



Public Document Pack

DEVELOPMENT MANAGEMENT AGENDA

THURSDAY 18 FEBRUARY 2021 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.

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 member.support@dacorum.gov.uk 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

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 (Pages 5 - 6)

- (a) 20/02754/ROC - Garden Scene Chapel Croft Chipperfield Hertfordshire WD4 9EG (Pages 7 - 36)
- (b) 4/02204/18/MFA - Old Silk Mill Brook Street Tring HP23 5EF (Pages 37 - 143)
- (c) 20/03908/FUL - Garage Site At Housewood End, Hemel Hempstead, Hertfordshire (Pages 144 - 171)
- (d) 20/03819/FUL - Garage Court Dione Road Hemel Hempstead Hertfordshire (Pages 172 - 195)
- (e) 20/03753/FUL - Land at Green End Gardens, Hemel Hempstead (Pages 196 - 212)
- (f) 20/03089/ROC - Entreat 59B Gossoms End Berkhamsted Hertfordshire HP4 1DF (Pages 213 - 222)
- (g) 21/00090/RET - Gable End 1 Threefields Sheethanger Lane Felden Hemel Hempstead Hertfordshire (Pages 223 - 246)
- (h) 20/03054/FHA - 15 Fieldway Berkhamsted Hertfordshire HP4 2NX (Pages 247 - 263)

6. APPEALS UPDATE (Pages 264 - 272)

INDEX TO PLANNING APPLICATIONS

| Item No. | Application No. | Description and Address | Page No. |
|----------|-----------------|--|----------|
| 5a. | 20/02754/ROC | Variation of Condition 6 (Hard and Soft Landscaping), Condition 22 (External Electricity and Gas Meters) and Condition 24 (Approved Plans) Attached to Planning Permission 4/00658/19/MFA (Demolition of existing buildings, construction of 15 dwellings (class c3) and one retail (class a1 shop) unit and parish store room, alterations to vehicle and pedestrian accesses) Garden Scene, Chapel Croft, Chipperfield, Hertfordshire | |
| 5b. | 4/02204/18/MFA | Demolition of existing buildings. construction of extra care scheme comprising 41 no. Apartments with associated landscaping and Parking. Old Silk Mill, Brook Street, Tring, HP235EF | |
| 5c. | 20/03908/FUL | Demolition of 33 residential garages and construction of 3 no. dwelling houses Garage Site At , Housewood End, Hemel Hempstead, Hertfordshire | |
| 5d. | 20/03819/FUL | Demolition of 31 residential garages and construction of 4 no. dwelling houses Garage Court, Dione Road, Hemel Hempstead, Hertfordshire | |
| 5e. | 20/03753/FUL | Construction of five dwellings, the creation of a new priority junction and access road, associated landscaping and ancillary works. Land At, Green End Gardens, Hemel Hempstead, Hertfordshire, | |
| 5f. | 20/03089/ROC | Variation of condition 3 (Opening hours) attached to planning permission 4/00868/14/ful (Change of use from retail (a1) to fast food outlet (a5), opening hours 11am-11 pm and installation of an external flue pipe). Allowed on appeal ref APP/A1910A/14/2227697. Entreat, 59B Gossoms End, Berkhamsted, Hertfordshire | |
| 5g. | 21/00090/RET | Use and extend the original walls, and use the original foundation slab, of the former garage and car port to create on the same site a two storey hipped roofed end of terrace dwelling; change of use from agriculture to front hardstanding and rear garden. Gable End, 1 Threefields, Sheethanger Lane, Felden | |
| 5h. | 20/03054/FHA | ROOF EXTENSION INCLUDING TWO REAR DORMERS, ROOF LIGHTS, FRONT BAY WINDOW, AMENDED FRONT GABLE, SINGLE STOREY REAR EXTENSION, NEW PARKING SPACE CROSS OVER AND ASSOCIATED ALTERATIONS | |

15 Fieldway, Berkhamsted, Hertfordshire, HP4 2NX

ITEM NUMBER: 5a

| | | |
|-------------------------------|--|--|
| 20/02754/ROC | Variation of Condition 6 (Hard and Soft Landscaping), Condition 22 (External Electricity and Gas Meters) and Condition 24 (Approved Plans) Attached to Planning Permission 4/00658/19/MFA (Demolition of existing buildings, construction of 15 dwellings (class c3) and one retail (class a1 shop) unit and parish store room, alterations to vehicle and pedestrian accesses) | |
| Site Address: | Garden Scene Chapel Croft Chipperfield Hertfordshire WD4 9EG | |
| Applicant/Agent: | | Mr Geoff Armstrong |
| Case Officer: | James Gardner | |
| Parish/Ward: | Chipperfield Parish Council | Bovingdon/ Flaunden/ Chipperfield |
| Referral to Committee: | Similar application previously refused by DMC | |

1. RECOMMENDATION

That planning permission be **DELEGATED** with a view to **APPROVAL** subject to the completion of a Deed of Variation.

2. SUMMARY

2.1 Planning permission was previously granted for the construction of 15 new dwellings and a replacement Post Office / Village Store on Chapel Croft. The aforementioned application was considered by the Development Management Committee on 29th July 2019, where it resolved to grant planning permission subject to conditions. The site has since been purchased by a new owner who wishes to make modifications to the approved layout. Details of hard and soft landscaping have also been provided for consideration.

2.2 The alterations to the site layout and the design of the dwellings have been considered and assessed against the current adopted policies of the Dacorum Core Strategy, relevant saved policies of the Dacorum Local Plan, and Supplementary Planning Documents.

2.3 This report sets out the considerations and provides a view as to the acceptability of the alterations.

3. SITE DESCRIPTION

3.1 The application site is a roughly rectangular parcel of land with a wide frontage to the northern side of Chapel Croft providing the site's main access point, with a secondary access from Croft Lane to the east. The site comprises a number of large, low-level buildings which have historically served a number of uses, the main being a garden centre and garden machinery repairs and workshops, which ceased around September 2018. A small store incorporating a post office currently operates from the site.

3.2 The side boundaries are staggered and mostly to the north, east and west are flanked by semi-detached or detached dwellings including along Croft Lane and Chapel Croft. Alongside part of the site's western boundary is a tile yard and dense woodland to the site's northern interface. The main access to the site is via Chapel Croft, shared with the tile yard and other residential units outside the site.

3.3 The existing buildings on the site are most prominent from Chapel Croft, and the southern portion of the site fronting Chapel Croft lies within the Chipperfield Conservation Area. Within this street scene the village store building is set behind a deep footpath and landscaped frontage

beyond, the building itself slightly set down from road level. Built form within Chapel Croft is predominantly two-storey with some chalet elements and as such the existing building is low level and gains its prominence as a result of the site's relatively wide frontage.

4. PROPOSAL

4.1 This application seeks to vary Condition 6 (Hard and Soft Landscaping), Condition 22 (External Electricity and Gas Meters) and Condition 24 (Approved Plans) of 4/00658/19/MFA.

5. PLANNING HISTORY

Planning Applications (If Any):

20/00151/NMA - Minor reduction to proposed landscape bed to front of approved Plot 6 to widen turning head at top of access drive.

GRA - 19th February 2020

20/03516/DRC - Details as Required by Condition 7 (External Surfaces) Attached to Planning Permission 4/00658/19/MFA (Demolition of existing buildings, construction of 15 dwellings (class c3) and one retail (class a1 shop) unit and parish store room, alterations to vehicle and pedestrian accesses)

GRA - 3rd February 2021

20/03522/DRC - Details as required by Condition 6 (Hard and soft landscaping) attached to planning permission 4/00658/19/MFA (Demolition of existing buildings, construction of 15 dwellings (class c3) and one retail (class a1 shop) unit and parish store room, alterations to vehicle and pedestrian accesses)

WDN - 1st February 2021

20/03570/DRC - Part Discharge of Condition 16 (Parts (A) and (B)) (Supplementary Ground Investigation and Remediation Method Statement) Attached to Planning Permission 4/00658/19/MFA (Demolition of existing buildings, construction of 15 dwellings (class c3) and one retail (class a1 shop) unit and parish store room, alterations to vehicle and pedestrian accesses)

GRA - 12th January 2021

20/03642/DRC - Details as required by condition 2 (Construction Management and Phasing Plan) and 12 (Demolition Phasing Plan) of planning permission 4/00658/19/MFA (Demolition of existing buildings, construction of 15 dwellings (class c3) and one retail (class a1 shop) unit and parish store room, alterations to vehicle and pedestrian accesses)

GRA - 22nd January 2021

20/03643/DRC - Details as required by condition 18 (Noise Impact) of planning permission 4/00658/19/MFA (Demolition of existing buildings, construction of 15 dwellings (class c3) and one retail (class a1 shop) unit and parish store room, alterations to vehicle and pedestrian accesses)

GRA - 1st February 2021

20/03673/DRC - Details as required by Conditions 13 (Drainage Plan) and 14 (Drainage Scheme) attached to planning permission 4/00658/19/MFA (Demolition of existing buildings, construction of 15 dwellings (class c3) and one retail (class a1 shop) unit and parish store room, alterations to vehicle and pedestrian accesses).

PCO -

4/00658/19/MFA - Demolition of existing buildings, construction of 15 dwellings (class c3) and one retail (class a1 shop) unit and parish store room, alterations to vehicle and pedestrian accesses

GRA - 29th July 2019

4/02249/18/MFA - Demolition of existing buildings, construction of 17 dwellings (class c3) and one retail (class a1 shop) unit and parish store room, formation of layby to chapel croft and alterations to vehicle and pedestrian accesses

REF - 18th December 2018

4/01781/12/LDE - Continued use of land as storage yard

GRA - 28th January 2013

4/00369/93/FUL - Greenhouse extension

GRA - 7th May 1993

Appeals (If Any):

4/02249/18/MFA - Development Appeal

- 16th May 2019

6. CONSTRAINTS

Special Control for Advertisements: Advert Spec Contr

CIL Zone: CIL2

Conservation Area: CHIPPERFIELD

Former Land Use (Risk Zone):

Green Belt: Policy: CS5

Parish: Chipperfield CP

RAF Halton and Chenies Zone: Green (15.2m)

Small Village: 3

SPD Zone 3

EA Source Protection Zone: 3

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (February 2019)

Dacorum Core Strategy 2006-2031 (adopted September 2013)

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

Dacorum Core Strategy (2013)

NP1 - Supporting Development

CS1 - Distribution of Development

CS2 - Selection of Development Sites

CS3 - Management of Selected Sites
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
CS25 - Landscape Character
CS27 - Quality of the Historic Environment
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Soil and Water Quality
CS35 - Infrastructure and Developer Contributions

Dacorum Borough Local Plan (2004)

Policy 10 - Optimising the Use of Urban Land
Policy 12 - Infrastructure Provision and Phasing
Policy 13 - Planning Conditions and Planning Obligations
Policy 18 - The Size of New Dwellings
Policy 21 - Density of Residential Development
Policy 45 - Scattered Local Shops
Policy 51 - Development and Transport Impacts
Policy 99 - Preservation of Trees, Hedgerows and Woodlands
Policy 100 - Tree and Woodland Planting
Policy 111 - Height of Buildings
Policy 119 - Development Affecting Listed Buildings
Policy 120 - Development in Conservation Areas

Supplementary Planning Documents

Chipperfield Village Design Statement (2002)
Parking Standards Supplementary Planning Document (November 2020)

9. PROCEDURAL MATTERS

9.1 An application can be made under Section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and un-amended. It is open to the applicant to decide whether to implement the new permission or the one originally granted.

9.2 On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

9.3 It is within this legislative framework that the application is to be considered.

10. CONSIDERATIONS

Main Issues

10.1 The main issues to consider are:

- The scope of the requested amendments and their impact on visual amenity, residential amenity, highway safety and car parking.

Requested Amendments

10.2 As noted within the Proposed Development section, the application seeks an amendment to planning application reference: 4/00658/19/MFA

Specifically, amendments are proposed to the following planning conditions:

- Condition 6 (Hard and Soft Landscaping)
- Condition 22 (External Electricity and Gas Meters)
- Condition 24 (Approved Plans)

10.3 A summary of each of the proposed changes is provided below.

Condition 6 – Hard and Soft Landscaping

10.4 Full details of hard and soft landscaping were not included with 4/00658/19/MFA. Consequently, in order to ensure an acceptable visual appearance, landscaping details were reserved by condition.

10.5 The specific wording of the Condition 6 is as follows:

Construction of the buildings hereby permitted shall not 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, including to the access roads;

means of enclosure both within and around the site;

soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;

proposed finished levels or contours;

minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policies CS12, CS25 and CS27 of the Dacorum Core Strategy 2013 and saved Policy 120 of the Dacorum Borough Local Plan 1991-2011.

10.6 The site layout is to be amended as part of this application; therefore, it would not be possible to discharge Condition 6 and re-impose it, for to do so would result in inconstancies.

10.7 Full details of hard and soft landscaping have been provided within the following documents:

| Additional Plan Name | Additional Plan Reference |
|---|--------------------------------|
| Soft Landscaping Proposals (prepared by Southern Counties Landscapes Ltd) | None (although dated 28/12/20) |
| Site Finishes Plan (prepared by SDP) | OAK106_1080 Rev P1 |

Soft Landscaping

10.8 In terms of landscaping, on the Chapel Croft frontage, hedging (New Zealand Evergreen Laurel) would partially enclose a planted area to the front of the Post Office / convenience store, softening the built form and serving to reinforce the numerous soft-planted frontages between the application site and the junction of Tower Hill. Two Himalayan Birch trees would add vertical emphasis and structure to the street scene.

10.9 Within the site itself, it is proposed to plant over 40 trees. The numerous landscaped areas site would be filled with a variety of species and make

Hard Landscaping

10.10 The primary estate roads would comprise of tarmacadam, while the forecourts and parking bays would be finished in a contrasting mix of permeable block paving (Charcoal and Brindle). This is considered to be satisfactorily, striking an appropriate balance between utility and aesthetics.

10.11 With the exception of the western boundaries of plots 6, 7 and 9, where a standard 1.8 metre fence is to be supplemented by a 400mm trellis on top, the means of enclosure – both between individual plots and the perimeter of the site – would consist of 1.8 metre close-boarded fencing. The use of this type of fence for enclosing the rear garden of Plot 13 is not ideal, being located as it is on Chapel Croft. However, as per the soft landscaping plan, there would be hedging planted directly in front of it. Thus, once mature, the hedging will largely screen the fence from view or at least soften its appearance considerably. Consideration was given to potentially lower fencing, yet it is important to note that this area would serve as the primary amenity area for the future residents of Plot 13, who would expect a reasonable level of privacy and security. On balance, on the basis that there will be hedging to the front, on balance, this arrangement is considered to be acceptable.

Conclusion

10.12 It is considered that the information provided in support of Condition 6 is acceptable. It is therefore proposed that the wording of Condition 6 be amended as follows:

The landscaping works shown on the Soft Landscaping Proposals (prepared by Southern Counties Landscapes Ltd) and the Site Finishes Plan (prepared by SDP) (OAK106_1080 Rev P1) shall be carried out prior to the first occupation of the development hereby permitted.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policies CS12, CS25 and CS27 of the Dacorum Core Strategy 2013 and saved Policy 120 of the Dacorum Borough Local Plan 1991-2011.

Condition 22 - External Electricity and Gas Meters

10.13 The wording of Condition 22 is as follows:

Notwithstanding the approved details, external electricity and gas metres shall not be installed on the southern elevations fronting Chapel Croft of the ground floor shop and Units 13, 14 and 15 as shown on Drawing No. 2585 PL03 Rev B (proposed site layout).

Reason: To positively conserve and enhance the character and appearance of the Chipperfield Conservation Area in accordance with Policy CS27 of the Dacorum Core Strategy 2013 and saved Policy 120 of the Dacorum Borough Local Plan 1991-2011.

10.14 This application seeks to vary the wording in order to reference the new site layout plan. As such, the wording is proposed to be amended as follows:

Notwithstanding the approved details, external electricity and gas metres shall not be installed on the southern elevations fronting Chapel Croft of the ground floor shop and Units 13, 14 and 15 as shown on Drawing No. P20/17/S/101 C Site Layout and Roof Plans.

Reason: To positively conserve and enhance the character and appearance of the Chipperfield Conservation Area in accordance with Policy CS27 of the Dacorum Core Strategy 2013 and saved Policy 120 of the Dacorum Borough Local Plan 1991-2011.

Condition 24 – Approved Plans

10.15 The plans and documents approved under application reference: 4/00658/19/MFA were as follows:

| | | |
|-----------|--------|---|
| 2585 PL03 | Rev. D | (Proposed Site Layout) |
| 2585 PL12 | Rev. A | (Plots 1 & 2 Floor Plans) |
| 2585 PL14 | Rev. A | (Plots 3 - 5 Floor Plans) |
| 2585 PL16 | Rev. B | (Plot 6 Floor Plans) |
| 2585 PL18 | Rev. B | (Plot 7 Floor Plans) |
| 2585 PL20 | Rev. A | (Plot 8 Floor Plans) |
| 2585 PL34 | Rev. | (Plot 9 Floor Plans) |
| 2585 PL22 | Rev. A | (Plot 10 Floor Plans) |
| 2585 PL24 | Rev. A | (Plot 11 Floor Plans) |
| 2585 PL26 | Rev. A | (Plot 12 Floor Plans) |
| 2585 PL10 | Rev. B | (Front Building Plans) |
| 2585 PL13 | Rev. A | (Plots 1 & 2 Elevations) |
| 2585 PL15 | Rev. B | (Plots 3-5 Elevations) |
| 2585 PL17 | Rev. B | (Plot 6 Elevations) |
| 2585 PL19 | Rev. B | (Plot 7 Elevations) |
| 2585 PL21 | Rev. A | (Plot 8 Elevations) |
| 2585 PL35 | Rev. | (Plot 9 Elevations) |
| 2585 PL23 | Rev. A | (Plot 10 Elevations) |
| 2585 PL25 | Rev. A | (Plot 11 Elevations) |
| 2585 PL27 | Rev. A | (Plot 12 Elevations) |
| 2585 PL11 | Rev. C | (Front Building Elevations) |
| 2585 PL28 | Rev. B | (Single Garage Plans and Elevations for Plots 6-9) |
| 2585 PL04 | Rev. B | (Proposed Street Scene 1 & 2) |
| 2585 PL05 | Rev. B | (Street Scene 3 & 4) |
| 2585 PL30 | Rev. A | (Outbuildings Plans and Elevations) |
| 2585 PL32 | Rev. B | (Site Section Through Plot 3 & Rosetas Rear Garden) |

10.16 The condition is proposed to be changed to the following:

| | | |
|--------------|--------|-------------------------------|
| P20/17/S/101 | Rev. C | Site Layout & Roof Plans |
| 2585 PL04 | Rev. B | (Proposed Street Scene 1 & 2) |
| 2585 PL05 | Rev. B | (Street Scene 3 & 4) |
| 2585 PL11 | Rev. C | (Front Building Elevations) |
| 2585 PL12 | Rev. A | (Plots 1 & 2 Floor Plans) |
| 2585 PL13 | Rev. A | (Plots 1 & 2 Elevations) |
| 2585 PL14 | Rev. A | (Plots 3 - 5 Floor Plans) |
| 2585 PL15 | Rev. B | (Plots 3-5 Elevations) |

P20/17/S/110 A Floor Plans & Elevations Plot 6

P20/17/S/111 A Floor Plans & Elevations Plot 7
P20/17/S/112 A Floor Plans & Elevations Plots 8 & 9 (9 handed)
P20/17/S/113 A Floor Plans & Elevations Plot 10
P20/17/S/114 A Floor Plans & Elevations Plot 11
P20/17/S/115 A Floor Plans & Elevations Plot 12
P20/17/S/120 Detached Garages Plots 6, 7, 8 & 9
 2585 PL10 Rev. B (Front Building Plans)
 2585 PL30 Rev. A (Outbuildings Plans and Elevations)
 2585 PL32 Rev. B (Site Section Through Plot 3 & Rosetas Rear Garden)

10.17 In summary, substitution of the following plans is proposed:

| Approved Plan Reference | Replacement Plan Reference |
|---|--|
| 2585 PL03 Rev. D (Proposed Layout) | P20/17/S/101 Rev. C Site Layout & Roof Plans |
| 2585 PL16 Rev. B (Plot 6 Floor Plans) | P20/17/S/110 A Floor Plans & Elevations Plot 6 |
| 2585 PL17 Rev. B (Plot 6 Elevations) | |
| 2585 PL18 Rev. B (Plot 7 Floor Plans) | P20/17/S/111 A Floor Plans & Elevations Plot 7 |
| 2585 PL19 Rev. B (Plot 7 Elevations) | |
| 2585 PL20 Rev. A (Plot 8 Floor Plans) | P20/17/S/112 A Floor Plans & Elevations Plots 8 & 9 (9 handed) |
| 2585 PL21 Rev. A (Plot 8 Elevations) | |
| 2585 PL34 Rev. (Plot 9 Floor Plans) | |
| 2585 PL35 Rev. (Plot 9 Elevations) | |
| 2585 PL22 Rev. A (Plot 10 Floor Plans) | P20/17/S/113 A Floor Plans & Elevations Plot 10 |
| 2585 PL23 Rev. A (Plot 10 Elevations) | |
| 2585 PL24 Rev. A (Plot 11 Floor Plans) | P20/17/S/114 A Floor Plans & Elevations Plot 11 |
| 2585 PL25 Rev. A (Plot 11 Elevations) | |
| 2585 PL26 Rev. A (Plot 12 Floor Plans) | P20/17/S/115 A Floor Plans & Elevations Plot 12 |
| 2585 PL27 Rev. A (Plot 12 Elevations) | |
| 2585 PL28 Rev. B (Single Garage Plans and Elevations for Plots 6-9) | P20/17/S/120 Detached Garages Plots 6, 7, 8 & 9 |

10.18 The main amendments to the approved design and layout of the scheme proposed as part of this application are as follows:

Design

- Plot 6 – Revision of house type;
- Plots 7-9 – Revision of house type;
- Individual garages serving Plots 7 & 9 replaced with double garage;
- Plots 10-12: Following amendments to approved design:
 - Remove walkthrough passage between garage and house and attach garage to house;
 - Inclusion of utility door into garage and personnel door from garage to rear;
 - Reduce overall square footage to circa 1900sq ft by cutting plot short by about 500mm;
 - Commensurate reduction in the size of the lounge;

Site Layout

10.19 Amendments to reflect revised house design and enclosure:

- Add 2m high close-boarded fence with 400mm trellis on top to the eastern boundary marked in blue on the plan;
- Amend Plot 6 to reflect new design and handing;
- Garage #2 removed from Plot 7 and replaced with surface parking;
- Path to the front of Plots 10-12 removed;

- Rear access reduced in width and additional landscaping provided;
- Amend Plots 10-12 to reflect new layout and reduced square footage; and
- 3m space separation to side of Plot 12 to avoid need for Party Wall Award.

Planning Implications

Quality of Design / Impact on Visual Amenity

10.20 Policies CS11 and CS12 of the Dacorum Core Strategy state that development should, inter alia, respect the typical density intended in an area, preserve attractive streetscapes, protect or enhance significant views within character areas, and integrate with the streetscape character.

10.21 Other than Plots 6 and 9, both of which would be visible at the terminus of the respective access roads, the changes to the design of the dwellings would not be evident from public vantage points.

10.22 It is not considered that the changes to the design would be such that the application should be refused.

Impact on Character and Appearance of Chipperfield Conservation Area

10.23 Whilst no changes are proposed to the buildings located within the Chipperfield Conservation area, Plot 6 would be visible from within the conservation area and therefore consideration needs to be given to the impact this would have on its setting.

10.24 Annex 2 of the NPPF describes the setting of a heritage asset as follows:

The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

10.25 Plot 6 is important as it would be seen at the terminus of the access off Chapel Croft. The amended design does not have the same gravitas as that which has already been approved; however, the design would utilise a mixture of materials, include a gable feature and retains a brick-built external chimney stack on the flank elevation, which would help to break up the flank wall.

10.26 Overall, the design is considered to be innocuous and not out of keeping with the area. It would therefore comply with Policy CS27 of the Core Strategy.

Impact on Residential Amenity

10.27 The proposed changes to the site layout and design of the dwellings would have no material impact on the residential amenity of nearby properties.

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

Impact on Highway Safety and Car Parking Provision

10.29 The proposed changes to the site layout would not result in any alterations to the vehicular access points at Chapel Croft and Croft Lane.

Car Parking Provision - Residential Development:

10.30 New parking standards have been formally adopted since the original application was determined. As such, it is necessary to assess the proposal against the new standards:

| Plot Number | Parking Requirement | Parking Provision |
|--------------|---------------------|-------------------|
| 1 | 2.25 spaces | 3 spaces |
| 2 | 3 spaces | 3 spaces |
| 3 | 2.25 spaces | 2 spaces |
| 4 | 2.25 spaces | 2 spaces |
| 5 | 2.25 spaces | 2 spaces |
| 6 | 3 spaces | 3 spaces |
| 7 | 3 spaces | 4 spaces |
| 8 | 3 spaces | 4 spaces |
| 9 | 3 spaces | 4 spaces |
| 10 | 4 spaces* | 4 spaces |
| 11 | 4 spaces* | 4 spaces |
| 12 | 4 spaces* | 4 spaces |
| 13 | 1.50 spaces | 2 spaces |
| 14 | 1.25 spaces | 2 spaces |
| 15 | 1.25 spaces | 2 spaces |
| | | |
| TOTAL | 40 spaces | 45 spaces |

10.31 In calculating the number of available parking spaces, the garages demised to Plots 2, 6, 7, 8, 9, 10, 11 and 12 have been included as parking spaces, as they comply with the stipulations set out in paragraphs 6.4 and 8.4 of the Parking Standards SPD. Should planning permission be granted, a condition will be included requiring the garages to be kept available for parking.

10.32 It is also noted that a number of the parking spaces are tandem spaces. Paragraph 8.5 provides the relevant guidance vis-à-vis tandem spaces, the full text of which has been provided below for ease of reference:

Tandem (in-line) parking generally means that the provision of two parking places one after another, configured like a single, double-length perpendicular parking place. Tandem parking is inconvenient, and both spaces may not be used at all times. It should not be used for unallocated, off-plot spaces; however, it may be appropriate for spaces on-plot within the curtilage of the dwelling or commercial property if for use by the same property/dwelling and if an additional vehicle parking on the highway would not have unacceptable consequences. Consequently, the presumption is for tandem spaces counting as part of the parking provision if on-plot provided they are allocated spaces.

10.33 Given the distance of the respective dwellings with tandem spaces from the highway, it is considered that, for the large majority of homeowners, it would be less inconvenient to use the tandem spaces than finding a parking space on the highway and then walking back to their houses. The likelihood of additional parking taking place on either Chapel Croft or Croft Lane is therefore unlikely.

10.34 Whilst it is acknowledged that there is a deficit (less than one space overall: 0.25 x 3) in respect of Plots 3, 4 and 5, there is an overall surplus of 5 spaces across the site (not including the

visitor spaces). Furthermore, given the considerable over provision of visitor spaces (see paragraph below), it is considered that there would be sufficient parking on the site for the development to provide in full for its own needs without overspill onto the public highway.

10.35 In terms of visitor parking provision, the Supplementary Parking Standards SPD states that, where 50-100% of parking spaces are allocated, the car parking standard plus 20% should be provided. In this instance, this would give rise to a visitor parking requirement of 8 spaces (40 x 0.2). The proposed development will provide a total of 14 visitor spaces.

10.36 Plots 10, 11 and 12 are 5-bedroom dwellings and therefore, in accordance with the Supplementary Parking Standards SPD, the parking requirement is to be assessed on a case-by-case basis. While it is conceivable that the 5-bedroom dwellings could be occupied by six individuals (two parents and four children), the likelihood that all would have cars and continue to live at the house is debateable. Indeed, it is not uncommon for young adults to attend universities away from home, and the assumption would be that, following completion of their first year in student halls of residence, there would be scope for the cars to be stored outside rental properties in the town of their residence. Naturally, there is no guarantee that the hypothetical scenario outlined above would play out in the manner described; however, what is certain is that there is a considerable overprovision of visitor parking on the site, which could serve as overspill for any homes with more cars than parking spaces. If Members thought it essential, there appears to be scope for further parking to be provided on the frontages of Plots 10-12, but this would result in car dominated frontages as well as a reduction in soft landscaping and the number of trees on the site.

10.37 The Parking Standards SPD require 1 active EV charging point per dwelling. Drawing no. P20/17/S/101 C indicates that this would be the case. A condition will therefore be included with any grant of planning permission, which requires the EV charging to be provided prior to first occupation.

10.38 In summary, based on the calculations provided in the table above, the development would comply with the new car parking standards SPD and is considered acceptable.

Car Parking Provision - Commercial Development:

10.39 The Parking Standards SPD states that for small food stores (up to 500m² Gross External Area) in Accessibility Zone 3, one parking space per 30m² (GEA) is required. The GEA of the shop unit equates to approximately 108m². Therefore, this would result in a parking standard of 3.6 spaces. The site layout plan indicates that a total of six spaces would be provided. No information has been provided in terms of EV charging, which the SPD states should comprise 20% active provision and 20% passive provision. It is considered that this can be dealt with by way of a suitably worded pre-occupation condition.

11. CONDITIONS

11.1 Since this application constitutes a new grant of planning permission, it is appropriate to consider the conditions previously imposed and whether it is necessary to impose them again.

11.2 Condition 1 (Time Limit) of 4/00658/19/MFA has been amended to ensure that the development is commenced within three years of the date of the original permission:

The development hereby permitted shall be begun before 29th July 2022.

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.

11.3 Condition 2 (Construction Management and Phasing Plan) of 4/00658/19/MFA was discharged under reference 20/03642/DRC. As such, it is proposed that the following compliance-style condition be included:

The development shall be carried out fully in accordance with the Development Phasing Plan approved under 20/03642/DRC.

Reason: To ensure a sufficient amount of retail space within the village in accordance with saved Policy 45 of the Dacorum Borough Local Plan 1991-2011 and to provide certainty with respect to Community Infrastructure Levy charging timeframes.

11.4 Condition 3 relates to the retention of the village store and Post Office and remains relevant. The wording of the condition will, however, be amended to remove reference to "Class A1": changes to the Town and Country Planning Use Classes Order with effect from 1st September 2020 revoked Class A, replacing it with Class E. The following wording is therefore proposed:

The retail Class E (a) unit hereby approved shall only be used for Class E (a) uses and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification and for no other purpose permitted under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Reason: To ensure a sufficient amount of shopping facilities within the village in accordance with saved Policy 45 of the Dacorum Borough Local Plan 1991-2011, and to guard against the unnecessary loss of valued facilities and services in accordance with Policy CS23 of the Dacorum Core Strategy and paragraph 92 (c) of the NPPF.

11.5 Condition 4 (Tree Retention and Protection) remains relevant. Therefore, the condition will be re-imposed:

The trees shown for retention on the approved Tree Protection Plan (prepared by David Brown Landscape Design, dated March 2019) shall be protected during the whole period of site clearance, excavation and construction by the erection and retention of protective fencing positioned beneath the outermost part of the branch canopy of the trees. In areas where tree protection fencing does not sufficiently cover Root Protection Areas, the use of 'No-Dig' construction methods shall be incorporated to minimise the impact to trees proposed for retention, unless otherwise agreed in writing by the local planning authority.

Reason: In order to ensure that damage does not occur to the trees during building operations in accordance with Policies CS12, CS25 and CS27 of the Dacorum Core Strategy 2013 and saved Policies 99 and 120 of the Dacorum Borough Local Plan 1991-2011.

11.6 Condition 5 (Retained Trees) requires the retained trees to be replaced if they are removed. This condition remains relevant and will be re-imposed:

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of five (5) years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998: 1989 Recommendations for Tree Work.

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policies CS12, CS25 and CS27 of the Dacorum Core Strategy 2013 and saved Policies 99 and 120 of the Dacorum Borough Local Plan 1991-2011.

11.7 Condition 6 (Hard and Soft Landscaping) has already been dealt with in the report (see above). The condition will be re-worded as follows in order to refer to the hard and soft landscape plans submitted in support of this application.

The landscaping works shown on the Soft Landscaping Proposals (prepared by Southern Counties Landscapes Ltd) and the Site Finishes Plan (prepared by SDP) (OAK106_1080 Rev P1) shall be carried out prior to the first occupation of the development hereby permitted.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policies CS12, CS25 and CS27 of the Dacorum Core Strategy 2013 and saved Policy 120 of the Dacorum Borough Local Plan 1991-2011.

11.8 Condition 7 (External Materials) has already been approved under 20/03516/DRC. As a result, a compliance-style condition will be included:

Construction of the buildings hereby permitted shall be carried out fully in accordance with the materials approved under 20/03516/DRC.

Reason: To ensure a satisfactory appearance to the development and in the interests of the visual amenities of the Conservation Area in accordance with Policies CS12 and CS27 of the Dacorum Core Strategy 2013 and saved Policy 120 of the Dacorum Borough Local Plan 1991-2011.

11.9 Condition 8 relates to the requirement for any trees or shrubs forming part of the approved landscaping scheme to be replaced if they die or fail to become established within five years from planting. This condition remains relevant and will be re-imposed:

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

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

11.10 Condition 9 (Highway Works) requires the developer to provide details of features to prevent vehicles parking on the highway footway fronting the shop on Chapel Croft, and details of tactile paving at both accesses. Although limited information was included in the landscaping plan regarding wooden bollards, this is not sufficient. Furthermore, details were not provided of the tactile paving. The condition therefore remains relevant and will be re-imposed:

Prior to first occupation of the buildings hereby permitted, full details (in the form of scaled plans and/or written specifications) shall have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, to illustrate the following:

A feature to prevent vehicles (e.g. bollards) from parking on the highway footway fronting the shop on Chapel Croft and full height kerb on the carriageway edge and reinstatement of the footway.

Tactile paving details at both accesses. Tactile paving would need to in accordance with standards laid out in Guidance on the use of Tactile Paving Surfaces

The works shall then be carried out in accordance with the approved particulars prior to first occupation of the buildings hereby permitted.

Reason: In the interests of highway safety in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy 2013.

11.11 Condition 10 (Highway Access) is a compliance-style condition which remains relevant. In particular, it requires the necessary highway works to be undertaken prior to occupation. Accordingly, the condition will be re-imposed:

Prior to the first occupation of the development hereby permitted the accesses and other necessary highway works shall be completed in accordance with the Hertfordshire County Council residential access construction specification. Prior to use arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: In the interests of highway safety in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy 2013.

11.12 Condition 11 (Provision of Parking Areas) is a compliance-style condition which remains relevant, requiring the on-site parking areas to be provided prior to first occupation of the development. Accordingly, the condition will be re-imposed:

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: In order to ensure a satisfactory development and in the interests of highway safety in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy 2013.

11.13 Condition 12 (CTMP) requires the submission of a Construction Traffic Management Plan prior to the commencement of development. Information in this regard was submitted as part of application 20/03642/DRC and has been discharged. As such, the wording of the condition will be amended as follows:

The Construction Management Plan approved under 20/03642/DRC shall be implemented in full throughout the construction programme.

Reason: To minimise danger, obstruction and inconvenience to users of the highway in accordance with Policy 57 of the Dacorum Borough Local Plan 1991-2011.

11.14 Condition 13 (Drainage) remains relevant and will be re-imposed. The wording of the condition is as follows:

The development permitted by this planning permission shall be carried out in accordance with the approved the Drainage Statement carried out by Fairhurst reference 103795-100 Issue 3 dated March 2019, the following mitigation measures detailed within the FRA:

- 1. Limiting the surface water and foul water discharge to a maximum of 2l/s with discharge into the Thames foul water sewer; with the southern plots draining into manhole 4001 to the east of**

- the site at 0.7l/s, and the northern plots into manhole 3003 at 1.3l/s.
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 to the use tanked permeable paving and attenuation tanks as indicated on drainage strategy drawing 103795/2001 Rev A**

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with Policies CS31 and CS32 of the Dacorum Core Strategy 2013.

11.15 Condition 14 (Drainage) remains relevant and will be re-imposed. The wording is as follows:

Construction of the buildings hereby permitted shall not 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 Statement carried out by Fairhurst reference 103795-100 Issue 3 dated March 2019. The scheme shall also include;

- **Exploration of opportunities for above ground features reducing the requirement for any underground storage.**
- **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. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.**

Reason: To ensure the satisfactory disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with Policies CS31 and CS32 of the Dacorum Core Strategy 2013.

11.16 Condition 15 (Drainage) remains relevant and will be re-imposed. The wording is as follows:

Upon completion of the drainage works a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include maintenance and operational activities; arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason: To ensure the satisfactory disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with Policies CS31 and CS32 of the Dacorum Core Strategy 2013.

11.17 Condition 16 (Land Contamination) – parts (a) and (b) have been discharged under 20/03570/DRC; however, part (c) – i.e. the need for the works forming part of the Remediation Method Statement report to have been fully completed and the Remediation Verification Report submitted and agreed by the local planning authority – is yet to be discharged. Consequently, it is proposed that the wording of the condition be amended as follows:

The site shall not be occupied, or brought into use, until:

- i. **All works which form part of the Remediation Method Statement (approved under 20/03570/DRC) 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 us has been submitted to, and agreed by, the Local Planning Authority.**

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters in accordance with Policy CS32 of the Dacorum Core Strategy 2013.

11.18 Condition 17 (Unexpected Land Contamination) seeks to deal with the eventuality whereby unexpected contamination is found during the course of the construction process. This condition is still valid but has been slightly amended to reflect the fact that parts (a) and (b) of Condition 16 have already been discharged. The proposed wording is as follows:

Any contamination, other than that reported within the Remediation Method Statement (approved under 20/03570/DRC), encountered during the development of the 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 any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters in accordance with Policy CS32 of the Dacorum Core Strategy 2013

11.19 Condition 18 (Noise Mitigation) requires a Noise Mitigation Scheme to be submitted to and approved in writing prior to the occupation of Plots 14 and 15 on approved drawing PL10 Rev. B. This condition was discharged under 20/03643/DRC; therefore, the wording will be amended to a compliance-style condition:

The noise mitigation measures approved under 20/03643/DRC shall be implemented in their entirety prior to the commencement of the use or the first occupation of the development and retained as such thereafter.

Reason: To ensure an appropriate level of residential amenity within the development with respect to noise from local traffic and the mixed use nature of the building in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

11.20 Condition 19 (Installation of Plant) prohibits the installation of building services plant prior to the submission and approval of a Noise Impact Assessment. This condition remains valid in its entirety and should be re-imposed:

There shall be no installation of building services plant before a plan showing location of all plant and a Noise Impact Assessment in relation to that plant and the impact on residential amenity has been submitted and approved by the local planning authority.

Noise emitted by external building services plant and equipment shall not increase the existing typical background at any time when the plant is in operation. The noise emitted shall be measured or predicted at 1.0m from the facade of the nearest residential window.

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

Reason: To safeguard the residential amenities within and adjacent to the site and to conserve and enhance the character and appearance of the Chipperfield Conservation Area in accordance with Policies CS12 and CS27 of the Dacorum Core Strategy 2013 and saved Policy 120 of the Dacorum Borough Local Plan 1991-2011.

11.21 Condition 20 (Permitted Development) removes permitted development rights in respect of Schedule 2, Part 1, Classes A, B, C and D. This remains valid and will be re-imposed. The full wording is as follows:

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 D.

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 including the Chipperfield Conservation Area in accordance with Policies CS11, CS12 and CS27 of the Dacorum Core Strategy 2013 and saved Policy 120 of the Dacorum Borough Local Plan 1991-2011.

11.22 Condition 21 requires the garages associated with the residential dwellings to be kept available at all times for the parking of vehicles associated with the residential use of the respective dwellings. The wording has been amended to include reference to the most recent General Permitted Development Order. The proposed wording is as follows:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) (with or without modification) the garages hereby permitted shall be kept available at all times for the parking of vehicles associated with the residential occupation of the respective dwellings and it shall not be converted or adapted to form living accommodation.

Reason: In the interests of highway safety in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy 2013, and order to ensure that a satisfactory level of parking is provided and retained, in accordance with the Dacorum Parking Standards Supplementary Planning Document (November 2020).

11.23 Condition 22 has already been dealt with in the main body of the report.

11.24 Condition 23 (Opening Hours) governs the opening hours of the Post Office / shop and therefore remains valid. The wording of the condition will, however, be amended to remove reference to "Class A1". Changes to the Town and Country Planning Use Classes Order with effect from 1st September 2020 revoked Class A, replacing it with Class E. The following wording is therefore proposed:

The retail (Class E (a)) use hereby permitted shall not operate other than within the following hours:

07:00 to 20:00 Monday to Saturday

08:00 to 16:00 Sunday

For the avoidance of doubt the retail use shall not operate during bank holidays or public holidays.

Reason: In the interests of the amenities of the occupants of neighbouring dwellings within the development in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

11.25 Condition 24 has already been dealt with in the main body of the report.

11.26 Condition 25 relates to the requirement for the location of fire hydrants to be agreed; provided before first occupation and retained thereafter. The wording of the condition is as follows:

Prior to first occupation of the development hereby approved, details of fire hydrants or other measures to protect the development from fire must have been submitted to and approved in writing by the local planning authority. Such details shall include provision of the mains water services for the development whether by means of existing water services, new mains, or extension to or diversion of existing services where the provision of fire hydrants is considered necessary. The proposed development shall not be occupied until such measures have been implemented in accordance with the approved details. The fire hydrants must thereafter be retained in association with the approved development

Reason: In order to ensure that the development is adequately served by fire hydrants in the event of fire in accordance with Policy CS12 of the Dacorum Core Strategy.

11.27 The change in policy environment for car parking means that it is necessary for 20% of the parking spaces serving the shop unit to have active EV charging, with a further 20% having passive charging provision. It is therefore considered appropriate that the following condition be added:

Prior to occupation of the development hereby approved, full details of the layout and siting of Electric Vehicle Charging Points for the shop unit and any associated infrastructure shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until these measures have been provided and these measures shall thereafter be retained fully in accordance with the approved details.

Reason: To ensure that adequate provision is made for the charging of electric vehicles in accordance with Policies CS8, CS12 and CS29 of the Dacorum Borough Core Strategy (2013) and the Car Parking Standards Supplementary Planning Document (2020).

11.28 Similarly, while EV charging points are indicated on drawing no. P20/17/S/101 C, it is important that this be provided prior to first occupation of the dwellings and retained thereafter. As such, the following additional condition is considered to be necessary:

The dwellings hereby approved shall not be occupied until the Electric Vehicle Charging Points and associated infrastructure has been provided in accordance with drawing P20/17/S/101 C.

The Electric Vehicle Charging points and associated infrastructure shall thereafter be retained in accordance with the approved details.

Reason: To ensure that adequate provision is made for the charging of electric vehicles in accordance with Policies CS8, CS12 and CS29 of the Dacorum Borough Core Strategy (2013) and the Car Parking Standards Supplementary Planning Document (2020).

12. OTHER MATTERS

Legal Agreement

A Section 106 agreement formed part of the original permission. In order to ensure that the requirements of this undertaking continue to apply, a deed of variation is in the process of being drafted in order to secure affordable housing and a payment for local bus stop improvements.

13. CONCLUSION

13.1 The proposal would involve the variation of three conditions relating to application 4/00658/19/MFA. These conditions relate to:

- a) The approval of hard and soft landscaping details;

- b) Updating the drawing number referred to on Condition 24;
- c) Substitution of previously drawings for new drawings which make minor amendments to the site layout and changes to the design of some plots.

The above have been assessed against current planning policies and are considered to comply. On this basis, it is submitted that the variation of Conditions 6, 22 and 24 is appropriate.

14. RECOMMENDATION

11.1 That planning permission be **DELEGATED WITH A VIEW TO APPROVAL** subject to completion of a Deed of Variation.

Condition(s) and Reason(s):

1. The development hereby permitted shall be begun before 29th July 2022.

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 shall be carried out fully in accordance with the Development Phasing Plan approved under 20/03642/DRC.

Reason: To ensure a sufficient amount of retail space within the village in accordance with saved Policy 45 of the Dacorum Borough Local Plan 1991-2011 and to provide certainty with respect to Community Infrastructure Levy charging timeframes.

3. The retail Class E (a) unit hereby approved shall only be used for Class E (a) uses and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification and for no other purpose permitted under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Reason: To ensure a sufficient amount of shopping facilities within the village in accordance with saved Policy 45 of the Dacorum Borough Local Plan 1991-2011, and to guard against the unnecessary loss of valued facilities and services in accordance with Policy CS23 of the Dacorum Core Strategy and paragraph 92 (c) of the NPPF.

4. The trees shown for retention on the approved Tree Protection Plan (prepared by David Brown Landscape Design, dated March 2019) shall be protected during the whole period of site clearance, excavation and construction by the erection and retention of protective fencing positioned beneath the outermost part of the branch canopy of the trees. In areas where tree protection fencing does not sufficiently cover Root Protection Areas, the use of 'No-Dig' construction methods shall be incorporated to minimise the impact to trees proposed for retention, unless otherwise agreed in writing by the local planning authority.

Reason: In order to ensure that damage does not occur to the trees during building operations in accordance with Policies CS12, CS25 and CS27 of the Dacorum Core Strategy 2013 and saved Policies 99 and 120 of the Dacorum Borough Local Plan 1991-2011.

5. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of five (5) years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998: 1989 Recommendations for Tree Work.

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policies CS12, CS25 and CS27 of the Dacorum Core Strategy 2013 and saved Policies 99 and 120 of the Dacorum Borough Local Plan 1991-2011.

6. The landscaping works shown on the Soft Landscaping Proposals (prepared by Southern Counties Landscapes Ltd) and the Site Finishes Plan (prepared by SDP) (OAK106_1080 Rev P1) shall be carried out prior to the first occupation of the development hereby permitted.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policies CS12, CS25 and CS27 of the Dacorum Core Strategy 2013 and saved Policy 120 of the Dacorum Borough Local Plan 1991-2011.

7. Construction of the buildings hereby permitted shall be carried out fully in accordance with the materials approved under 20/03516/DRC.

Reason: To ensure a satisfactory appearance to the development and in the interests of the visual amenities of the Conservation Area in accordance with Policies CS12 and CS27 of the Dacorum Core Strategy 2013 and saved Policy 120 of the Dacorum Borough Local Plan 1991-2011.

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

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

9. Prior to first occupation of the buildings hereby permitted, full details (in the form of scaled plans and/or written specifications) shall have been submitted to and approved in writing by

the Local Planning Authority, in consultation with the Highway Authority, to illustrate the following:

A feature to prevent vehicles (e.g. bollards) from parking on the highway footway fronting the shop on Chapel Croft and full height kerb on the carriageway edge and reinstatement of the footway.

Tactile paving details at both accesses. Tactile paving would need to in accordance with standards laid out in Guidance on the use of Tactile Paving Surfaces

The works shall then be carried out in accordance with the approved particulars prior to first occupation of the buildings hereby permitted.

Reason: In the interests of highway safety in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy 2013.

10. Prior to the first occupation of the development hereby permitted the accesses and other necessary highway works shall be completed in accordance with the Hertfordshire County Council residential access construction specification. Prior to use arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: In the interests of highway safety in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy 2013.

11. 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: In order to ensure a satisfactory development and in the interests of highway safety in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy 2013.

12. The Construction Management Plan approved under 20/03642/DRC shall be implemented in full throughout the construction programme.

Reason: To minimise danger, obstruction and inconvenience to users of the highway in accordance with Policy 57 of the Dacorum Borough Local Plan 1991-2011.

13. The development permitted by this planning permission shall be carried out in accordance with the approved the Drainage Statement carried out by Fairhurst reference 103795-100 Issue 3 dated March 2019, the following mitigation measures detailed within the FRA:

1. Limiting the surface water and foul water discharge to a maximum of 2l/s with discharge into the Thames foul water sewer; with the southern plots draining into manhole 4001 to the east of the site at 0.7l/s, and the northern plots into manhole 3003 at 1.3l/s.
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 to the use tanked permeable paving and attenuation tanks as indicated on drainage strategy drawing 103795/2001 Rev A

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with Policies CS31 and CS32 of the Dacorum Core Strategy 2013.

14. Construction of the buildings hereby permitted shall not 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 Statement carried out by Fairhurst reference 103795-100 Issue 3 dated March 2019. The scheme shall also include;
- o Exploration of opportunities for above ground features reducing the requirement for any underground storage.
 - o 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. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.

Reason: To ensure the satisfactory disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with Policies CS31 and CS32 of the Dacorum Core Strategy 2013

15. Upon completion of the drainage works a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include maintenance and operational activities; arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason: To ensure the satisfactory disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with Policies CS31 and CS32 of the Dacorum Core Strategy 2013.

16. The site shall not be occupied, or brought into use, until:

- i. All works which form part of the Remediation Method Statement (approved under 20/03570/DRC) 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 any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters in accordance with Policy CS32 of the Dacorum Core Strategy 2013.

17. Any contamination, other than that reported within the Remediation Method Statement (approved under 20/03570/DRC), encountered during the development of the 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 any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters in accordance with Policy CS32 of the Dacorum Core Strategy 2013

18. The noise mitigation measures approved under 20/03643/DRC shall be implemented in their entirety prior to the commencement of the use or the first occupation of the development and retained as such thereafter.

Reason: To ensure an appropriate level of residential amenity within the development with respect to noise from local traffic and the mixed use nature of the building in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

19. There shall be no installation of building services plant before a plan showing location of all plant and a Noise Impact Assessment in relation to that plant and the impact on residential amenity has been submitted and approved by the local planning authority.

Noise emitted by external building services plant and equipment shall not increase the existing typical background at any time when the plant is in operation. The noise emitted shall be measured or predicted at 1.0m from the facade of the nearest residential window.

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

Reason: To safeguard the residential amenities within and adjacent to the site and to conserve and enhance the character and appearance of the Chipperfield Conservation Area in accordance with Policies CS12 and CS27 of the Dacorum Core Strategy 2013 and saved Policy 120 of the Dacorum Borough Local Plan 1991-2011.

20. 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 D.

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 including the Chipperfield Conservation Area in accordance with Policies CS11, CS12 and CS27 of the Dacorum Core Strategy 2013 and saved Policy 120 of the Dacorum Borough Local Plan 1991-2011.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) (with or without modification) the garages hereby permitted shall be kept available at all times for the parking of vehicles associated with the residential occupation of the respective dwellings and it shall not be converted or adapted to form living accommodation.

Reason: In the interests of highway safety in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy 2013, and order to ensure that a satisfactory level of parking is provided and retained, in accordance with the Parking Standards Supplementary Planning Document (2020).

22. Notwithstanding the approved details, external electricity and gas metres shall not be installed on the southern elevations fronting Chapel Croft of the ground floor shop and Units 13, 14 and 15 as shown on Drawing No. P20/17/S/101 C Site Layout and Roof Plans.

Reason: To positively conserve and enhance the character and appearance of the Chipperfield Conservation Area in accordance with Policy CS27 of the Dacorum Core Strategy 2013 and saved Policy 120 of the Dacorum Borough Local Plan 1991-2011.

23. The retail (Class E (a)) use hereby permitted shall not operate other than within the following hours:

07:00 to 20:00 Monday to Saturday
08:00 to 16:00 Sunday

For the avoidance of doubt the retail use shall not operate during bank holidays or public holidays.

Reason: In the interests of the amenities of the occupants of neighbouring dwellings within the development in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

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

P20/17/S/101 Rev. C Site Layout & Roof Plans
2585 PL04 Rev. B (Proposed Street Scene 1 & 2)
2585 PL05 Rev. B (Street Scene 3 & 4)
2585 PL11 Rev. C (Front Building Elevations)
2585 PL12 Rev. A (Plots 1 & 2 Floor Plans)
2585 PL13 Rev. A (Plots 1 & 2 Elevations)
2585 PL14 Rev. A (Plots 3 - 5 Floor Plans)
2585 PL15 Rev. B (Plots 3-5 Elevations)
P20/17/S/110 A Floor Plans & Elevations Plot 6
P20/17/S/111 A Floor Plans & Elevations Plot 7
P20/17/S/112 A Floor Plans & Elevations Plots 8 & 9 (9 handed)
P20/17/S/113 A Floor Plans & Elevations Plot 10
P20/17/S/114 A Floor Plans & Elevations Plot 11
P20/17/S/115 A Floor Plans & Elevations Plot 12
P20/17/S/120 Detached Garages Plots 6, 7, 8 & 9
2585 PL10 Rev. B (Front Building Plans)
2585 PL30 Rev. A (Outbuildings Plans and Elevations)
2585 PL32 Rev. B (Site Section Through Plot 3 & Rosetas Rear Garden)

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

25. Prior to first occupation of the development hereby approved, details of fire hydrants or other measures to protect the development from fire must have been submitted to and approved in writing by the local planning authority. Such details shall include provision of the mains water services for the development whether by means of existing water services, new mains, or extension to or diversion of existing services where the provision of fire hydrants is considered necessary. The proposed development shall not be occupied until such measures have been implemented in accordance with the approved details. The fire hydrants must thereafter be retained in association with the approved development

Reason: In order to ensure that the development is adequately served by fire hydrants in the event of fire in accordance with Policy CS12 of the Dacorum Core Strategy.

26. Prior to occupation of the development hereby approved, full details of the layout and siting of Electric Vehicle Charging Points for the shop unit and any associated infrastructure shall

be submitted to and approved in writing by the local planning authority. The development shall not be occupied until these measures have been provided and these measures shall thereafter be retained fully in accordance with the approved details.

Reason: To ensure that adequate provision is made for the charging of electric vehicles in accordance with Policies CS8, CS12 and CS29 of the Dacorum Borough Core Strategy (2013) and the Car Parking Standards Supplementary Planning Document (2020).

27. The dwellings hereby approved shall not be occupied until the Electric Vehicle Charging Points and associated infrastructure has been provided in accordance with drawing P20/17/S/101 C.

The Electric Vehicle Charging points and associated infrastructure shall thereafter be retained in accordance with the approved details.

Reason: To ensure that adequate provision is made for the charging of electric vehicles in accordance with Policies CS8, CS12 and CS29 of the Dacorum Borough Core Strategy (2013) and the Car Parking Standards Supplementary Planning Document (2020).

APPENDIX A: CONSULTEE RESPONSES

| Consultee | Comments |
|-----------------------------|---|
| Conservation & Design (DBC) | |
| Parish/Town Council | <p>CPC: The previous scheme was arrived at following extensive consultations between CPC, DBC, residents interest groups and public meetings in the village. This proposed scheme 'unpicks' many of the important elements negotiated and agreed in this extensive consultation, therefore this scheme is strongly opposed for the following reasons:</p> <ol style="list-style-type: none"> 1. Plot 6. This is the 'signature' dwelling upon entry to the scheme. The double fronted appearance was considered to be of extremely high importance to DBC planning officers and this was supported by CPC. The revision has lost the visual impact of the previous. 2. Parking. Superficially, the parking provision remains unchanged at a total of 57 spaces including shop spaces however this revised scheme has significantