities available within close proximity of the site.
- 9.13 The site is also large in comparison to adjacent residential sites which vary from quite small in the recently developed Marina View Terrace to medium density along Pinecroft and larger sites along Belswains Lane. Densities are much higher across Belswains Lane in the Dickinson Estate.
- 9.14 Taking all of the above into account, the proposal would make a valuable contribution to the Borough's existing housing stock (in accordance with Policy CS17). The development would be located in a sustainable location and seeks to optimise the use of previously developed land. It is considered that the proposal is in accordance with Policies CS 1, CS4 and CS17, 18 of the Core Strategy (2013), Saved Policy 10 of the Local Plan (1991) and the NPPF (2019).

#### Layout and Design

- 9.15 The proposed development will be two rows of four two storey terraced dwellings with two bedrooms per dwelling.
- 9.16 The dwellings will face Pinecroft but will be set down from this frontage and will have a 2 metre fence and hedge forming a visual buffer between the site and Pinecroft. Due to the slope of the land and the height of the hedge the fence will not be visible from Pinecroft.
- 9.17 Gardens will be located to the rear of the dwellings with bin store areas and gated access to a rear path to allow relocation of bins on collection day to the central storage area.

- 9.18 The design of the dwellings has been made to complement the character along Pinecroft in the following ways:
- pitched roofs with similar heights to adjacent neighbours;
  - dormer windows to the front of the dwelling;
  - a gap of two metres between the two rows of terraces to mimic the appearance in terms of mass, scale and bulk of the large semi-detached dwellings found along Pinecroft; and
  - single storey front projections with pitched roofs.
- 9.19 As a result the size, mass, height and appearance of the new dwellings relate well to the character along Pinecroft.
- 9.20 The proposed development will be approximately 0.74 metres higher than the adjacent dwelling 14 Pinecroft and approximately 1.94 metres lower than the adjacent neighbour at 15 Pinecroft.
- 9.21 The access will stay the same by using the current private access road off Belswains Lane. The 12 parking spaces will be located along this access and in the northern corner of the development.
- 9.22 The site is located in an area with a wide range of densities and architectural types. On the left hand side of the entrance to the site is a small brick bungalow on a large plot, on the right hand side a cul-de-sac with 5 two storey dwellings, two semi-detached and 3 x terraced dwellings. Opposite the site is the entrance to Dickenson Quay which has two storey dwellings nearest Belswains Lane and then increases in height and density as you approach the canal. Along Pinecroft the predominant character is that of two storey semi-detached and detached dwellings with a two storey flat development nearer to the Tesco end of the road. The semi-detached dwellings along this road tend to have parking to the front of the dwelling. As the site has an existing access off Belswains Lane it was considered more appropriate to maintain this access and provide the parking adjacent to this access.
- 9.23 It is considered that the proposed development will be in character with the surrounding area in terms of layout, design and scale and will therefore comply with CS 11 and CS 12.

#### Impact on Street Scene

- 9.24 Paragraph 130 of the NPPF states that *'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'*
- 9.25 Core Strategy (2013), Policies', CS1, CS4, CS10, CS11 and CS12 highlight the importance of good design in improving the character and quality of an area; seeking to ensure that developments are in keeping with the surrounding area in terms of size, mass, height and appearance. This guidance is reiterated in the Saved Local Plan (2004) Policies' of 10, 18 and 21.
- 9.26 Saved Policy 21 states that careful consideration will be given to the density of all new housing proposals to ensure that they make the most efficient use of the land available. Densities will generally be expected to be in the range of 30-50 dwellings per hectare net. Higher densities will generally be encouraged in urban areas at locations where services and/or workplaces can be reached without the need for motorised travel or which are served well by passenger transport, or example at town or local centres.



- 9.26 The site lies within two Character Appraisal Areas. The access is within HCA 18 and the remainder of the site is within HCA19. The Area Character Appraisal for HCA18: Belswains describes the age, design and type of residential development as "variety throughout". The height is overwhelmingly two storey and density is generally medium range (25-35 dwellings/ha). There are no special requirements in terms of design and types but should normally not exceed two storeys. Development in the medium density range (30 to 35 dwellings/ha) is acceptable. Dwellings should normally front the road and follow established formal building lines. HCA 19: Nash Mills states that housing variety is acceptable and height must not exceed two storeys. The orientation and siting of buildings should follow the pattern set by those adjoining or nearby to the site.
- 9.27 The density of the existing site is 5.6 dwellings per hectare (dph) which is much lower than that advised in the Character Appraisals. The density of the proposed site will be 42.6 dph. The neighbouring development approved in 2012 allowed a density of 40 dph.
- 9.28 The proposed density is within the range outlined in the Local Plan and slightly higher than the figures stated in the Character Appraisals. As this site is located in an area serviced by good public transport – both bus stops and train station in walking distance and is located in an area of wide variety in terms of density and on the edge of the Belswains Character area adjacent to the Canal Estate it is considered that the proposed density is acceptable.
- 9.29 The National Planning Policy Framework (NPPF) encourages the provision of more housing within towns and other specified settlements and the effective use of land by reusing land that has been previously developed. Saved Policy 10 of the Local Plan (2004) also seeks to optimise the use of available land within urban areas.
- 9.30 Based on the above the proposed development complies with the relevant sections of the NPPF and Saved Policy 10 of the Local Plan (2004).

#### Amenity Space

- 9.31 The 8 new dwellings will have rear gardens with a variety of depths ranging from 9.5 metres to 12 metres.
- 9.32 Appendix 3 of the Local Plan states that “private gardens should normally be positioned to the rear of the dwelling and have an average minimum depth of 11.5 metres. Ideally a range of garden sizes should be provided to cater for different family compositions, ages and interests. A reduced rear garden depth may be acceptable for small starter homes, homes for the elderly and development backing onto or in close proximity, to open land, public open space or other amenity land.”
- 9.33 The proposed garden depths from east to west are approximately 12 metres, 11 metres, 11 metres, 10 metres, 10 metres, 9.5 metres, 9.5 metres and 10 metres respectively. However all of the properties proposed are small and therefore a reduced garden depth is considered acceptable. All private amenity spaces are to the rear of the dwellings and are considered to be of a size and shape that is functional for the size of the unit. In addition to the private amenity space proposed the site also has the Grand Union Canal Tow Path (public amenity space) within a 10 minute walk which would serve to supplement the private provision proposed.

#### Impact on Residential Amenity

##### Loss of privacy

- 9.34 It is considered that there will be no loss of privacy as a result of the proposal as there are no windows proposed in flank elevations facing either of the adjacent neighbours.
- 9.35 The back to back distance between the development and the houses on Marina View Terrace is approximately 24.6 metres. This complies with the guidance provided in Saved Appendix 3 of the DBLP which states that a minimum back to back distance of 23 metres should be provided between dwellings to ensure that there is no potential for overlooking.
- 9.36 The flank elevation of 15 Pinecroft will be facing the car park and landscaped area.

#### Sunlight and daylight

- 9.37 It is considered that the proposed development will not result in a loss of sunlight and daylight for either of the adjacent neighbours due to siting of the development within the plot, the set back from the side boundary and being set down from Pinecroft.
- 9.38 It is considered that the proposed development will not have a significant impact on the residential amenity of surrounding units in terms of overlooking, loss of sunlight and daylight or being overbearing. The proposal complies with Policy CS12 of the Core Strategy.

#### Impact on Trees and Landscaping

- 9.39 A Tree Plan showing the existing trees on or adjacent to the site was submitted with the application.
- 9.40 The Trees and Woodlands Officer stated that according to the information submitted no trees of significant landscape value or amenity will be detrimentally affected by the development and he had no objections to the application being approved in full.
- 9.41 A hard and soft landscaping condition will be set on any approval granted to ensure that the site is landscaped appropriately and that any trees planted will be maintained.

#### Ecology

- 9.42 A Preliminary Roost Assessment and Emergence and Activity Bat Survey was prepared by CherryField Ecology and submitted with the application.
- 9.43 Once this was submitted the Hertfordshire Ecologist had no objection to the proposed scheme in terms of Bats. However there were issues with regard to overall net gains for biodiversity.
- 9.44 In order to achieve a Biodiversity Net Gain the applicant was asked to prepare a proposed Ecology Site Plan which was submitted and amended based on comments from the Hertfordshire Ecologist. The Ecology Site Plan is now compliant with CS 26.

#### Impact on Highway Safety and Parking

- 9.45 Policy CS12 of the Core Strategy seeks to ensure developments have sufficient parking provision. In accordance with the NPPF, 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.
- 9.46 Appendix 5 of the Local Plan lists Maximum Parking Standards for the Borough. The site lies within Accessibility Zone 4 for the application of Car Parking Standards SPG where 75-100%

of maximum demand based standards should be applied. Fractions of a space indicate the use of assigned and unassigned spaces.

- 9.47 For 8 x 2 bedroom dwellings the maximum standard is 1.5 spaces each.
- 9.48 The proposal provides 12 spaces. One space per dwelling and 4 visitor spaces. This means that the parking provision complies with the parking standards for the Borough and is therefore acceptable and in accordance with Core Strategy Policy CS12.
- 9.49 Provision is made towards the rear of each garden for cycle storage which is supported and accords with Appendix 5 of the Local Plan.
- 9.50 The County Council as Highway Authority have raised no objection to the proposal subject to conditions. The Highway Authority are satisfied that the car movements associated with the development would not result in an adverse impact on the existing road network and is unlikely to have an adverse impact on the safety or operation of the junction.
- 9.51 The applicant has demonstrated in this application that the proposal includes ample turning space for larger vehicles, including a fire engine and refuse truck within the site. This proposal has more room on site for manoeuvring of large vehicles both along the access and in the parking area than the previous proposal.

#### Flood Risk and Drainage

- 9.52 The Lead Local Flood Agency (LLFA) requested a Drainage Assessment be submitted as part of this application. The Assessment was submitted and accepted by the LLFA. They then accepted the proposed scheme subject to specific conditions.

#### Contamination and Air Quality

- 9.53 The site has been identified as a former land use site. Contamination can be adequately dealt with by conditions as suggested by the Council's Environmental and Community Protection team to meet the requirements of Policies CS31 and CS32 of the Core Strategy.

#### Waste Management

- 9.54 Storage of refuse for the dwellings has been located to the rear of the properties, with collection from a point on the access road. The furthest distance required for the bins to be moved is 28 metres, which is acceptable in Highway terms.
- 9.55 Drawing numbers DWG/3233/001 rev E and DWG/3233/002 rev E show that large vehicles are able to use the proposed turning space to enter and leave the site in forward gear, if travelling South along Belswains Lane but not from the north.
- 9.56 A pre-commencement condition has been set requiring the applicant to provide a swept path diagram showing that a large vehicle eg construction vehicles, fire tenders will be able to access and leave the site from the highway, using all arms of the mini roundabout ie approaching/leaving the site to and from the North and the South on Belswains Lane.

#### Sustainability

- 9.57 CS29: Sustainable Design and Construction states that for specified types of development applicants should provide a Sustainability Statement. A sustainability checklist was submitted with the application and a condition set to ensure compliance with the checklist.

CS29 (h) specifies that there should be one new tree per dwelling – this will be achieved via the hard and soft landscaping plan.

### Permitted Development

9.58 Given the scale, site coverage, density of development and the close proximity of the proposed dwellings to each other and existing dwellings it is considered necessary and reasonable to remove permitted development rights for extensions to the dwellings - Class A in order to safeguard residential amenity. In addition careful consideration has been given to the size of the dwellings and the amenity space provided such that Class B,C and E would also need to be removed.

### Response to Neighbour Comments

9.59 One of the main concerns of local residents was that no access be allowed from the proposed development onto Pinecroft. This was to ensure that it was not used as a thoroughfare and that residents would use the allocated parking rather than park along Pinecroft which is already a heavily parked road. The gate access is to be infilled with native hedging to match the existing hedge along Pinecroft and a 2 metre high fence will be placed within the site behind the hedge. The two metre fence will be set down behind the hedge so will not be visible from Pinecroft.

9.60 Another concern was that the fencing around the site be fully on land owned by the applicant and not on land owned by neighbours. This is with particular reference to fencing adjacent to 139 Belswains Lane and Nos. 1 and 3 Marina View Terrace. The approved plans have been annotated to address this issue. This is to ensure that there is no loss of amenity for adjacent neighbours (especially those adjacent to the access to the site 139 Belswains Lane and Marina View Terrace) and to comply with Core Strategy Policy 12.

9.61 Changes to the roundabout to allow for access by large vehicles such as fire engines and refuse vehicles using all arms of the mini roundabout ie approaching/leaving the site to and from the North and the South on Belswains Lane was another concern of the local residents. This will be addressed via pre-commencement conditions which will also cover the requirement to provide plans detailing changes required to the access onto Belswains Lane to form a bellmouth access and including alterations to the mini roundabout location.

9.62 These points and others have been addressed above and as outlined in the Background section amendments have been made to the scheme to address many of the comments received.

### Community Infrastructure Levy (CIL)

9.63 Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. The site lies within CIL zone 3. The development of 8 new dwellings will be CIL liable and will be charged at a rate of £100 per square metre (index linked) in accordance with the adopted charging schedule.

## **10. CONCLUSION**

10.1 The previous reasons for refusal from the Development Management Committee and the Inspector have now been addressed. The impacts of the proposal have been taken into consideration, along with representations received from consultees and the neighbouring

properties. The proposal is now considered acceptable in terms of design, impact on street scene and neighbours.

## **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. 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:**

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

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

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

**Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5 years from planting fails to become established, becomes seriously**

**damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity.**

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

4. **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 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).

5. **(a) The Local Planning Authority is of the opinion that the Phase I Geo-Environmental Desk Study submitted at the planning application stage (Document Reference: BRD Environmental Ltd BRD3041-OR1-A September 2017) indicates a reasonable likelihood of harmful contamination and so 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.**

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

- (c) 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 (b) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.**
- (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.**

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

6. **Any contamination, other than that reported by virtue of Condition 5 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.

- 7. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan.**

**The Construction Management Plan shall include details of the following:**

- a. Construction vehicle numbers, type, routing**
- b. Access arrangements to the site**
- c. Traffic management requirements**
- d. On site construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);**
- e. Siting and details of wheel washing facilities;**
- f. Cleaning of site entrances, site tracks and the adjacent public highway;**
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;**
- h. Provision of sufficient on-site parking prior to commencement of construction activities;**
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;**
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.**

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

- 8. No development shall commence until a scheme detailing changes required to the access onto Belswains Lane to form a bellmouth access and including alterations to the mini roundabout location, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.**

Reason: In the interests of highway safety and free and safe flow of traffic and to comply with Core Strategy Policy 12.

- 9. No development shall commence until a swept path diagram showing that a large vehicle is able to access the improved access from all four arms of the mini roundabout, especially approaching from the South East, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.**

Reason: In the interests of highway safety and free and safe flow of traffic and to comply with Core Strategy Policy 12.

- 10. No development shall commence until the improved site access geometry has been constructed and completed to the satisfaction of the local planning authority and the highway authority.**

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

11. **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 and to comply with Core Strategy Policy 12.

12. **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 the interest of highway safety and to comply with Core Strategy Policy 12.

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

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises and to comply with Core Strategy Policy 12.

14. **All works within the highway boundary (including alterations to the footway and the improved site access) will need to be secured and approved via a S278 Agreement with the HCC.**

**Reason: To ensure all work undertaken on the highway is constructed to the Highway Authority's current specification, to an appropriate standard and by a contractor who is authorised to work in the public highway and in accordance with Hertfordshire County Council publication "Roads in Hertfordshire - A Guide for New Developments", an S278 agreement will be required before any such works are undertaken.**

**Further information is available by telephoning Highways on 0300 1234047 or using this link:<http://www.hertfordshire.gov.uk/services/transtreets/highways/highwaysinfo/hiservicesforbus/devmanagment/dmhighwaysec278/>**

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises and to comply with Core Strategy Policy 12.

15. **The development hereby permitted shall be carried out in accordance with the submitted and approved Sustainable Development Checklist.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS28 and CS29 of the Dacorum Borough Core Strategy (2013), the Sustainable Development Advice Note (2016) and Paragraphs 150 and 153 of the National Planning Policy Framework (2019).

16. **The development permitted by this planning permission shall be carried out in accordance with the Drainage Assessment, prepared by JNP Group, Ref. C85763 RE001A, dated 26.06.20, Rev A and the following mitigation measures;**



1. Limiting the surface water run-off rates to a maximum of 2l/s for all rainfall events up to and including the 1 in 100 year + climate change event with discharge into the Thames Water Sewer
2. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
3. Undertake drainage strategy to include the use of permeable asphalt, attenuation tank and flow control.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to comply with Core Strategy Policy 31.

17. **No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The surface water drainage system will be based on the submitted Drainage Assessment, prepared by JNP Group, Ref. C85763 RE001A, dated 26.06.20, Rev A. The scheme shall also include;**

1. Final design of the drainage scheme including detailed engineered drawings of the proposed SuDS features including their location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event.
2. Investigate the use infiltration features to dispose some surface water from the site where possible.
3. Demonstrate appropriate SuDS management and treatment and inclusion of above ground features such as permeable paving/asphalt
4. Provision of half drain down times within 24 hours
5. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site and to comply with Core Strategy Policy 31.

18. **Prior to occupation the site boundary adjacent to Pinecroft will be hedged (where there are gaps in the current hedge) and fenced (a 2 metre close boarded fence) to ensure that no access is allowed from the site onto Pinecroft. The existing hedge is to be maintained and not reduced in height. These measures to ensure no access or egress to Pinecroft will be maintained in perpetuity and that there will be no loss of amenity for No. 19 Pinecroft in terms of overlooking.**

Reason: To ensure that the site is secure and to ensure that future residents enjoy a safe and secure environment. To comply with Core Strategy 12.

19. **Prior to occupation all the recommendations of the Proposed Ecology Site Plan such as provision of Bat Boxes, Hedgehog Habitat Boxes, lighting etc. will be installed. These will be maintained in perpetuity.**

Reason: In the interests of the local ecology and Biodiversity Net Gain and to comply with Core Strategy Policy 12 and 26.

20. **No development shall take place until details of protection measures for the hedge fronting Pinecroft shall have been submitted to and approved in writing by the local planning authority. The approved details shall be put in place prior to the commencement of development and kept in place until the development is complete.**

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

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

**Site Location Plan 390602-SP02  
Proposed Site Plan 390602 SL01 (Q)  
Proposed Ground Floor Plans 390602 SL02(C)  
Proposed First Floor Plan 390602 SL03 (D)  
Proposed Elevations 390602 SL04 (F)  
Street View (Pinecroft) 390602 SL06 (E)  
Proposed Site Entrance 390602 SL08 (A)  
Proposed Lighting Layout 390602 SL07(A)**

**DA 01(A) Amended Design and Access Statement**

**Phase 1 Geo-Environmental Desk Study BRD 3041-OR1-A - September 2017 Part 1,2 and 3**

**Phase 2 Geo-Environmental Site Investigation BRD 3041-OR2-A September 2017**

**Proposed Ecology Site Plan Drg. No. EC01 Rev C  
Preliminary Roost Assessment (PRA) prepared by Cherryfield Ecology dated 6.9.17  
Emergence and Activity Bat Survey prepared by Cherryfield Ecology dated 9.5.18**

**Drainage Assessment, prepared by JNP Group, Ref. C85763 RE001A, dated 26.06.20, Rev A**

**Drainage Detailing C85763-SK002  
Drainage Detailing C85763-SK003**

**Sustainability Checklist**

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. In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0730hrs to 1730hrs on Monday to Friday, 08:00 - 13:00 Saturday and no works are permitted at any time on Sundays or bank holidays.
3. Dust from operations on the site should be minimised by spraying with water or carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The Applicant is advised to consider the control of dust and emissions from construction and

demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.

4. The attention of the Applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.
5. The 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](http://www.dacorum.gov.uk) by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.

6. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.
7. 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.
8. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047
9. All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's publication "Roads in Hertfordshire - Highway Design Guide (2011)". Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

## APPENDIX A: CONSULTEE RESPONSES

| Consultee                    | Comments   |
|------------------------------|--|
| Hertfordshire Highways (HCC) | <p>Decision</p> <p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <p><b>CONDITIONS</b></p> <p>1. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan.</p> <p>The Construction Management Plan shall include details of the following: a. Construction vehicle numbers, type, routing b. Access arrangements to the site c. Traffic management requirements d. On site construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas); e. Siting and details of wheel washing facilities; f. Cleaning of site entrances, site tracks and the adjacent public highway; g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times; h. Provision of sufficient on-site parking prior to commencement of construction activities; i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway; j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.</p> <p>Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <p>2. No development shall commence until a scheme detailing changes required to the access onto Belswains Lane to form a bellmouth access and including alterations to the mini roundabout location, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.</p> <p>Reason: In the interests of highway safety and free and safe flow of traffic.</p> <p>3. No development shall commence until a swept path diagram showing that a large vehicle is able to access the improved access from all four arms of the mini roundabout, especially approaching from the South East, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.</p> <p>Reason: In the interests of highway safety and free and safe flow of traffic</p> <p>4. No development shall commence until the improved site access</p> |

feometry has been constructed and completed to the satisfaction of the local planning authority and the highway authority.

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

5. 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.

6. 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 the interest of highway safety.

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

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

8. Highway Proposals - S278 Agreement

All works within the highway boundary (including alterations to the footway and the improved site access) will need to be secured and approved via a S278 Agreement with the HCC.

Reason: To ensure all work undertaken on the highway is constructed to the Highway Authority's current specification, to an appropriate standard and by a contractor who is authorised to work in the public highway and in accordance with Hertfordshire County Council publication "Roads in Hertfordshire - A Guide for New Developments", an S278 agreement will be required before any such works are undertaken.

Further information is available by telephoning Highways on 0300 1234047 or using this link:- [http://www.hertfordshire.gov.uk/services/transtreets/highways/highway\\_sinfo/hiservicesforbus/devmanagment/dmhwaysec278/](http://www.hertfordshire.gov.uk/services/transtreets/highways/highway_sinfo/hiservicesforbus/devmanagment/dmhwaysec278/)

HIGHWAY INFORMATIVES:

1. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website:

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

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.

3. 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

4. Construction standards for works within the highway: All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's publication "Roads in Hertfordshire - Highway Design Guide (2011)". Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

#### DESCRIPTION

This application is for Demolition of existing house and development of 8 new houses

The site is currently accessed from Belswains Lane, with the front aspect of the properties being on Pinecroft. Belswains Lane is an Unnumbered "C" Classified local access road, while Pinecroft is an unclassified local access road and a cul-de-sac. Both have a 30mph speed limit.

#### ACCESS

Vehicular and secondary pedestrian access is currently via a dropped kerb onto Belswains Lane. There is a mini roundabout just South West of the site, which limits the ability of vehicles to turn right into the site from Belswains Lane.

Although the applicant has stated in section 8 of the application form that no new or altered vehicular access is proposed to or from the public

highway, to serve a development of this size, this crossing must be upgraded to a bellmouth.

The proposal is to widen this access to enable vehicles entering the site to wait clear of the highway if another vehicle is exiting. The driveway is currently 8.3m wide, and this will be maintained at 4.8m, with parking spaces along its southern edge

The applicant will need to submit plans both for the improvements to this access and also for moving the roundabout further south east, so that vehicles are easily able to turn right into the driveway from Belswains Lane.

This must then be demonstrated to be possible by swept path analysis drawings.

#### Swept Path Diagrams

The applicant has stated that after construction delivery and utility vehicles will access the proposed properties from Pinewood Road. Furthermore, diagram "Proposed Site Plan 8L01 C" shows that large vehicles are able to use the proposed turning space to enter and leave the site in forward gear. However, the applicant has failed to show how large vehicles travelling either North or South along Belswains Lane are able to enter/leave the access road from/onto the highway.

Detailed swept path diagrams are required to show how large vehicles eg construction vehicles, fire tenders will be able to access and leave the site from the highway, using all arms of the mini roundabout ie approaching/leaving the site North or South on Belswains Lane

The main current and proposed pedestrian access to the site is from Pinecroft, to the front aspect of the site. It is also proposed that during occupation of the development utility vehicles will approach the new properties from this road. Turning head

Although the applicant states that the proposal includes ample turning for larger vehicles - including a fire engine and refuse truck, no indication has been given on how these large vehicles will access the site. This must be shown in adequately dimensioned and produced swept path diagrams.

#### S278 Agreement

Any works within the highway boundary (including alterations to the footway and the proposed site access) will need to be secured and approved via a S278 Agreement with the HCC

#### REFUSE STORAGE AND COLLECTION

Storage and collection for refuse for the dwellings will be at the front of the properties, on Pinecroft.

#### PARKING

The proposal includes 12 car parking spaces and 8 cycle parking spaces. Four of these will be along the southern edge of the driveway, leaving 4.8 m clear for vehicles to enter the site. There is a turning head within the site to allow vehicles to enter and leave the parking area in forward gear.

Turning head

|                       |  |
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|                       | <p>Although the applicant states that the proposal includes ample turning for larger vehicles - including a fire engine and refuse truck, no indication has been given on how these large vehicles will access the site. This must be shown in adequately dimensioned and produced swept path diagrams.</p> <p><b>CONCLUSION</b></p> <p>HCC as highway authority considers that the proposals would not have a severe residual impact upon highway safety or capacity, subject to the conditions and informative notes above.</p>  |
| Rights Of Way (DBC)   | <p>There are no recorded public rights of way affecting 143 Belswains Lane shown on the DM&amp;S.</p> <p>It's possible for people to claim a public route if they having been using it for, usually, 20 years plus. Any claim would be evidentially based and assessed by the Highway Authority/HCC.</p> <p>In terms of private rights that's something between the individuals concerned, i.e. an easement, and will be either on their deeds or assessed by a magistrates court.</p>   |
| Hertfordshire Ecology | <p><b>Bats</b></p> <p>Although there is no ecological information accompanying this application a Pervious similar application ref 4/02450/17/FUL (refused) was supported by a Bat roost outline mitigation strategy by environmental business solutions (report date 23rd February 2018). This sets out a strategy based on a previous Preliminary Roost Assessment (PRA) by Cherryfield Ecology during September 2017. During this PRA moderate potential to support bat roosts was found. The Conclusion of both reports is that further surveys are required. Following Bat Conservation Trust best practice guidelines, these should be two dusk emergence / dawn re-entry surveys, to further inform any use of the building by bats, and to provide appropriate mitigation to safeguard them if present and affected. These surveys can only be carried out in the summer months when bats are active, usually between May and August, or September if the weather remains warm. Ideally, they should be at least two weeks apart.</p> <p>As bats are European Protected Species (EPS), this information is required to be submitted to the Local Planning Authority (LPA), so it can fully consider the impact of the proposals on bats and discharge its legal obligations under the Conservation of Habitats and Species Regulations 2018.</p> <p>As these cannot be undertaken until the coming spring when bats become active again after hibernation, In order not to hold up the planning process an Outline Mitigation Strategy can be provided, this</p> |



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|                                  | <p>must demonstrate how any bats likely to be present will be adequately considered, to the satisfaction of the LPA . With this in place outstanding surveys can be conditioned.</p> <p>The Outline mitigation strategy accompanying the previous application gives details of work that should not take place prior to the surveys being carried out, and acknowledging that if the surveys finds bats, then a mitigation strategy will be required and that bat boxes could provide suitable compensation for the level of potential found. Whilst I support all of these points, the strategy does not provide adequate detail of the provisions to safeguard bats if found, that would allow the LPA, in the absence of the results of the follow on surveys and supporting mitigation if required, to meet its biodiversity responsibilities for these European Protected Species.</p> <p>Consequently, there is currently insufficient information on bats and the application should not be determined until an outline mitigation strategy has been provided with sufficient details to allow the follow on surveys to be conditioned. These should include but not be limited to:</p> <ul style="list-style-type: none"> <li>Seasonal timing considerations;</li> <li>Toolbox Talk to contractors;</li> <li>Pre-commencements checks;</li> <li>Supervise stripping of the roof (Watching Brief);</li> <li>Roost closure;</li> <li>Bat roost provision - roost retention/reinstatement; - additional roost provision</li> <li>Monitoring.</li> </ul> <p>Biodiversity Net 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. Simple biodiversity enhancements that could be incorporated into the development proposal include: bat and bird boxes in trees, integrated bat roost units (bricks and tubes) in buildings, specific nest boxes for swifts, swallows and martins, refuge habitats, hedgehog boxes, gaps under fencing to allow free movement of small mammals (e.g. hedgehogs) and amphibians. In terms of landscaping this could include native tree, shrub and fruit tree planting. Any biodiversity enhancements should be considered at an early stage to avoid potential conflict with any external lighting plans.</p> |
| Lead Local Flood Authority (HCC) | <p>We have reviewed the information submitted by the applicant in support of the planning application and note that no information has been provided regarding flood risk to the site or information on how the applicant intends to manage the surface water runoff from the site.</p>   |

It is acknowledged that as LLFA we provided comments on a previous application at this site: 4/02450/17/FUL. In our response to 4/02450/17/FUL dated 12 January 2018 we recommended conditions to the LPA. However, as this is a brand new full planning application at the site, all information should be submitted in support of this new application.

In the absence of a surface water drainage assessment, we would recommend the LPA to seek from the applicant details on surface water management.

What we would normally expect to find in a drainage strategy includes:

- Statement of compliance with the NPPF and NPPG policies, LPA local plan policies and HCC SuDS Guidance and Policies.
- Anecdotal information on existing flood risk with reference to most up to date data and information.
- Establish location/extent of any existing and potential flood risk from all sources including existing overland flow routes, groundwater, flooding from ordinary watercourses referring to the national EA fluvial (river) and surface water flood maps.
- Where infiltration is proposed, evidence of ground conditions/ underlying geology and permeability including BRE Digest infiltration tests should be provided.

- A detailed drainage strategy which includes a commitment to providing appropriate SuDS in line with the non -statutory national standards, industry best practice and HCC Guidance for SuDS.
- Detailed calculations of existing/proposed surface water storage volumes and flows with post development calculations/ modelling in relation to surface water are to be carried out for all rainfall events up to and including the 1 in 100 year including an allowance for climate change.
- Evidence that if the applicant is proposing to discharge to the local sewer network, they have confirmation from the relevant water company that they have the capacity to take the proposed volumes and run-off rates.
- Any opportunity to improve flood risk directly by the development site or contribution to local flood risk schemes.

For further advice on what we expect to be contained within the surface water drainage assessment to support a planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage:  
<https://www.hertfordshire.gov.uk/services/recycling-waste-andenvironment/water/surface-water-drainage/surface-water-drainage.aspx>

In the absence of any information relating to surface water drainage on the site, we would recommend objection to the LPA until this

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|   | <p>information has been provided. Production of a surface water drainage assessment will not in itself result in the removal of a recommended objection.</p> <p>The minimum required to assess the flood risks resulting from the proposed development:</p> <ul style="list-style-type: none"> <li>- The volume of surface water the site will have to deal with</li> <li>- How the proposal intends to manage these volumes within the site</li> <li>- Where the water will be disposed of</li> </ul>  |
| <p>Lead Local Flood Authority (HCC)</p> | <p>We previously provided comments in our letter dated 18 May 2020 and 24 March 2020. The applicant has provided the following additional information following our objection letters:</p> <ul style="list-style-type: none"> <li>o Drainage Assessment, prepared by JNP Group, Ref. C85763 RE001A, dated 26.06.20, Rev A</li> </ul> <p>It is acknowledged that as LLFA we provided comments on a previous application at this site: 4/02450/17/FUL. In our response to 4/02450/17/FUL dated 12 January 2018 we recommended conditions to the LPA. However, as this is a new full planning application at the site, we will provide comment relevant to the information submitted.</p> <p>The proposed drainage strategy is based upon attenuation and discharge into Thames surface water sewer at a maximum rate of 2l/s. BRE Digest 365 compliant infiltration tests have been carried out and some reasonable rates of infiltration were recorded. It is therefore proposed that the driveway and access will be left unlined to infiltrate through permeable asphalt. Within the drainage strategy the applicant has detailed regarding infiltration how due to the layout of the development appropriate stand-off distance from infiltration features and building is unlikely to be achieved.</p> <p>The proposed drainage aims to minimise the increase in impermeable area by maximising the extent of permeable paving and natural infiltration. All post development run-off from the site will be limited to 2 litres/second. Attenuation and reduced discharge will be provided for all storm events up to and including the 1 in 100-year storm plus 40% allowance for climate change.</p> <p>Thames Water confirmed in a Pre-Planning enquiry dated 18th June 2020, that the existing foul and surface water sewers do have capacity to accommodate the proposed development (Proposed surface water runoff to discharge via gravity into manhole ref. 5002. Flows restricted</p> |

to 2.0l/s).

We have some concerns regarding the volume of storage to be provided on site. Within the MicroDrainage calculations shown at Appendix H, 12.16m<sup>3</sup> volume of storage is provided within the Cellular Storage which has been modelled; that is 16m<sup>2</sup> area at 0.8m depth with 0.95 porosity. Within the Drainage Strategy drawing, Drawing No. C85763JNP-92-ZZ-DR-C-1001, Rev. P1, dated 25/06/2020, it is stated how the volume of storage provided is 19m<sup>3</sup>. However, this looks to be incorrect when looking at the tank dimensions, which are 6m long x 2.5m wide x 0.8m deep, which, when factoring in the porosity at 0.95, gives a total volume of 11.4m<sup>3</sup>. It is also unclear the entirety of the contributing area, which is positively drained into the tank.

There is also a small amount of flooded volume leaving the system (0.675m<sup>3</sup>) during the 1 in 100 year + climate change event, suggesting the attenuation may need to be slightly larger. Or if this is to be informally managed within the site, will need to be shown on a plan, ensuring no flooding of any building.

Considering that this is a minor application, we would therefore recommend that these concerns are clarified by a way of condition.

In order to secure the final detail of the proposed scheme, we therefore recommend the following conditions to the LPA should planning permission be granted.

#### Condition 1

The development permitted by this planning permission shall be carried out in accordance with the Drainage Assessment, prepared by JNP Group, Ref. C85763 RE001A, dated 26.06.20, Rev A and the following mitigation measures;

1. Limiting the surface water run-off rates to a maximum of 2l/s for all rainfall events up to and including the 1 in 100 year + climate change event with discharge into the Thames Water Sewer
2. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
3. Undertake drainage strategy to include the use of permeable asphalt, attenuation tank and flow control.

#### Reason

1. To reduce the risk of flooding to the proposed development and future occupants.

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|                      | <p>Condition 2</p> <p>No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The surface water drainage system will be<br/> <a href="http://www.hertfordshire.gov.uk">www.hertfordshire.gov.uk</a> 3<br/> based on the submitted Drainage Assessment, prepared by JNP Group, Ref. C85763 RE001A, dated 26.06.20, Rev A. The scheme shall also include;</p> <p>1. Final design of the drainage scheme including detailed engineered drawings of the proposed SuDS features including their location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event. 2. Investigate the use infiltration features to dispose some surface water from the site where possible. 3. Demonstrate appropriate SuDS management and treatment and inclusion of above ground features such as permeable paving/asphalt 4. Provision of half drain down times within 24 hours 5. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.</p> <p>Reason</p> <p>To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.</p> <p>Informative to the LPA</p> <p>We would recommend the LPA obtains a management and maintenance plan, to ensure the SuDS features can be maintained throughout the development's lifetime. This should follow the manufacturers' recommendation for maintenance and/or guidance in the SuDS Manual by Ciria.</p> |
| Waste Services (DBC) | <p>L 11m including safety bars x W 3m including wing mirrors should be allowed.</p> <p>From a waste perspective all seems well. Just to confirm that the collection vehicle is a 26t rigid freighter. there should be space for each resident to present 2 x wheeled bins and a kerbside caddy outside their boundary on collection day. I notice that there are 2 seperate bin storage area as well as the storage on their properties.</p>   |

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| <p>Environmental And Community Protection (DBC)</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 close to land with contaminated land use history, including, paper mill, builders yard and coal depot, 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:</p> <p>(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.</p> <p>(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:</p> <p>(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;</p> <p>(ii) The results from the application of an appropriate risk assessment methodology.</p> <p>(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.</p> <p>(d) This site shall not be occupied, or brought into use, until:</p> <p>(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.</p> |

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|  | <p>(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Condition 2:<br/>Any contamination, other than that reported by virtue of Condition 1 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Informative:<br/>The above conditions are considered to be in line with paragraphs 170 (e) &amp; (f) and 178 and 179 of the NPPF 2019.</p> <p>The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on <a href="http://www.dacorum.gov.uk">www.dacorum.gov.uk</a> by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.</p> |
| Conservation & Design (DBC)                  | I think that the plans attached would be acceptable and sit comfortably with the surrounding built environment. Therefore provided that you conditioned the materials and landscaping we would not object.  |
| Trees & Woodlands                            | According to the information submitted no trees of significant landscape value or amenity will be detrimentally affected by the development. I have examined the information and have no objections to the application being approved in full.  |
| Environmental And Community Protection (DBC) | 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.

This is considered necessary because the application site is close to land with contaminated land use history, including, paper mill, builders yard and coal depot, 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.

Please note condition 1 acknowledges existence of an adequate phase 1 report.

Contaminated Land Conditions:

Condition 1:

(a) The Local Planning Authority is of the opinion that the Phase I Geo-Environmental Desk Study submitted at the planning application stage (Document Reference: BRD Environmental Ltd BRD3041-OR1-A September 2017) indicates a reasonable likelihood of harmful contamination and so 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.

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

(c) 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 (b) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

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

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



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|                              | <p>Condition 2:<br/>Any contamination, other than that reported by virtue of Condition 1 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Informative:<br/>The above conditions are considered to be in line with paragraphs 170 (e) &amp; (f) and 178 and 179 of the NPPF 2019.</p> <p>The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on <a href="http://www.dacorum.gov.uk">www.dacorum.gov.uk</a> by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.</p> |
| Hertfordshire Highways (HCC) | <p>Proposal AMENDED PROPOSAL Demolition of existing house and development of 8 new houses</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><b>CONDITIONS</b></p> <p>1. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan.</p> <p>The Construction Management Plan shall include details of the following: a. Construction vehicle numbers, type, routing b. Access arrangements to the site c. Traffic management requirements d. On site construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas); e. Siting and details of wheel washing facilities;</p> <p>f. Cleaning of site entrances, site tracks and the adjacent public highway; g. Timing of construction activities (including delivery times</p>   |

and removal of waste) and to avoid school pick up/drop off times; h. Provision of sufficient on-site parking prior to commencement of construction activities; i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway; j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

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

2. No development shall commence until a scheme detailing changes required to the access onto Belswains Lane to form a bellmouth access and including alterations to the mini roundabout location, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of highway safety and free and safe flow of traffic.

3. No development shall commence until a swept path diagram showing that a large vehicle is able to access the improved access from all four arms of the mini roundabout, especially approaching from the South East, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of highway safety and free and safe flow of traffic

4. No development shall commence until the improved site access geometry has been constructed and completed to the satisfaction of the local planning authority and the highway authority.

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

5. 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.

6. 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 the interest of highway safety.

7. Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be

intercepted and disposed of separately so that it does not discharge into the highway.

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

#### 8. Highway Proposals - S278 Agreement

All works within the highway boundary (including alterations to the footway and the improved site access) will need to be secured and approved via a S278 Agreement with the HCC. Reason: To ensure all work undertaken on the highway is constructed to the Highway Authority's current specification, to an appropriate standard and by a contractor who is authorised to work in the public highway and in accordance with Hertfordshire County Council publication "Roads in Hertfordshire - A Guide for New Developments", an S278 agreement will be required before any such works are undertaken.

Further information is available by telephoning Highways on 0300 1234047 or using this link:<http://www.hertfordshire.gov.uk/services/transtreets/highways/highwaysinfo/hiservicesforbus/devmanagment/dmhighwaysec278/>

#### HIGHWAY INFORMATIVES:

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

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.

3. 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

4. Construction standards for works within the highway: All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's publication "Roads in Hertfordshire - Highway Design Guide (2011)". Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

#### DESCRIPTION

This application is for Demolition of existing house and development of 8 new houses.

This amendment submits a set of revised documents.

The site is currently accessed from Belswains Lane, with the front aspect of the properties being on Pineroft. Belswains Lane is an Unnumbered "C" Classified local access road, while Pineroft is an unclassified local access road and a cul-de-sac. Both have a 30mph speed limit.

#### ACCESS

Vehicular and secondary pedestrian access is currently via a dropped kerb onto Belswains Lane. There is a mini roundabout just South West of the site, which limits the ability of vehicles to turn right into the site from Belswains Lane.

Documents: DRAINAGE CONSTRUCTION DETAILS, C85763-SK-003 and DRAINAGE CONSTRUCTION DETAILS C85763-SK-002, detail the arrangements to be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway, as per condition 7 above.

Although the applicant has stated in section 8 of the application form that no new or altered vehicular access is proposed to or from the public highway, to serve a development of this size, this crossing must be upgraded to a bellmouth junction with Belswains Lane.

The proposal is to widen this access to enable vehicles entering the site to wait clear of the highway if another vehicle is exiting. The driveway is currently 8.3m wide, and this will be maintained at 4.8m, with parking spaces along its southern edge. The applicant will need to submit plans both for the improvements to this access and also for moving the roundabout further south east, so that vehicles are easily able to turn right into the driveway from Belswains Lane. This must then be demonstrated to be possible by swept path analysis drawings. Swept Path Diagrams. The applicant has stated that after construction delivery and utility vehicles will access the proposed properties from Pinewood Road.

Drawing no DWG/3233/001 rev E shows that large vehicles are able to enter the site by travelling south down Belswains Lane, however, no

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|                       | <p>indication is given on how these vehicles will leave the site and negotiate the mini roundabout.</p> <p>Detailed swept path diagrams are required to show how large vehicles eg construction vehicles, fire tenders will be able to access and leave the site from the highway, using all arms of the mini roundabout ie approaching/leaving the site North or South on Belswains Lane The main current and proposed pedestrian access to the site is from Pinecroft, to the front aspect of the site. It is also proposed that during occupation of the development utility vehicles will approach the new properties from this road.</p> <p>S278 Agreement Any works within the highway boundary (including alterations to the footway and the proposed site access) will need to be secured and approved via a S278 Agreement with the HCC</p> <p>REFUSE STORAGE AND COLLECTION Arrangements have been made for the storage and collection of waste..</p> <p><b>PARKING</b></p> <p>The proposal includes 12 car parking spaces and 8 cycle parking spaces. Four of these will be along the southern edge of the driveway, leaving 4.8 m clear for vehicles to enter the site. There is a turning head within the site to allow vehicles to enter and leave the parking area in forward gear.</p> <p>Turning head</p> <p>Although the applicant states that the proposal includes ample turning for larger vehicles - including a fire engine and refuse truck, no indication has been given on how these large vehicles will leave the site. This must be shown in adequately dimensioned and produced swept path diagrams.</p> <p><b>CONCLUSION</b></p> <p>HCC as highway authority considers that the proposals would not have a severe residual impact upon highway safety or capacity, subject to the conditions and informative notes above.</p> |
| Hertfordshire Ecology | <p>My response dated 18/02/2020, noted that further activity survey for bats were required and that the outline mitigation strategy within the bat report (23 February 2018) did not provide sufficient information for the LPA to allow the LPA to determine the application. .</p> <p>Subsequently, a report has been submitted by Cerryfield Ecology (report date 23/05/2018). This demonstrates that the required follow up Activity surveys were carried out on the 08/05/2018 and 22/05/2018. During these surveys no emergence of bat was observed from the building. I have no reason to doubt these results. Since no roost is confirmed with in the building, a mitigation strategy is not required now and the application can be determined accordingly.</p>  |
| Waste Services (DBC)  | <p>From a waste perspective all seems well. Just to confirm that the collection vehicle is a 26t rigid freighter. there should be space for each</p>  |

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|   | <p>resident to present 2 x wheeled bins and a kerbside caddy outside their boundary on collection day. I notice that there are 2 separate bin storage area as well as the storage on their properties.</p>   |
| <p>Conservation &amp; Design (DBC)</p>              | <p>We would not object to the principle of the development or the general form, scale and mass of the proposed buildings. However it would be advantageous if the pitch of the gable elements to the street were increased. This would allow them to appear more in keeping with the design style chosen for the development. It would also be recommended that chimneys be added to give visual interest to the roofscape and help to better define the stepping elements and to sub divide the longer stretches of roof.</p> <p>Recommendation We would not object to the proposals however the above points should be considered. External materials and finishes subject to approval.</p>  |
| <p>Trees &amp; Woodlands</p>                        | <p>There are no significant trees or landscape features worthy of protection and retention on this site. Consequently, I would recommend the approval of the application from an arboricultural perspective.</p>   |
| <p>Environmental And Community Protection (DBC)</p> | <p>Contaminated Land</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 close to land with contaminated land use history, including, paper mill, builders yard and coal depot, 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:</p> <p>(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.</p> <p>(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by</p> |

this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

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

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

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

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

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

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

Condition 2:

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

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.

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|                              | <p>The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on <a href="http://www.dacorum.gov.uk">www.dacorum.gov.uk</a> by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.</p> <p>Noise and Air Quality<br/> Informatives:<br/> Construction Hours of Working - (Plant &amp; Machinery) Informative</p> <p>In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0730hrs to 1730hrs on Monday to Friday, 08:00 - 13:00 Saturday and no works are permitted at any time on Sundays or bank holidays.</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> |
| Hertfordshire Highways (HCC) | <p>Amendment<br/> Amendment to proposal: Demolition of existing house and development of 8 new houses <a href="https://planning.dacorum.gov.uk/publicaccess/">https://planning.dacorum.gov.uk/publicaccess/</a><br/> 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:<br/> CONDITIONS</p> <p>1. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local</p>   |



Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan.

The Construction Management Plan shall include details of the following: a. Construction vehicle numbers, type, routing b. Access arrangements to the site c. Traffic management requirements d. On site construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas); e. Siting and details of wheel washing facilities; f. Cleaning of site entrances, site tracks and the adjacent public highway; g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times; h. Provision of sufficient on-site parking prior to commencement of construction activities; i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway; j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

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

2. No development shall commence until a scheme detailing changes required to the access onto Belswains Lane to form a bellmouth access and including alterations to the mini roundabout location, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of highway safety and free and safe flow of traffic.

3. No development shall commence until a swept path diagram showing that a large vehicle is able to access the improved access from all four arms of the mini roundabout, especially approaching from the South East, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of highway safety and free and safe flow of traffic

4. No development shall commence until the improved site access geometry has been constructed and completed to the satisfaction of the local planning authority and the highway authority.

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

5. 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.

6. 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 the interest of highway safety.

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

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

8. Highway Proposals - S278 Agreement

All works within the highway boundary (including alterations to the footway and the improved site access) will need to be secured and approved via a S278 Agreement with the HCC.

Reason: To ensure all work undertaken on the highway is constructed to the Highway Authority's current specification, to an appropriate standard and by a contractor who is authorised to work in the public highway and in accordance with Hertfordshire County Council publication "Roads in Hertfordshire - A Guide for New Developments", an S278 agreement will be required before any such works are undertaken.

Further information is available by telephoning Highways on 0300 1234047 or using this link:- [http://www.hertfordshire.gov.uk/services/transtreets/highways/highway\\_sinfo/hiservicesforbus/devmanagment/dmhwaysec278/](http://www.hertfordshire.gov.uk/services/transtreets/highways/highway_sinfo/hiservicesforbus/devmanagment/dmhwaysec278/)

HIGHWAY INFORMATIVES:

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

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.

3. 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

4. Construction standards for works within the highway: All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's publication "Roads in Hertfordshire - Highway Design Guide (2011)". Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

#### DESCRIPTION

This application is for Demolition of existing house and development of 8 new houses.

This amendment submits additional documents:

DRAINAGE\_DETAILS-1062141.pdf

DRAINAGE\_DETAILS-1062142.pdf SITE\_PLAN-1062140.pdf

EMERGENCE\_2018\_CHERRYFIELD\_ECOLOGY-1062143.pdf

PRA\_2017\_CHERRYFIELD\_ECOLOGY-1062144.pdf

The site is currently accessed from Belswains Lane, with the front aspect of the properties being on Pinecroft. Belswains Lane is an Unnumbered "C" Classified local access road, while Pinecroft is an unclassified local access road and a cul-de-sac. Both have a 30mph speed limit.

#### ACCESS

Vehicular and secondary pedestrian access is currently via a dropped kerb onto Belswains Lane. There is a mini roundabout just South West of the site, which limits the ability of vehicles to turn right into the site from Belswains Lane.

Documents:

DRAINAGE\_DETAILS-1062141.pdf,

DRAINAGE\_DETAILS-1062142.pdf,

SITE\_PLAN-1062140.pdf

Indicate that arrangements will be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway, as per condition 7 above.

Although the applicant has stated in section 8 of the application form that no new or altered vehicular access is proposed to or from the public highway, to serve a development of this size, this crossing must be

upgraded to a bellmouth.

The proposal is to widen this access to enable vehicles entering the site to wait clear of the highway if another vehicle is exiting. The driveway is currently 8.3m wide, and this will be maintained at 4.8m, with parking spaces along its southern edge

The applicant will need to submit plans both for the improvements to this access and also for moving the roundabout further south east, so that vehicles are easily able to turn right into the driveway from Belswains Lane.

This must then be demonstrated to be possible by swept path analysis drawings.

#### Swept Path Diagrams

The applicant has stated that after construction delivery and utility vehicles will access the proposed properties from Pinewood Road. Furthermore, diagram "Proposed Site Plan 8L01 C" shows that large vehicles are able to use the proposed turning space to enter and leave the site in forward gear. However, the applicant has failed to show how large vehicles travelling either North or South along Belswains Lane are able to enter/leave the access road from/onto the highway.

Detailed swept path diagrams are required to show how large vehicles eg construction vehicles, fire tenders will be able to access and leave the site from the highway, using all arms of the mini roundabout ie approaching/leaving the site North or South on Belswains Lane

The main current and proposed pedestrian access to the site is from Pinecroft, to the front aspect of the site. It is also proposed that during occupation of the development utility vehicles will approach the new properties from this road. Turning head

Although the applicant states that the proposal includes ample turning for larger vehicles - including a fire engine and refuse truck, no indication has been given on how these large vehicles will access the site. This must be shown in adequately dimensioned and produced swept path diagrams.

#### S278 Agreement

Any works within the highway boundary (including alterations to the footway and the proposed site access) will need to be secured and approved via a S278 Agreement with the HCC

#### REFUSE STORAGE AND COLLECTION

Storage and collection for refuse for the dwellings will be at the front of the properties, on Pinecroft.

#### PARKING

The proposal includes 12 car parking spaces and 8 cycle parking spaces. Four of these will be along the southern edge of the driveway, leaving 4.8 m clear for vehicles to enter the site. There is a turning head within the site to allow vehicles to enter and leave the parking area in forward gear.

#### Turning head

Although the applicant states that the proposal includes ample turning

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|   | <p>for larger vehicles - including a fire engine and refuse truck, no indication has been given on how these large vehicles will access the site. This must be shown in adequately dimensioned and produced swept path diagrams.</p> <p>CONCLUSION</p> <p>HCC as highway authority considers that the proposals would not have a severe residual impact upon highway safety or capacity, subject to the conditions and informative notes above.</p>   |
| <p>Lead Local Flood Authority (HCC)</p> | <p>Thank you for re-consulting us on the above application for the Demolition of existing house and development of 8 new houses at 143 Belswains Lane, Hemel Hempstead, Hertfordshire.</p> <p>We previously provided comments in our letter dated 24 February 2020.</p> <p>The applicant has provided the following additional information in support of the application:</p> <ul style="list-style-type: none"> <li>o Site Surface Water Drainage Plan, Drawing No. C85763-SK-001, dated 10.12.17, prepared by JNP Group</li> <li>o Drainage Construction Details Sheet 1 of 2, Drawing No. C85763-SK-002, dated 10.12.17</li> <li>o Drainage Construction Details Sheet 1 of 2, Drawing No. C85763-SK-003, dated 10.12.17</li> </ul> <p>We are aware of the Drainage Assessment undertaken by JNP Group, which was submitted in support of the previous application at this site. However, unfortunately this information has not been submitted in support of this application. It is acknowledged that as LLFA we provided comments on a previous application at this site: 4/02450/17/FUL. In our response to 4/02450/17/FUL dated 12 January 2018 we recommended conditions to the LPA. However, as this is a new full planning application at the site, all information should be submitted in support of this new application.</p> <p>We have reviewed the information submitted by the applicant in support of the planning application. However, the information provided to date does not provide a suitable basis for an assessment to be made of the flood risk arising from the proposed development. Therefore, we object to the grant of planning permission. In order for the Lead Local Flood Authority to advise the relevant local planning authority that the site will not increase flood risk to the site and elsewhere and can provide appropriate sustainable drainage techniques the following information is needed:</p> <ol style="list-style-type: none"> <li>1. Feasible surface water discharge mechanism</li> <li>2. Greenfield runoff rates</li> <li>3. Updated drainage strategy (including volumes) for the updated site plan</li> </ol> |

## Overcoming our objection

1. From a review of the Site Surface Water Drainage Plan, Drawing No. C85763-SK001, dated 10.12.17, prepared by JNP Group, the applicant is proposing to connect into the Thames Water surface water sewer network. The applicant needs to provide confirmation from the relevant Water and Sewerage Company for the area (Thames Water) that they are happy to accept the proposed volumes and flows.

We would expect the applicant to provide a pre-development enquiry from Thames Water for the proposed discharge rate, showing that Thames Water are happy with this.

The applicant should be aware, that the LLFA updated our Local Flood Risk Management Strategy, and this was ratified by the Council in February 2019 (LFRMS2). This details our policies regarding flood risk management; we would expect the applicant to aim to discharge at the pre-development greenfield runoff rate for the site. If this cannot be achieved, strong technical justification should be provided as to why this cannot be achieved.

The applicant should provide information that they have followed the surface water discharge hierarchy before proposing to discharge into the local surface water sewer network. Evidence that the surface water discharge hierarchy has been followed will need to be provided.

2. As detailed under point 1, the applicant should provide the pre and post development greenfield runoff rates for the site. We would expect discharge to be at the pre-developed greenfield runoff rate for the site.

3. From a review of Site Surface Water Drainage Plan, Drawing No. C85763-SK-001, dated 10.12.17, prepared by JNP Group, the drainage plan submitted is for the previous application.

The new scheme has a large impermeable area where the previous dwelling block and landscaped/garden area was proposed. The area where this block is omitted is now proposed as parking/turning area.

The drainage plan and strategy for the site should be updated to take account of the change in site layout.

We would expect drainage and volume calculations to be updated to account for the contributing area on site.

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|  | <p>If infiltration is not feasible, we would expect lined permeable paving to be used and connected into the wider drainage system on site.</p> <p>Numerous other aspects of the drainage strategy are not included within the current submitted information such as exceedance flow paths, maintenance of SuDS features etc. The applicant should submit:</p> <ul style="list-style-type: none"> <li>o A detailed drainage strategy which includes a commitment to providing appropriate SuDS in line with the non -statutory national standards, industry best practice and HCC Guidance for SuDS.</li> <li>o Detailed calculations of existing/proposed surface water storage volumes and flows with post development calculations/ modelling in relation to surface water are to be carried out for all rainfall events up to and including the 1 in 100 year including an allowance for climate change</li> </ul> <p>The minimum required to assess the flood risks resulting from the proposed development is:</p> <ul style="list-style-type: none"> <li>o The volume of surface water the site will have to deal with</li> <li>o How the proposal intends to manage these volumes within the site</li> <li>o Where the water will be disposed of?</li> </ul> |
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## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

| Neighbour Consultations | Contributors | Neutral | Objections | Support |
|-------------------------|--------------|---------|------------|---------|
| 22                      | 15           | 2       | 13         | 0       |

### Neighbour Responses

| Address   | Comments  |
|---|---|
| 97 Evans Wharf<br>Hemel Hempstead<br>Hertfordshire<br>HP3 9WW | <p>Customer objects to the Planning Application</p> <ul style="list-style-type: none"> <li>- Inadequate access</li> <li>- Inadequate parking provision</li> <li>- Increase in traffic</li> <li>- Increase of pollution</li> <li>- Information missing from plans</li> <li>- Other - give details</li> </ul> <p>Information given about local transport is out of date</p> |

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|  | <p>Information given about local traffic incidents on roundabout is out of date<br/> Restitution works required after previous failed application not made</p> <p>Visitor parking provision in plans may hinder emergency vehicles<br/> Traffic parking pressure in area is all ready too high with dangerous verge parking close to junctions<br/> Run off from the hill already gives problems with drainage on Apsley Lock development.</p>  |
| <p>2 Dickinson Quay<br/> Hemel Hempstead<br/> Hertfordshire<br/> HP3 9WT</p> | <p>My concern is that the 8 dwellings will not have enough parking pushing additional vehicles onto an already over stretched availability in Dickinson Quay and surrounding roads. Dickinson Quay on a good day with good parking can space 10 vehicles and with bad parking 8. You have commuters parking their vehicles all day and walking to Apsley station (Residents permits would sort this problem). If the above dwellings do not have at least 2 spaces each outside their properties it will be obvious that they will park in Dickinson Quay as there is no parking on the main road/roundabout leaving the the residents in that little stretch of Dickinson Quay with more than marina flats/commuters/restaurant patrons parking problems.</p> <p>My concern is that the 8 dwellings will not have enough parking pushing additional vehicles onto an already over stretched availability in Dickinson Quay and surrounding roads. Dickinson Quay on a good day with good parking can space 10 vehicles and with bad parking 8. You have commuters parking their vehicles all day and walking to Apsley station (Residents permits would sort this problem). If the above dwellings do not have at least 2 spaces each outside their properties it will be obvious that they will park in Dickinson Quay as there is no parking on the main road/roundabout leaving the the residents in that little stretch of Dickinson Quay with more than marina flats/commuters/restaurant patrons parking problems.</p> |
| <p>15 Pinecroft<br/> Hemel Hempstead<br/> Hertfordshire<br/> HP3 8AW</p>     | <p>I take this opportunity to highlight my concerns regarding the mentioned development. I have carefully examined the plans, and there are two major issues that cannot be ignored. I thank you for taking the time to assess them:</p> <p>1. In the Transport Statement (included within the developer's plan documents), point 4.10 under Servicing, instructs the residents of the new dwellings to take their bins onto Pinecroft through a pedestrian access, and place them on the kerbside for collection. As you can imagine, every two weeks that would mean the presence of 16 bins (and 24 bins if counting the caddies) piled just outside our house, where the access is planned.</p> <p>I personally cannot perceive how this will be possible without the outside of our house looking like 'a refuse center', not to mention the inevitable smells, and unsightliness of this occurrence, every single week. Moreover, we would have to endure the presence of the bins all day, until they are reclaimed by their owners at the end of the day when they return from work.</p> <p>I'm sure you can understand why it would be completely unacceptable for us to have to go through this every week. A far better suggestion</p>   |



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|   | <p>that would work for both parties, would be for the bins to be collected within the site. The developer has clearly allocated space for entry and turning of service vehicle, as outlined in his proposed document 'Design and Access Statement' on top of page 3, which states "The scheme now allows for parking to the development to be sited to the rear, with ample turning for larger vehicles - including a fire engine and refuse truck."</p> <p>Consequentially, this eliminates the need for the access from Pinecroft.</p> <p>2. The proposed Pinecroft access will in fact worsen the parking situation in Pinecroft. Currently, there is just about enough room for one car to safely get through Pinecroft, not to mention the need to reverse out from the end of the cul-de-sac.</p> <p>Due to the vicinity of the Denes Shopping Centre, we constantly notice more and more cars being parked in Pinecroft, especially because there are no parking restrictions whatsoever, and just sufficient spaces for the residents themselves to park on the road outside their dwellings. Imagine, the overcrowding and blocking that would happen as more cars would be parked in Pinecroft by residents or guests from the proposed development.</p> <p>We are well aware that all of our neighbours on Pinecroft are equally worried and concerned about this access. And we sincerely hope that the right and just decision will be achieved by the committee, by disallowing the existence of this access, in light of the consequences outlined above, as a matter of protecting our basic residential rights.</p> |
| <p>Dacorum Borough Council, Cupid Green Depot<br/>Redbourn Road<br/>Hemel Hempstead<br/>hp2 7ba</p> | <p>From a waste perspective all seems well. Just to confirm that the collection vehicle is a 26t rigid freighter. there should be space for each resident to present 2 x wheeled bins and a kerbside caddy outside their boundary on collection day. I notice that there are 2 seperate bin storage area as well as the storage on their properties.</p> <p>Each house should have sufficient space to store 3 x wheeled bins and a food caddy with a simular space outside the boundry to present the waste on collection day.</p> <p>The collection vehicles are 26t rigid freighters (approx 11m x 3m) with limited manouverability and will require suitable access.</p>   |
|   | <p>I take this opportunity to highlight my concerns regarding the mentioned development. I have carefully examined the plans, and there are two major issues that cannot be ignored. I thank you for taking the time to assess them:</p> <p>1. In the Transport Statement (included within the developer's plan documents), point 4.10 under Servicing, instructs the residents of the new dwellings to take their bins onto Pinecroft through a pedestrian access, and place them on the kerbside for collection. As you can imagine, every two weeks that would mean the presence of 16 bins (and 24 bins if counting the caddies) piled just outside our house, where the access is planned.</p>  |

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|  | <p>I personally cannot perceive how this will be possible without the outside of our house looking like 'a refuse center', not to mention the inevitable smells, and unsightliness of this occurrence, every single week. Moreover, we would have to endure the presence of the bins all day, until they are reclaimed by their owners at the end of the day when they return from work.</p> <p>I'm sure you can understand why it would be completely unacceptable for us to have to go through this every week. A far better suggestion that would work for both parties, would be for the bins to be collected within the site. The developer has clearly allocated space for entry and turning of service vehicle, as outlined in his proposed document 'Design and Access Statement' on top of page 3, which states "The scheme now allows for parking to the development to be sited to the rear, with ample turning for larger vehicles - including a fire engine and refuse truck."</p> <p>Consequently, this eliminates the need for the access from Pinecroft.</p> <p>2. The proposed Pinecroft access will in fact worsen the parking situation in Pinecroft. Currently, there is just about enough room for one car to safely get through Pinecroft, not to mention the need to reverse out from the end of the cul-de-sac.</p> <p>Due to the vicinity of the Denes Shopping Centre, we constantly notice more and more cars being parked in Pinecroft, especially because there are no parking restrictions whatsoever, and just sufficient spaces for the residents themselves to park on the road outside their dwellings. Imagine, the overcrowding and blocking that would happen as more cars would be parked in Pinecroft by residents or guests from the proposed development.</p> <p>We are well aware that all of our neighbours on Pinecroft are equally worried and concerned about this access. And we sincerely hope that the right and just decision will be achieved by the committee, by disallowing the existence of this access, in light of the consequences outlined above, as a matter of protecting our basic residential rights.</p> |
|  | <p>This is extreme over development (a mostly concrete filled site) and is out of character in the surrounding area which is predominantly semi-detached or detached. Shows little green landscaping especially considering the devastating loss of trees we have already experienced from the site. There will be overlooking of adjacent properties, an increase in noise and a consequent loss of privacy especially if parking on the access road is allowed. People already park on the pavement surrounding 143 Belswains Lane, making it impossible to pass with a wheelchair or buggy. Proposed parking is highly inadequate. Proposed access off a roundabout is highly dangerous. The length and narrowness of the access lane is unsuitable and will pose a problem for deliveries and emergency services. People will naturally park on Pinecroft to get closer to their front doors. Existing traffic congestion already exist in Pinecroft. Cars queue to use the shops at the Denes causing obstruction to cars leaving/accessing Pinecroft. Neither Pinecroft or Belswains Lane can cope with further overspill of cars in the street. The number of proposed dwellings on this site needs to</p>  |

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|---|--|
|   | <p>dramatically reduce in order to make it a safe and acceptable development. The compact nature of this scheme means these houses do not lend themselves to be adapted for wheelchair users excluding the needs of people with disability. This is a problem all over Dacorum and the more the council agree to compact design, the worse the situation becomes. This is my view having worked in housing adaptations with people who have disabilities across Dacorum for the last 14 years.</p>   |
| <p>11 Pinecroft<br/>Hemel Hempstead<br/>Hertfordshire<br/>HP3 8AW</p> | <p>I am writing in response to the above application as I with you formally object to this development.</p> <p>The current site is a 3 bed house. Whilst we acknowledge that the developer has responded to some of the previous feedback regarding the "over development" of the plot (23 bedrooms down to 16), the lack of car parking it is clear that this development will still be seriously detrimental to the residents of Pinecroft.</p> <p>Please allow me to highlight my reasons why I believe the Council should refuse this application;</p> <ul style="list-style-type: none"> <li>o Car parking; because of the proposed pedestrian access to Pinecroft, it will be significantly easier and more convenient for at least 50% new residents to park in Pinecroft than the car parking spaces created by this development. It is a certainty that Pinecroft would be used as an overflow car park. The majority of the time I cannot currently park in front of my house, before adding potentially 16 + cars (2 per house) into the equation.</li> <li>o Design appearance; this current proposal is "over developing" the plot. Pinecroft is a street of semi detached properties each with clear gaps between each property, which would now be truncated with terraced properties. Therefore, the overall appearance is not in keeping with the current appearance of the Pinecroft street scene.</li> <li>o Safe Access; access to Pinecroft is frequently limited with cars queuing on Barnacres Road to access and park in "The Deans" car park adjacent to the shops. This can lead to waiting times of up to 10 minutes to access Pinecroft. This encourages residents of Pinecroft to try to weave through the waiting cars to return to their residence and it is highly probable that increased demand to access Pinecroft will result in an accident.</li> </ul> <p>Pinecroft is a cul-de-sac with many young families. The addition of potentially 16 + cars would place a significant burden on the pavements and will create an enhanced safety risk as would have to walk our young children passed many parked and moving vehicles.</p> <p>We want to stress we are positive about 143 Belswains redevelopment in general, however the current plans are still excessively detrimental to the residents of Pinecroft. It is a shame the developer has not chosen to engage with us directly so we could work together to agree a sensible and reasonable development. Please can you confirm receipt of this objection?</p> |
| <p>Pinecroft<br/>Hemel Hempstead</p>                                  | <p>I strongly object to the above mentioned new planning application, on behalf of my family, on the following grounds :-</p>  |

The proposed eight new homes, still constitute an over development of this small plot of land, where there is currently one house (occupied until early 2017). The house was surrounded by trees (swiftly felled in August 2017) and the site was levelled shortly after. The proposed development will mean loss of garden land, and loss of open aspect.

The site address is Belswains Lane, but the 8 new houses will have the greatest visual impact on Pinecroft, as the front of these houses will face onto Pinecroft.

The proposed houses are not in keeping with the much larger three and four bedroom homes already there. Our properties are a mix of detached and semi detached homes.

Pinecroft is a cul- de- sac, which is mainly residential, but also provides access to the only entrance to the Denes Shops (including a Tesco Express, Fish Shop & Cafe), as well as a Motor Repair Garage & Builders Merchants. The junction of Pinecroft & Barnacres Road, is already very busy, and is often congested with vehicles waiting to visit the shops. Many of these waiting vehicles block other vehicles trying to get in and out of the rest of Pinecroft, and sometimes cause the queuing of vehicles on Barnacres Road blocking the traffic.

The nearest carriageway parking opportunities on Pinecroft are closer than the majority of the parking facilities on the access road on the Application Site.

Spare parking places in the residential end of Pinecroft are already scarce. In addition, the proposed pedestrian access onto Pinecroft, will result in our road

becoming an overspill car park for the residents of the development, & their visitors, together with additional delivery vehicles for them.

The new planning application, which incorporates the site access road, will not allow emergency vehicles (including fire engines) adequate turning space within the site, to allow such vehicles to enter & leave the site in forward gear.

The only vehicle exit from the proposed site is straight onto Belswains Lane, extremely close to a mini roundabout & traffic island, where residents have seen several accidents occur. Belswains Lane is already a busy road.

**ITEM NUMBER: 5c**

|                               |   |                         |
|-------------------------------|---|-------------------------|
| <b>20/01839/FHA</b>           | <b>Rear dormer with roof lights on front slope</b>          |                         |
| <b>Site Address:</b>          | <b>1 Birtchnell Close Berkhamsted Hertfordshire HP4 1FE</b> |                         |
| <b>Applicant/Agent:</b>       | <b>Jack Dundas</b>  | <b>Mr George Kain</b>   |
| <b>Case Officer:</b>          | <b>Natasha Vernal</b>                                       |                         |
| <b>Parish/Ward:</b>           | <b>Berkhamsted Town Council</b>                             | <b>Berkhamsted West</b> |
| <b>Referral to Committee:</b> | <b>Contrary view of Berkhamsted Town Council</b>            |                         |

**1. RECOMMENDATION**

That planning permission be **GRANTED** with conditions.

**2. SUMMARY**

2.1 The site is located within the town of Berkhamsted wherein residential extensions are acceptable in accordance with Policy CS4. The application site comprises a two storey property located within the recently built development of Stag Lane. Permitted development rights were removed of the original permission. Birtchnell Close and the surrounding streets are modern in their character with many properties having been extended and altered. Several surrounding properties including Nash Close which is situated in close proximity to the application site have undertaken similar works involving front and rear facing dormers, most notably to Nos. 8, 10 (Nash Close) and 2 Birtchnell Close which is almost immediately opposite to application site. The proposed rear dormer is considered to successfully integrate into the surrounding area and would not adversely affect the residential amenities of adjacent properties or highway safety.

2.2 The proposal is therefore in accordance with Saved Appendices 3 and 5 of the Dacorum Local Plan (2004), Policies CS4, CS10, CS11 and CS12 of the Core Strategy (2013) and the NPPF (2019).

**3. SITE DESCRIPTION**

3.1. The site is occupied by a two storey mid-terraced dwelling located on the north-west side of Birtchnell Close in Berkhamsted. The site is situated within an area of archaeological significance and the surrounding area is predominately residential in character.

**4. PROPOSAL**

4.1 The proposal seeks full householder permission for the construction of a rear dormer with the insertion of two roof lights to the front elevation.

**5. PLANNING HISTORY**

Planning Applications (If Any):

4/00625/09/RET - Satellite dish  
 GRA - 12th June 2009

Appeals (If Any):

**6. CONSTRAINTS**

Parking Accessibility Zone (DBLP): 3

Area of Archaeological Significance: 21  
EA BankTop EPlanning Tool: Banktop 20m Buffer  
Canal Buffer Zone: Major  
CIL Zone: CIL1  
RAF Halton and Chenies Zone: RAF HALTON: DOTTED BLACK ZONE  
RAF Halton and Chenies Zone: Yellow (45.7m)  
Residential Area (Town/Village): Residential Area in Town Village (Berkhamsted)  
EA Source Protection Zone: 3  
EA Source Protection Zone: 2  
Town: Berkhamsted

## **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.

### Background History

9.2 The application site forms part of the development of 150 dwellings on the Stag Lane housing site approved in 2007 under LPA ref: 4/02672/05/MFA wherein Permitted Development Rights were removed under Condition 27 (Part 1 Classes A, B, C, D, E, F and H and Part 2 Classes A, B and C) and retention of garages for parking imposed under Condition 26.

9.3 Normally planning permission would not be required for this form of development. However, due to the aforementioned condition there is a need to obtain planning permission for the proposed development.

### Principle of Development

9.4 The application site is located in a residential area of Berkhamsted. Core Strategy (2013) Policy CS4 states that appropriate residential development is encouraged in the towns and large villages.

### Quality of Design / Impact on Visual Amenity

9.5 Core Strategy (2013) Policies CS10, CS11 and CS12 highlight the importance of high quality sustainable design in improving the character and quality of an area, seeking to ensure that developments are in keeping with the surrounding area in terms of scale, mass, height and appearance. This guidance is supported by Saved Appendices 3 and 7 of the Local Plan (2004).

9.6 The proposed flat roof dormer would be sited to the rear elevation of the existing roof slope and would measure a total volume of approximately 21.5 cubic metres. The proposed dormer would be set down from the original roof ridge by approximately 0.3 metres and would be sited approximately 0.5 metres from the original eaves of the existing roof. The rear dormer would be set in approximately 150 millimetres from the edges of the existing roof slope. Two roof lights are proposed to be inserted within the existing roof to the front elevation.

9.7 The proposal would have cladding and felt to be in keeping with the existing dwelling and surrounding area. The proposed rear dormer would feature a Juliette balcony and a window facing the rear boundary and is considered to be in keeping with the existing fenestration and the surrounding area. Furthermore, there are properties within the street scene (Birtchnell Close) that benefit from Juliette balcony's facing the public realm.

9.8 The proposed rear dormer would not be visible from the public realm and therefore it is not considered to have a detrimental impact on the character and appearance of the existing dwelling or the surrounding area.

9.9 It is considered that the design, layout and scale of the proposed development respects that of the existing and surrounding dwellings. The architectural style is sympathetic to the surrounding area and the proposal will not have a detrimental impact upon the character and appearance of the area. The proposal therefore complies with Saved Appendices 3 and 7 of the Dacorum Local Plan (2004), Policies CS10, CS11 and CS12 of the Core Strategy (2013) and the NPPF (2019).

### Impact on Residential Amenity

9.10 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 and Policy CS12 of the Core Strategy, seek to ensure that new development does not result in detrimental impact upon the neighbouring properties and their amenity space.

9.11 It is noted that formal objections have been received from neighbouring property at No.22 (Sheldon Way). The neighbouring property at No.22 has objected on the grounds of the proposed rear dormer causing overlooking towards their rear gardens.

9.12 Due to the orientation, layout and separation distance of approximately 22 metres between the neighbouring property at No.22 (Sheldon Way) and the subject property, the proposed rear dormer would not harm the residential amenities of adjacent or surrounding properties with regards to light, privacy or visual intrusion.

9.13 Given the scale of the proposed works and its positioning, It is considered that the proposal would be acceptable with respect to the impact on the residential amenity of neighbouring properties at Nos. 3 and 16. Whilst views of Nos.3, 16 and 22 (Sheldon Way) rear gardens would be possible, these views are similar to the existing views from the existing dwelling's windows at first floor level. Therefore there are no concerns in terms of overlooking.

9.14 Taking the above into account, it is considered that the proposal will be acceptable with respect to the impact on the residential amenity of neighbouring properties in accordance with Policy CS12 of the Core Strategy (2013), Saved Appendix 3 of the Local Plan (2004) and the NPPF (2019).

#### Impact on Highway Safety and Parking

9.15 Policy CS12 of the Core Strategy (2013) seeks to ensure developments have sufficient parking provision. Paragraph 105 of the NPPF (2019) states that when 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 (2013) and Saved Policies 57, 58 and Appendix 5 of the Local Plan (2004) promote an assessment based upon maximum parking standards.

9.16 The existing dwelling comprises two bedrooms, the maximum parking requirement for which is one off-street parking space, according to Saved Appendix 5. As a result of the proposed development there would be three bedrooms. However, the proposed development will not affect the local parking capacity as this three bedroomed dwelling has a substantial area of hardstanding that can accommodate at least one off-street parking space which would be retained. Furthermore, there are a number of parking bays within the locality. In addition, there are local public transport routes situated in close proximity to the application site.

9.17 It is considered that the proposed development will not have a detrimental impact on local parking provision, nor will it have a severe impact to the safety and operation of the adjacent highway. Thus, the proposal meets the requirements of Policy CS8 and CS12 of the Core Strategy (2013) and Saved Appendix 5 of the Local Plan (2004).

#### Berkhamsted Town Council Objection

9.18 Berkhamsted Town Council has objected on the grounds of the scale, mass and bulk of the proposed rear dormer and the inappropriateness of a full-width dormer.

9.19 The proposed rear dormer introduces mass and bulk at roof level only, and does not involve any further rear or front projection. The roof additions align with the existing rear build lines of the existing dwelling and the neighbouring properties at Nos. 3 and No. 16 as such would not appear visually intrusive or overbearing. The dormer is set back within the roof so would permit views similar to the existing first floor rear facing windows. Furthermore, there are surrounding properties at Nash



Close that are within close proximity of the application site that have been granted planning permission for a full width rear dormer.

### Response to Neighbour Comments

9.20 The neighbouring property at No. 22 (Sheldon Way) has objected on the grounds of the proposed development causing potential overlooking impacts towards their rear gardens. These points have been addressed in the impact on residential amenity assessment.

### Community Infrastructure Levy (CIL)

9.21 Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. The application is not CIL liable as it would result in less than 100 square metres of additional residential floor space.

## **10. CONCLUSION**

10.1 The proposed development through its design, scale and finish will not adversely impact upon the visual amenity of the immediate street scene or the residential amenity of neighbouring occupants. The proposal is therefore in accordance with Saved Appendices 3 and 5 of the Dacorum Local Plan (2004), Policies CS4, CS10, CS11 and CS12 of the Core Strategy (2013) and the NPPF (2019).

## **11. RECOMMENDATION**

11.1 That planning permission **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:**

- A01 REV 1
- A02 REV 1
- A03 REV 1
- A04 REV 1
- A05 REV 1
- A06 REV 1
- A07 REV 1
- A08 REV 1

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).

**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.

**APPENDIX A: CONSULTEE RESPONSES**

| Consultee           | Comments   |
|---------------------|--|
| Parish/Town Council | <p>Objection</p> <p>The Committee objected to the scale, mass and bulk of the proposed rear dormer and the inappropriateness of a full-width dormer.</p> <p>CS12, Appendix 7</p> |

**APPENDIX B: NEIGHBOUR RESPONSES**

**Number of Neighbour Comments**

| Neighbour Consultations | Contributors | Neutral | Objections | Support |
|-------------------------|--------------|---------|------------|---------|
| 8                       | 1            | 0       | 1          | 0       |

**Neighbour Responses**

| Address   | Comments  |
|---|---|
| 22 Sheldon Way<br>Berkhamsted<br>Hertfordshire<br>HP4 1FH | The windows and French doors will look directly into our garden leading to loss of privacy. There are no other windows at this height except for high dormer windows. It is slightly unclear where the proposed roof lights will go but if they are at the back, they will shine directly into our upper windows causing light pollution. |

**ITEM NUMBER: 5d**

|                               |   |                         |
|-------------------------------|---|-------------------------|
| <b>20/01422/FHA</b>           | <b>Construction of garden outbuilding.</b>                    |                         |
| <b>Site Address:</b>          | <b>67 The Horseshoe Hemel Hempstead Hertfordshire HP3 8QS</b> |                         |
| <b>Applicant/Agent:</b>       | <b>Mr M Welsh</b>   | <b>Andrew Boothby</b>   |
| <b>Case Officer:</b>          | <b>Sally Robbins</b>  |                         |
| <b>Parish/Ward:</b>           |   | <b>Leverstock Green</b> |
| <b>Referral to Committee:</b> | <b>Called-in by Councillor Graham Sutton, Ward Councillor</b> |                         |

**1. RECOMMENDATION**

That planning permission be **GRANTED** subject to conditions.

**2. SUMMARY**

2.1 The proposed development through layout, design and scale will not adversely impact upon the use of the public footpath, visual amenity of the surrounding area or the residential amenity of neighbouring occupants. The proposal is therefore in accordance with Saved Policy 79 and Appendix 3 of the Dacorum Local Plan (2004), Policies CS4, CS10, CS11 and CS12 of the Core Strategy (2013) and the NPPF (2019).

**3. SITE DESCRIPTION**

3.1 The application site is located on the southwest side of The Horseshoe in the Leverstock Green area of Hemel Hempstead. The site comprises a two storey semi-detached dwelling.

3.2 The site resides within Residential Character Area HCA27: Leverstock Green Central, an area of low density detached and semi-detached housing. The surrounding area is comprised of similarly sized and styled dwellings.

**4. PROPOSAL**

4.1 The application seeks full planning permission for the construction of an outbuilding situated within the rear garden. The outbuilding would be used as a home gym. The application is part retrospective, the majority of the structure has been completed, however the building lacks a roof and has not been finished internally or externally.

**5. PLANNING HISTORY**

Planning Applications

19/02579/FHA - Retaining wall to rear of property  
 GRA - 24th February 2020

4/00547/13/FHA - Single storey front extension, two storey side extension, single storey rear extension with rooflights and chimney removal  
 GRA - 14th May 2013

Appeals

**6. CONSTRAINTS**

Parking Accessibility Zone (DBLP): 4  
 CIL Zone: CIL3

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)  
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:

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:

Principle of Development  
Quality of Design / Impact on Visual Amenity  
Impact on Residential Amenity  
Impact on Highway Safety and Parking  
Other Material Planning Considerations

### Principle of Development

9.2 The application site resides within a residential area of Hemel Hempstead, wherein the principle of appropriate residential development is acceptable, in accordance with Core Strategy (2013)

Policy CS4. There is no objection to the proposed use of the outbuilding as a home gym. The outbuilding would be incidental in scale and use to the main dwelling.

#### Quality of Design / Impact on Visual Amenity

9.3 Core Strategy Policies CS10, CS11 and CS12 highlight the importance of high quality sustainable design in improving the character and quality of an area, seeking to ensure that developments are in keeping with the surrounding area in terms of scale, mass, height and appearance. This guidance is supported by Saved Appendix 3 of the Local Plan.

9.4 The development is not visible within the street scene, however a public footpath runs along the rear boundary of the site, therefore the outbuilding is visible from public vantage points.

9.5 As built, the retaining wall measures 0.8m high and the outbuilding measures 2.3m to the eaves and 3m to the ridge. This would result in a total maximum height of 3.8m when viewed from the public footpath.

9.6 The application as submitted included a fire escape door on the rear elevation, providing access to the public footpath. Concerns were raised regarding the fire escape door, in terms of whether it is necessary and whether it is safe. The finished building would have bi-fold doors and a separate access door on the front elevation, therefore it is unclear why a fire escape door would be required. Furthermore, the threshold of the fire escape door is situated 0.8m above external ground level, which is not considered to be safe. The fire escape has subsequently been removed from the proposed plans. It is noted that the opening for the fire escape door has already been built. Therefore, should planning permission be granted, the door would have to be blocked up in order to comply with the approved plans.

9.7 The proposed building would be finished in brown coloured composite cladding and a tiled roof. The originally submitted plans showed a white painted render finish, however concerns were raised regarding the visual impact of the building in relation to its surroundings when viewed from the public footpath. Other outbuildings situated adjacent to the footpath are finished in facing brickwork and in general the footpath is abutted by timber fence panels and hedges/vegetation. It was considered that white painted render would not be an appropriate finish for the surroundings. The plans were amended so that the breeze block retaining wall would be painted black and the external walls to the outbuilding finished in brown cladding. It is considered that the amended proposal will not have a significant detrimental visual impact on the surrounding area.

#### Impact on Residential Amenity

9.8 The proposed outbuilding would be situated up to the boundary with no. 65 and there would be a 0.5m gap from the common boundary with no. 69. The building would measure 2.3m to eaves and 3m to ridge height, comprising a gable-end roof when viewed from the adjoining properties.

9.9 There are no concerns regarding increased overlooking or loss of privacy. The outbuilding is single storey and any views will be restricted by the existing boundary fences on either side, measuring between 1.8-2m high.

9.10 Likewise, there are no concerns regarding the structure being visually overbearing. The outbuilding is located at the end of the garden and is unlikely to cause significant overshadowing. Furthermore, it should be noted that a 2.5m high flat roof outbuilding could be constructed up to the boundary under Permitted Development Rights.

9.11 Overall, whilst visible from surrounding units, the proposed outbuilding will not have a significant impact on the living conditions of surrounding residential units.

### Impact on Highway Safety and Parking

9.12 There would be no detrimental impacts on the highway network. The Highway Authority has been consulted and raised no objection subject to the inclusion of informative notes, should planning permission be granted. There would be no increase in the number of bedrooms, and therefore no additional parking requirement, as a result of the proposed development.

### Other Material Planning Considerations

#### *Right of Way*

9.13 The Council's Rights of Way Officer has been consulted and commented that the structure encroaches onto the public footpath by 20cm, however indicated that the Council would be unlikely to enforce on that.

9.14 The Rights of Way Officer did however raise concerns regarding the roof, guttering, downpipe and additional render/brickwork encroaching further onto the public footpath and the impact of water run-off onto the path. Also of concern was the access doorway onto the footpath.

9.15 The plans have been amended since the comments from the Rights of Way Officer were received. Specifically, there would be built-in gutters that would direct water run-off to a diagonal downpipe on the northwest flank of the building, leading to a rainwater harvester situated within the site to the front of the outbuilding. This would prevent water from spilling onto the public footpath as all water would be harvested within the site. Furthermore, the fire escape door has been omitted from the amended plans. It is considered that the amended plans have addressed some of the concerns raised by the Rights of Way Officer.

9.16 In terms of the installation of cladding to the external walls, it is considered that the additional few millimetres that this would add would not significantly affect the usage of the footpath by members of the public. In order to ensure that the cladding is an acceptable thickness, a condition would be imposed requiring details of cladding to be submitted to and approved in writing by the Local Planning Authority. On balance, it is considered that there would be visual benefits to the addition of cladding that would help the building to assimilate into its surroundings. The proposal therefore complies with Saved Policy 79 (Footpath Network) of the Local Plan (2004).

#### *Impact on Trees and Landscaping*

9.17 There are no Tree Preservation Orders or trees/vegetation of significance that have been/would be impacted upon as a result of the proposed outbuilding. Neighbours have indicated that there was previously a hedge forming the rear boundary, however its removal would not require consent.

### Response to Neighbour Comments

9.18 Concerns have been raised by neighbours regarding a variety of issues. These are listed and addressed below:

#### *Overbearing impact*

9.19 As discussed above, the outbuilding is visible from surrounding houses, gardens and from the public footpath. Once completed, the outbuilding would comprise a dual pitched roof that would increase its visibility. However, due to the siting of the outbuilding at the bottom of the garden, it is not considered that there would be significant overshadowing. The maximum height of the outbuilding when viewed from the adjoining properties would be 3m, which is 0.5m higher than what could be carried out under Permitted Development Rights.

*Proximity to boundary (no space to add cladding)*

9.20 In relation to no. 65, the submitted plans show that the outbuilding would abut the common boundary. The adjoining neighbour has provided photos showing that the outbuilding as constructed (i.e. the breezeblock structure, without external cladding) touches the boundary fence and is concerned that there would be no space to add cladding. The removal of the boundary fence would not require planning permission, however this should be agreed with the neighbour, for example via a Party Wall Agreement. Furthermore, as mentioned above, a condition would be imposed requiring further details of the proposed cladding.

*Damage to boundary fence*

9.21 The boundary fence between nos. 65 and 67 appears to be damaged as a result of the construction of the outbuilding. This is not a planning matter, and as above should be discussed / agreed directly between neighbours (for example via a Party Wall Agreement).

*Drain pipe causing water to spill onto neighbour's property (no. 69)*

9.22 The maintenance of the drainpipe would be the responsibility of the applicant. However, it is noted that there is a separation distance of 0.5m between the flank elevation of the outbuilding and the boundary with no. 69.

*Inaccuracy of plans*

9.23 The plans have been amended to show the accurate measurements.

*Height of structure including raised base result in overlooking / loss of privacy*

9.24 The structure as built is single storey and has not been built on a raised platform. This is also shown on the proposed section. As discussed above, it is not considered that there would be any significant overlooking or loss of privacy.

*Potential noise nuisance*

9.25 Any noise nuisance should be reported to the Council's Environmental Health Department.

Conditions

9.26 As the development has already commenced, there is no requirement for a time limit condition.

Community Infrastructure Levy (CIL)

9.27 Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. This application is not CIL Liable as it results in less than 100 square metres of additional floor space.

**10. CONCLUSION**

10.1 To conclude, the proposed development has been assessed in terms of its impact on the adjoining public footpath, visual impact and impact on living conditions of surrounding units. The proposed outbuilding through layout, design and scale will not adversely impact upon the use of the public footpath, visual amenity of the surrounding area or the residential amenity of neighbouring

occupants. The proposal is therefore in accordance with Saved Policy 79 and Appendix 3 of the Dacorum Local Plan (2004), Policies CS4, CS10, CS11 and CS12 of the Core Strategy (2013) and the NPPF (2019).

## 11. RECOMMENDATION

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

### Condition(s) and Reason(s):

1. **Within 3 months of the date of this permission, details of the materials to be used in the construction of the external surfaces of the outbuilding hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Details to include:**

- Roof tiles
- External cladding specification (including thickness)

**Development shall be carried out and retained in accordance with the approved details. The external cladding shall be completed prior to the first use of the outbuilding hereby approved.**

Reason: To ensure a satisfactory appearance to the development, to safeguard the visual character of the area and to protect the amenity of the adjacent public footpath, in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013) and Saved Policy 79 of the Dacorum Local Plan (2004).

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

**HRS/02 (Site Location Plan) dated May 2020**  
**HRS/04 (Proposed Block Plan) dated September 2020**  
**HRS/01 (Proposed Floor Plans and Elevations) dated September 2020**

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 Public Right of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be



made good by the applicant to the satisfaction of this Authority. All materials should be removed at the end of the construction and not left on the Highway or Highway verges.

## APPENDIX A: CONSULTEE RESPONSES

| Consultee           | Comments  |
|---------------------|---|
| Rights Of Way (DBC) | <p>This site abuts Hemel Hempstead public footpath 117.</p> <p>The boundary between 67 The Horseshoe and land set aside as public highway (footpath 117) was identifiable by the original boundary bank which was, prior to the installation of the retaining wall (1902579/FHA), intact. If it 'collapsed' it was due to the installation of the retaining wall, installed in order to provide solid foundations for a security fence (which had previously been erected on the public footpath).</p> <p>I met the occupier of 67 The Horseshoe on 11/7/19 to give guidance on the width of the public path (2.8m NW boundary, 2.6m SE boundary) in preparation for the reinstatement of the security fence so that they would be no arguments about further encroachment onto the public footpath. If those widths are encroached upon then the construction of the dwelling obstructs the public footpath. At present I haven't had a chance to visit the site but will do in the near future. As soon as I have been on site I'll let you know.</p> <p>Even if the development is exactly on the boundary it will give a sense of enclosure to the footpath. The citing of previous examples are not on the main footpath but a spur (public footpath 69) linking the route to The Horseshoe (marked red on attached plan).</p> <p>The roof gable and guttering will 'encroach' on the public footpath with the down pipe looking to go into a drain that would need to be installed in the surface of the public footpath. Apart from being unacceptable there is the strong possibility that excess water will cause problems on the path, either because of adverse weather and/or maintenance issues.</p> <p>Further comments:</p> <ol style="list-style-type: none"> <li>1) The wall leaves 2.6m for the path at each end. That's 20cm over what we agreed but we're not likely to enforce on that unless a member of the public issues us with a notice to do so.</li> <li>2) However, the roof, guttering and downpipes will further erode the width of the path, as will any rendering/brick work added to the concrete blocks.</li> <li>3) The potential for water run-off to affect the path remains a major</li> </ol> |

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|                                     | <p>concern. It is not acceptable to have the roof, guttering and downpipe carrying water onto the path.</p> <p>4) There appears to be a doorway in the wall to allow for access onto the footpath. In order to use this door steps would be required. These cannot be built on the footpath. There would be no legal permission and they would be deemed an unauthorised obstruction. However, it may be that the steps are to be built within the proposed building.</p>  |
| <p>Hertfordshire Highways (HCC)</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.</p> <p>Highway Informatives</p> <p>AN 1) The Public Right of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement &amp; concrete) should be made good by the applicant to the satisfaction of this Authority. All materials should be removed at the end of the construction and not left on the Highway or Highway verges.</p> <p>If the above conditions cannot reasonably be achieved then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. A fee would be payable to Hertfordshire County Council for such an order. Further information on the rights of way network is available via the website. Please contact Rights of Way, Hertfordshire County Council on 0300 123 4047 for further information in relation to the works that are required along the route including any permissions that may be needed to carry out the works.</p> <p><a href="https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rightsof-way/rights-of-way.aspx">https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rightsof-way/rights-of-way.aspx</a></p> <p>Comment</p> <p>The proposal is for the construction of a garden outbuilding with access onto rights of way land behind at 67 The Horseshoe, Hemel Hempstead. The Horseshoe is a 30 mph unclassified local access road and is maintained at public expense.</p> |

|                              |  |
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|                              | <p>HCC would comment that the garden outbuilding in the rear garden would have no impact on the highway and as such HCC Highways is not concerned with the building of this structure.</p> <p>HCC would comment, that the rear access from the garden outbuilding is not onto highway land and can only be accessed by foot and therefore would not impact the highway network.</p> <p>However, it is rights of way land and as such, care should be taken to ensure this land is not infringed, therefore, the highway informative above should be closely read and understood.</p> <p>Conclusion</p> <p>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.</p>  |
| Hertfordshire Highways (HCC) | <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.</p> <p>Highway Informative</p> <p>HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:</p> <p>AN) The Public Right of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overflows of cement &amp; concrete) should be made good by the applicant to the satisfaction of this Authority. All materials should be removed at the end of the construction and not left on the Highway or Highway verges.</p> <p>If the above conditions cannot reasonably be achieved then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. A fee would be payable to Hertfordshire County Council for such an order. Further information on the rights of way network is available via the website. Please contact Rights of Way, Hertfordshire County Council on 0300 123 4047 for further information in relation to</p> |

|                                 |   |
|---------------------------------|---|
|                                 | <p>the works that are required along the route including any permissions that may be needed to carry out the works.<br/> <a href="https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rightsof-way/rights-of-way.aspx">https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rightsof-way/rights-of-way.aspx</a></p> <p>Comments</p> <p>HCC Highways previously commented on the prior iteration of this application in June 2020. The new amended application has removed the access onto the rights of way route from the rear of the outbuilding. The removal of the access does not change our wish to not restrict a grant of permission for the site.</p> <p>Therefore, HCC Highways would like to reiterate our prior response:</p> <p>The proposal is for the construction of a garden outbuilding with access onto rights of way land behind at 67 The Horseshoe, Hemel Hempstead. The Horseshoe is a 30 mph unclassified local access road and is maintained at public expense.</p> <p>HCC would comment that the garden outbuilding in the rear garden would have no impact on the highway and as such HCC Highways is not concerned with the building of this structure.</p> <p>Conclusion</p> <p>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.</p> |
| Crime Prevention Design Advisor | <p>Thank you for sight of planning application 20/01422/FHA, Construction of garden outbuilding, 67 The Horseshoe Hemel Hempstead Hertfordshire HP3 8QS .</p> <p>I would ask that the outbuilding is secure , if the client would like any crime prevention advice please contact this office.</p>  |
| Crime Prevention Design Advisor | <p>In relation to crime prevention I have no objection to this application, if the applicant would like any crime prevention or security advice , please contact me.</p>  |

## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

| Neighbour Consultations | Contributors | Neutral | Objections | Support |
|-------------------------|--------------|---------|------------|---------|
| 5                       | 6            | 1       | 5          | 0       |

## Neighbour Responses

| Address   | Comments   |
|---|--|
| <p>69 The Horseshoe<br/>Hemel Hempstead<br/>Hertfordshire<br/>HP3 8QS</p> | <p>I object to the above planning application as detailed below:</p> <p>Visual impact / privacy</p> <p>Imposing bulk / size</p> <p>Concerned over potential change of use from gym</p> <p>One the OS survey map submitted it show 65/67/69 rear boundary in a fairly straight line, if the building is already on the rear boundary level how can it be possible to possible to put in 3/4 steps from the proposed fire door leading onto the public footpath leading to Autumn Glades? This is a route used by many elderly residents as well as parents with buggies.</p> <p>The current construction is concrete blocks and even if rendered I don't believe it will be in keeping with other local properties.</p> <p>Current height (without the roof) is 2.6metres - the plan shows an overall height of 3metres. Not sure how a pitched tile roof can be added with the remaining 400mm.</p> <p>I'm concerned where the rainwater from the guttering would be dispersed to- either the pathway into Autumn Glades or into our banking behind our rear fence. Mr Welsh stated that his bank was unstable so he removed it - would excess water running into our bank make that unstable?</p> <p>In response to the points in the application justification I would respond as follows.</p> <p>3.1 of application- I don't consider this a minor construction</p> <p>3.3 States the block work will be rendered- not sure how this can happen as there is less than 160mm between the construction and our boundary.</p> <p>4.1 this states application ref 19/02579/FHA regarding the retaining wall was granted in February 2020, in fact my understanding was it was October 2019, that's when it was built. This is not objection just observation of incorrect information.</p> <p>6.2 I don't believe the scale and visual impact of the construction is similar to others in the vicinity.</p> <p>6.7 it states height to eaves is 3m - as stated previously it currently stands at 2.6m without the roof.</p> <p>6,8 adjacent gardens are on the same level, however there is 0.8m of bank removed from the footpath. It also states here that the proposed</p> |

eaves height is a modest 2.15m. Is this correct?

6.12 I disagree that the building is consistent in character and appearance

6.13 Whilst the building does not impact on our light it would have an overbearing impact on our garden

6.14 Again, the statement refers to the building being a 'modest' 2.15mtr in height to the eaves I disagree with this statement as previously stated the building currently stands at 2.6m without the roof!

6.17 I don't understand how a fire door is required under H&S?

7.1 again, I don't agree with this statement that the building is a modest addition in keeping with existing developments

7.2 whilst the building may not be visible from the road/front of The Horseshoe, it is clearly visible from rear bedrooms and gardens, as well as Autumn Glades.

7.3 comments as 7.1

These are our objections on this proposed building

Having reviewed the revised plans most of our original objections submitted on 30th June, 2020 still apply. The only amendments we can see are the filling in of the fire door opening onto the footpath leading to Autumn Glades and redirecting the drain pipe into a water harvester tank in the rear garden. We do have a concern about this as the plan shows it very close to our boundary fence - we don't know much about them but worry if there is a possibility of it overflowing into our garden.

Section AA

The revised plans show the build to have cladding. With the rear side of the building already on the legal boundary of the footpath (plus 20mm over in one section) with batons, cladding and guttering this is only going to further encroach onto the footpath by approximately 120mm in our estimation).

Side section (abutting onto our property):

There is no existing space to fit cladding/drain pipe as Mr Welsh's fence encroaches onto our property by 130mm. When this fence was erected we were away and arrived home to find it erected, attached to our utility wall. The distance on this section with the fence as it stands is 150mm, bearing in mind 130mm of that space we believe to be on our property.

We also do not believe the proposed block plan shows an accurate distance between boundary fences.

As stated above all our previous objections regarding size / bulk / height still remain. The height from ground level to the top of the steel lintel already in place (without food plate yet fitted) is 2.6m. This leaves 400mm to fit a pitched roof?

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| <p>65 The Horseshoe<br/>Hemel Hempstead<br/>Hertfordshire<br/>HP3 8QS</p> | <p>I do not object per se to a modest garden building that is in keeping with surrounding structures being erected in our neighbouring garden, however, I would like to raise three primary concerns. Namely; the height of the structure, invasion of privacy and proximity to our perimeter fence.</p> <p>The structure is built upon a concrete platform. Contrary to the planning application we believe this elevates the floor of the building above the neighbouring ground level. When standing on this concrete platform construction workers were visible from the chest up when viewed from the neighbouring garden. As a result, I believe the existing boundary fence is not sufficiently high enough to prevent a direct line of sight into our garden and property.</p> <p>My second concern is that the dimensions of the pitched roof are understated in the planning application and cannot be constructed to the stated height, under the stated conditions. The application states the eave height will be 2.15m at a pitch of 15 degrees. If the total height of the structure is 3m and the roof is constructed at the stated 15 degrees we estimate the eaves will reach 2.4m, resulting in the structure standing 0.25m higher than stated.</p> <p>Finally, the structure has been built within a matter of millimetres to our existing boundary fence. The proposed plans state that the structure is to be rendered. As a result of this close proximity I do not believe that this is possible without the removal of our existing fence and shed. Furthermore, ongoing maintenance of the fence will be impossible. My reasons for objection remain the same as the objections I made on June 30th. The alterations to the plans have not addressed any of my concerns. The building is to be clad but how is the wall on our side of the building going to be clad when it is already touching our fence? (we have pictures of this but there is no facility on this site to submit them) Whilst mentioning our fence, the cement used when constructing the building has fallen down beside it &amp; bowed it at the bottom on at least 2 panels. In regard to the garages shown in the pictures submitted by Mr Welsh they are slightly higher at the moment but if you look at where the walls stop &amp; gables start, once the proposed pitched roof is added it will be much higher, also they have no windows which means they are not overlooking anyone's property and are not being used by the householders for any purpose other than storage. The height of this building and the raised base mean it remains intrusive to the privacy of our garden &amp; bedrooms.</p> |
| <p>48 Autumn Glades<br/>Hemel Hempstead<br/>Hertfordshire<br/>HP3 8UB</p> | <p>I object to this project in its current application form. The building is too high and ugly, and the finished appearance is not or will not be in keeping with the character of the surrounding garages as alleged in points 6.8, 6.12 and 7.1 of the application. I understand this structure will also have a pitched roof and therefore make it even higher.</p> <p>The previous ugly fence that was constructed to the rear of this property was 8ft 6" high, and had to be taken down as it breached planning regulations. This construction is already almost 10ft in height without the addition of the pitched roof.</p> <p>Point 6.7 - The fire door to the rear of the construction is 0.8m from the</p>  |

ground, and this begs the question is a step to be added, which will protrude into the alleyway and a health and safety issue? I am curious as Mr Welsh told his neighbour that the rear door would be for him to store his bicycles, as there is no access to the front of the property.

The photographs that have been included in the application are not showing the adjacent alleyway from Autumn Glades to The Horseshoe, but the alleyway from Autumn Glades to Colonsay. The building will be visible from Autumn Glades. The photographs supposing to show similar buildings in the near area are nowhere near this property.

Finally, Mr Welsh removed the trees from the alleyway (which I understand was against regulations on his deeds). Perhaps he should be requested to reinstate new trees.

I am unable to provide photographs on here of the view from Autumn Glades to the proposed construction, of the relative height of this building to others around it, deliberately omitted from the application. Perhaps a site visit should be undertaken to assess the situation or I can supply photographs if required.

If the construction had been of brick in keeping with every other building in the vicinity, had been 8ft high before roof added, it would be more in keeping with local garages.

I am not an unreasonable person, but am not happy with the height and appearance of this structure as proposed.

I see that Mr Welsh has amended his plans to remove the proposed fire exit from the rear of the build and has added a water harvester. He had builders in digging out earth from his garden for two days and adding large stones indicating the installation of a soak away.

I am sending, under separate cover, photographs to show how close the build is to neighbouring properties, which begs the question as to how he intends to clad the sides of the structure as there isn't the space to do so. The photographs also show how high the build currently stands in proportion to the neighbouring garages before the addition of a pitched roof. One photograph shows that the build protrudes at almost a metre into the alleyway, and beyond neighbouring properties, into the space where the trees used to be, (which Mr Welsh removed). Surely, this shouldn't be allowed? If approved, surely this would set a precedent for other properties to do likewise?

Another photograph shows, in my opinion, that the build is still too high, standing approx 3800 the alley side before any addition of a pitched roof. The height measurement taken from the alleyway is different from the height measurement taken from the garden as the height of the ground in both areas is different. So from the garden side the build is 3000.

The 800 "retaining wall" actually forms part of the rear wall of the build and is shown as "foundations" on the plans, which may be the case in the garden side of the build, but certainly not the alley side. I have always believed foundations are under the ground.

I have also ticked "noise nuisance" as this building is very close to my garden which at best is 10metres, (unlike Mr Welsh whose garden is approximately 30metres) and as Mr Welsh isn't a person who has due



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|   | <p>consideration for his neighbours, playing loud music from the rear or his property on warm evenings with his bi-fold doors open, which I can hear over the sound of my TV (bearing in mind I am in a different street from his property!) If he decides to play loud music from this structure it will be even closer to my property!</p> <p>Having said this, if the build was to be moved back correctly into his garden, made smaller so it could be clad properly and was built lower on the alley side, then I wouldn't have an objection to it (as long as he doesn't play loud music in it!)</p> <p>I believe Mr Welsh should also be asked to replant trees or shrubs in the alleyway, which should never have been removed in the first place.</p>  |
| <p>Ward Councillor</p>  | <p>If you are minded to approve the above application then I request the right to call it in.</p> <p>I am concerned with the height and bulk of this and I also have grave concerns with applicants intended use, many are just too big to be classified as a "Garden Room" or "Garden Office".</p>   |
| <p>71 The Horseshoe<br/>Hemel Hempstead<br/>Hertfordshire<br/>HP3 8QS</p> | <p>Part way through construction this development already appears excessively high and imposing. I am concerned that when the development is completed it will be far too high and will dominate the local residential setting. I can already see this from my kitchen window.</p> <p>The development also significantly steps out from the fence boundary of properties 71 and 69. From the location plan it is indicated that the boundaries of number 71,69,67 are all in a straight line? Does the development therefore encroach the boundary?</p> <p>There is also a door opening with its threshold 800mm above the public footpath which is of concern. If the development is on the boundary, how will this door be safely accessed? I presume this will require at least 4 steps down which will therefore need to extend beyond the development onto the public footpath. This will surely be a trip/health and safety hazard?</p> |
| <p>29 Autumn Glades<br/>Hemel Hempstead<br/>Hertfordshire<br/>HP3 8UB</p> | <p>The initial build was an unsightly large corrugated fence which has since been removed. However both the previous build and new build both seem to encroach onto what appears to public land.</p> <p>The current build is not in line with the adjacent neighbours boundary fence line.</p> <p>The construction size is much larger than any surrounding buildings and with what looks like an exterior door entrance at the rear if steps were to be installed these would be directly place in the current right of way public path.</p> <p>The whole alleyway has a small verge that contains natural bushes and trees. The new build has completely destroyed this and now looks unsightly in relation to the rest of the properties along the alleyway.</p>   |

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|  | I am not against a more natural building being erected however the size and placement of the current build is not in character with the surrounding properties. |
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# PLANNING ENFORCEMENT FORMAL ACTION STATUS REPORT (October 2020)

## HEADLINES

1. Since the last update (July 2020) a total of 3 Enforcement Notices, 2 Listed Building Enforcement Notices, and 1 Temporary Stop Notice have been served. A total of 2 cases have been removed from this list since the last update.
2. Works due to commence at NCP car park, Marlowes, Hemel Hempstead, which will significantly improve the appearance of this important town centre building, which contains the listed mosaic.
3. The appeal against the enforcement notice at Smallgrove Farm has been dismissed (date of decision 01.10.20). The appellant now has 12 months to remove the 75m long bund from the site.

|   | CASE REF.  | LOCATION   | BREACH   | DATE ISSUED | EFFECTIVE DATE | COMPLIANCE DATE | APPEAL                          | NEW COMPLIANCE DATE | RESULT       | NOTES / FURTHER ACTION   |
|---|------------|--|--|-------------|----------------|-----------------|---------------------------------|---------------------|--------------|--|
| 1 | 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. *Part II report heard. Further report required*.                  |
|   | CASE REF.  | LOCATION   | BREACH   | DATE        | EFFECTIVE      | COMPLIANCE      | APPEAL                          | NEW                 | RESULT       | NOTES / FURTHER  |

|   |                  |  |  | ISSUED             | DATE                  | DATE                   |                                 | COMPLIANCE DATE       |                 | 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             | <u>Complied</u> | *Photos of new windows and doors sent July, case to be closed and removed from list – complied*   |
| 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.                    |
|   | <b>CASE REF.</b> | <b>LOCATION</b>                                      | <b>BREACH</b>  | <b>DATE ISSUED</b> | <b>EFFECTIVE DATE</b> | <b>COMPLIANCE DATE</b> | <b>APPEAL</b>                   | <b>NEW COMPLIANCE</b> | <b>RESULT</b>   | <b>NOTES / FURTHER ACTION</b>   |

|    |                  |   |   |                    |                       |                           |  | DATE                       |                 |   |
|----|------------------|---|---|--------------------|-----------------------|---------------------------|--|----------------------------|-----------------|---|
| 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 | Most vehicles removed from the land. 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. |
|    | <b>CASE REF.</b> | <b>LOCATION</b>                                       | <b>BREACH</b>   | <b>DATE ISSUED</b> | <b>EFFECTIVE DATE</b> | <b>COMPLIANCE DATE</b>    | <b>APPEAL</b>                                      | <b>NEW COMPLIANCE DATE</b> | <b>RESULT</b>   | <b>NOTES / FURTHER ACTION</b>   |

|           |                  |   |   |                    |                       |                              |                             |                              |                    |   |
|-----------|------------------|---|---|--------------------|-----------------------|------------------------------|-----------------------------|------------------------------|--------------------|---|
| <u>11</u> | 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<br>(for all steps) | Yes,<br>appeal<br>dismissed | 19 Jan 19<br>(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. *New app. received (20/02400/FHA)*   |
| 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.   |
|           | <b>CASE REF.</b> | <b>LOCATION</b>                                   | <b>BREACH</b>   | <b>DATE ISSUED</b> | <b>EFFECTIVE DATE</b> | <b>COMPLIANCE DATE</b>       | <b>APPEAL</b>               | <b>NEW COMPLIANCE DATE</b>   | <b>RESULT</b>      | <b>NOTES / FURTHER ACTION</b>   |

|    |                  |  |  |                    |                       |                           |                       |                            |               |   |
|----|------------------|--|--|--------------------|-----------------------|---------------------------|-----------------------|----------------------------|---------------|---|
| 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. Permitted development rights being used as 'fall-back' position but items not being removed between events. Planning application 19/02588/MFA not yet determined. |
| 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           | TSN period expired. *New case set up E/20/00321/LBG dealing with various issues similar to this case. This formal action has expired – to be removed from list*                                 |
|    | <b>CASE REF.</b> | <b>LOCATION</b>                              | <b>BREACH</b>  | <b>DATE ISSUED</b> | <b>EFFECTIVE DATE</b> | <b>COMPLIANCE DATE</b>    | <b>APPEAL</b>         | <b>NEW COMPLIANCE DATE</b> | <b>RESULT</b> | <b>NOTES / FURTHER ACTION</b>   |
| 19 | E/17/00266       | Land at Red Lion                             | Untidy land, left over   | 24 Nov 17          | 24 Dec 17             | 24 Jan 18                 | N/A                   | N/A                        | Partly        | Site cleared. Some  |

|           |                  |  |   |                    |                       |                           |   |                            |                 |   |
|-----------|------------------|--|---|--------------------|-----------------------|---------------------------|---|----------------------------|-----------------|---|
|           |                  | Lane (Sappi), Nash Mills, Hemel Hempstead        | from building works.  |                    |                       |                           |   |                            | complied        | grass seeding work required. Also need to seek removal of Heras fencing.  |
| <b>20</b> | 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. Application for smaller track (373/19/FUL) – refused & appeal dismissed. *Site visit undertaken and further application being drawn up for ‘twin track’ access* |
| 21        | 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.                               |
| 22        | 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.  |
|           | <b>CASE REF.</b> | <b>LOCATION</b>                                  | <b>BREACH</b>   | <b>DATE ISSUED</b> | <b>EFFECTIVE DATE</b> | <b>COMPLIANCE DATE</b>    | <b>APPEAL</b>   | <b>NEW COMPLIANCE DATE</b> | <b>RESULT</b>   | <b>NOTES / FURTHER ACTION</b>   |
| 23        | E/18/00151       | 14 The Coppins,                                  | Construction of   | 26 Apr 18          | 26 May 18             | 26 Aug 18                 | Yes -   | 06 Nov 19                  | N/A             | Appeal dismissed-   |



|           |                  |  |                                      |                    |                       |                        |                  |                            |                 |  |
|-----------|------------------|--|--------------------------------------|--------------------|-----------------------|------------------------|------------------|----------------------------|-----------------|--|
|           |                  | Markyate                                       | raised parking pad.                  |                    |                       |                        | 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.                                |
| 24        | E/11/00153       | Field adj. New Lodge, London Road, Berkhamsted | Untidy condition of land.            | 14 Sep 18          | 14 Oct 18             | 14 Dec 18              | Yes              | N/A                        | N/A             | S.215 Notice served. 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. |
|           | <b>CASE REF.</b> | <b>LOCATION</b>                                | <b>BREACH</b>                        | <b>DATE ISSUED</b> | <b>EFFECTIVE DATE</b> | <b>COMPLIANCE DATE</b> | <b>APPEAL</b>    | <b>NEW COMPLIANCE DATE</b> | <b>RESULT</b>   | <b>NOTES / FURTHER ACTION</b>  |
| <b>25</b> | E/18/00341       | 55 High Street, Markyate, AL3 8PJ              | Installation of an external ACU (air | 12 Feb 19          | 14 Mar 19             | 14 Sep 19              | Yes - withdrawn  | 02 Apr 20                  | <u>Complied</u> | *Planning application (20/00415) granted   |

|           |                  |   |   |                    |                       |                        |                               |                            |               |  |
|-----------|------------------|---|---|--------------------|-----------------------|------------------------|-------------------------------|----------------------------|---------------|--|
|           |                  |   | conditioning unit) to the rear.   |                    |                       |                        |                               |                            |               | for repositioning and retention of ACU. Repositioning undertaken – to be removed from the list. Compliance achieved*   |
| <u>26</u> | 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                           | 27 Aug 20                  | N/A           | This notice was appealed – PINS issued their decision on 27.05.20 and upheld the Enf notice (subject to variations). *High Court appeal dismissed*.  |
| <u>27</u> | 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              | <u>Yes – appeal dismissed</u> | <u>01 Oct 21</u>           | N/A           | This notice was appealed. *Appeal dismissed*   |
| <u>28</u> | 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 granted – retention of terracing with changes to design and new landscaping proposal. Final compliance check required* |
| <u>29</u> | 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 granted. Compliance check required*  |
|           | <b>CASE REF.</b> | <b>LOCATION</b>   | <b>BREACH</b>   | <b>DATE ISSUED</b> | <b>EFFECTIVE DATE</b> | <b>COMPLIANCE DATE</b> | <b>APEAL</b>                  | <b>NEW COMPLIANCE DATE</b> | <b>RESULT</b> | <b>NOTES / FURTHER ACTION</b>  |
| 30        | 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.                    |
| 31 | 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 refused – EN served and notice appealed. Appeal dismissed. Further planning application refused. No compliance – further action being considered. *Second planning application refusal dismissed* |
| 32 | 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.   |
| 33 | 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. *Compliance check required*   |
|    | <b>CASE REF.</b> | <b>LOCATION</b>                                   | <b>BREACH</b>   | <b>DATE ISSUED</b> | <b>EFFECTIVE DATE</b> | <b>COMPLIANCE DATE</b> | <b>APPEAL</b> | <b>NEW COMPLIANCE DATE</b> | <b>RESULT</b> | <b>NOTES / FURTHER ACTION</b>   |
| 34 | E/19/00321       | Land at Featherbed Lane, Hemel                    | Change of use to residential, siting of                   | 11 Sep 19          | 09 Oct 19             | 09 Jan 19              | Yes           | N/A                        |               | Status quo injunction sought and granted  |

|    |                  |  |   |                    |                       |                        |               |                            |                        |   |
|----|------------------|--|---|--------------------|-----------------------|------------------------|---------------|----------------------------|------------------------|---|
|    |                  | Hempstead                                | mobile homes and operational development including laying hard standing and erection of fencing |                    |                       |                        |               |                            |                        | 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. |
| 35 | 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                  | <u>Part compliance</u> | EN issued. No appeal made. Compliance delayed due to owner's ill health – short, informal time extension granted. *Compliance partially obtained. Retaining wall remaining. Public interest test to be applied to requiring full compliance*    |
| 36 | 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.   |
|    | <b>CASE REF.</b> | <b>LOCATION</b>                          | <b>BREACH</b>   | <b>DATE ISSUED</b> | <b>EFFECTIVE DATE</b> | <b>COMPLIANCE DATE</b> | <b>APPEAL</b> | <b>NEW COMPLIANCE DATE</b> | <b>RESULT</b>          | <b>NOTES / FURTHER ACTION</b>   |
| 37 | E/19/00302       | Lock Cottage, Ravens Lane, Berkhamsted   | EN: Demolition of a wall in a conservation area   | 13 Sep 19          | 12 Oct 19             | 12 Jan 20              | No            | N/A                        |                        | EN served – not appealed. Required to comply with the   |

|    |                      |   |  |                    |                       |                        |               |                            |               |  |
|----|----------------------|---|--|--------------------|-----------------------|------------------------|---------------|----------------------------|---------------|--|
|    |                      |   | and creation of a raised parking area  |                    |                       |                        |               |                            |               | notice by 12.01.20. No compliance – next steps to be considered in line with LBEN appeal outcome.  |
| 38 | E/19/00492<br>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.   |
| 39 | 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.   |
| 40 | E/20/00023/<br>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. |
|    | <b>CASE REF.</b>     | <b>LOCATION</b>                           | <b>BREACH</b>  | <b>DATE ISSUED</b> | <b>EFFECTIVE DATE</b> | <b>COMPLIANCE DATE</b> | <b>APPEAL</b> | <b>NEW COMPLIANCE DATE</b> | <b>RESULT</b> | <b>NOTES / FURTHER ACTION</b>  |
| 41 | E/20/00023/<br>MULTI | Haresfoot Farm, Chesham Road, Berkhamsted | Construction of buildings and provision of   | 19 Feb 20          | 19 Feb 20             |                        | YES           | N/A                        |               | Stop notice issued with enforcement notice in order to   |

|           |                    |  |  |                    |                       |                        |               |                            |               |   |
|-----------|--------------------|--|--|--------------------|-----------------------|------------------------|---------------|----------------------------|---------------|---|
|           |                    |  | hardstanding, operation of waste transfer/recycling and importation of waste.  |                    |                       |                        |               |                            |               | cease the continued building work and importation and processing of waste materials at this site.   |
| <u>42</u> | E/20/00101/<br>NPP | 121 High Street,<br>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.<br>*Structure subject to TSN removed, EN issued in respect of other breach – this case will be removed from the list*  |
| <u>43</u> | E/19/00439/<br>LBG | NCP Car Park,<br>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).<br>*Works commencing 5 <sup>th</sup> October to paint, clean and tidy the building, including the listed mosaic*              |
| <u>44</u> | E/20/00088/<br>NPP | Land East Of<br>Watling Girth, Old<br>Watling Street,<br>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. Planning application submitted prior to expiration of TSN – Refused. *EN issued, this action will be removed from this list* |
|           | <b>CASE REF.</b>   | <b>LOCATION</b>  | <b>BREACH</b>  | <b>DATE ISSUED</b> | <b>EFFECTIVE DATE</b> | <b>COMPLIANCE DATE</b> | <b>APPEAL</b> | <b>NEW COMPLIANCE DATE</b> | <b>RESULT</b> | <b>NOTES / FURTHER ACTION</b>   |
| <u>45</u> | E/20/00147/<br>NAP | 35 Parr Crescent,<br>Hemel Hempstead                               | Breach of condition 3 of planning permission                                   | 29 Apr 20          | 29 Apr 20             |                        | N/A           | N/A                        |               | TSN issued: Contamination condition had not   |

|           |                  |   |  |                    |                       |                        |               |                            |               |  |
|-----------|------------------|---|--|--------------------|-----------------------|------------------------|---------------|----------------------------|---------------|--|
|           |                  |   | 19/03084/FHA (contamination)   |                    |                       |                        |               |                            |               | been discharged which related to this property specifically due to the previous land use. *TSN expired - required info submitted 20/01268/DRC. To be removed from list*  |
| <u>46</u> | 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. *Notice appealed, start letter issued and statement submitted 30.09.20*  |
| <u>47</u> | 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                        |               | TSN issued: 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. *TSN expired and application due to be submitted – to be removed from list* |
|           | <b>CASE REF.</b> | <b>LOCATION</b>                             | <b>BREACH</b>  | <b>DATE ISSUED</b> | <b>EFFECTIVE DATE</b> | <b>COMPLIANCE DATE</b> | <b>APPEAL</b> | <b>NEW COMPLIANCE DATE</b> | <b>RESULT</b> | <b>NOTES / FURTHER ACTION</b>  |
| <u>48</u> | 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              | N/A           |                            |               | Breach of condition notice issued: approved plans. The   |

|    |                       |   |   |                        |                           |                            |               |                                    |               |  |
|----|-----------------------|---|---|------------------------|---------------------------|----------------------------|---------------|------------------------------------|---------------|--|
|    |                       |   |   |                        |                           |                            |               |                                    |               | garage at this site had not been built in accordance with the approved scheme - loss of features such as bug hotels and flint elevations.<br>*Variation application 20/01656/ROC not yet determined*   |
| 49 | E/19/00492/<br>BOC    | Bovingdon Market,<br>Chesham Road,<br>Bovingdon         | Breach of conditions<br>1 & 2 of planning<br>permission<br>4/01889/14/MFA | 27 May<br>20           | 27 May 20                 | 24 June 20                 | N/A           |                                    |               | Breach of condition<br>notice related to the<br>breach of conditions<br>1 and 2 of the<br>permission (market<br>layout and parking).   |
| 50 | E/20/00104/<br>NPP    | The Water Gardens<br>Telecoms Mast,<br>Leighton Buzzard | Installation of<br>telecommunications<br>mast.                            | 04 Jun 20              | 30 Jul 20                 |                            | <u>Yes</u>    |                                    |               | Enforcement notice<br>issued in respect of<br>unauthorised<br>telecommunications<br>mast near Water<br>Gardens Car Park.<br>18-month<br>'emergency' PD right<br>period has passed<br>and the mast was<br>not removed. *Notice<br>appealed – start<br>letter issued and<br>statement submitted<br>08.10.20* |
|    | <b>CASE REF.</b>      | <b>LOCATION</b>   | <b>BREACH</b>   | <b>DATE<br/>ISSUED</b> | <b>EFFECTIVE<br/>DATE</b> | <b>COMPLIANCE<br/>DATE</b> | <b>APPEAL</b> | <b>NEW<br/>COMPLIANCE<br/>DATE</b> | <b>RESULT</b> | <b>NOTES / FURTHER<br/>ACTION</b>  |
| 51 | E/20/00214/<br>CONSRV | 307-309 High<br>Street,<br>Berkhamsted                  | Construction of<br>decking area to the<br>front of the premises.          | 17 Jun 20              | 17 Jun 20                 |                            | N/A           | N/A                                |               | Temporary stop<br>notice issued:<br>decking built to the   |



front of the 2 x premises. \*Planning application 20/01795/FUL not yet determined, but TSN expired, so will be removed from the list\*

**THE FOLLOWING CASES HAVE BEEN ENTERED ONTO THE LIST FOR THE FIRST TIME**

|    | <b>CASE REF.</b>   | <b>LOCATION</b>  | <b>BREACH</b>  | <b>DATE ISSUED</b> | <b>EFFECTIVE DATE</b> | <b>COMPLIANCE DATE</b> | <b>APPEAL</b> | <b>NEW COMPLIANCE DATE</b> | <b>RESULT</b> | <b>NOTES / FURTHER ACTION</b>   |
|----|--------------------|--|--|--------------------|-----------------------|------------------------|---------------|----------------------------|---------------|---|
| 52 | E/20/00088/<br>NPP | Land east of Watling Garth, Old Watling Street, Flamstead  | Construction of a building, gabion walls, widening of an existing access, formation of two vehicular access points and roadways within the site. | 17 Jul 20          | 28 Aug 20             |                        | Yes           |                            |               | Enforcement notice issued: construction of a building, gabion walls, widening of an existing access, formation of two vehicular access points and roadways within the site. Notice appealed - awaiting start letter.            |
| 53 | E/19/00398         | Land at Berry Farm, Upper Bourne End Lane, Hemel Hempstead | Pig breeding enterprise with associated development.   | 17 Jul 20          | 14 Aug 20             |                        | Yes           |                            |               | An enforcement notice issued: pig breeding enterprise on this Green Belt location. The development comprised fencing, caravan, pig shelters and other hard standing and paraphernalia. Notice appealed – awaiting start letter. |
|    | <b>CASE REF.</b>   | <b>LOCATION</b>  | <b>BREACH</b>  | <b>DATE ISSUED</b> | <b>EFFECTIVE DATE</b> | <b>COMPLIANCE DATE</b> | <b>APPEAL</b> | <b>NEW COMPLIANCE DATE</b> | <b>RESULT</b> | <b>NOTES / FURTHER ACTION</b>   |
| 54 | E/19/00359         | Land adj. The Willows, Potten End Hill, Water End          | Installation of 2 x solar panel arrays.  | 12 Aug 20          | 10 Sep 20             | 10 May 21              | No            |                            |               | An enforcement notice was issued in respect of x2 solar   |

|    |                    |                                       |  |           |           |             |     |  |  |   |
|----|--------------------|---------------------------------------|--|-----------|-----------|-------------|-----|--|--|---|
|    |                    |                                       |  |           |           |             |     |  |  | panel arrays installed on this Green Belt field, adjacent to a residential property.  |
| 55 | E/20/00311/<br>NAP | 13 Chambersbury Lane, Hemel Hempstead | Construction of raised patio and garden store to rear of dwelling. | 10 Sep 20 | 10 Sep 20 | N/A         | N/A |  |  | A temporary stop notice was issued in respect of the construction of a large raised patio and garden store at this residential address. Following a site visit, further action is being considered. |
| 56 | E/20/00249/<br>LBG | 57 St Johns Road, Hemel Hempstead     | Installation of UPVC windows in listed building.                   | 25 Sep 20 | 27 Oct 20 | 27 Oct 23   |     |  |  | A listed building enforcement notice was issued in respect of a residential property which had UPVC windows and doors installed without listed building consent.                                    |
| 57 | E/20/00101/<br>NPP | 121 High Street, Markyate             | Installation of extraction system and flue on listed building.     | 05 Oct 20 | 02 Nov 20 | 02 March 21 |     |  |  | A listed building enforcement notice was issued in respect of an extraction system and flue which was installed on the flat roof part of this listed building, without consent.                     |

# Agenda Item 8

By virtue of paragraph(s) 1, 2, 3, 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted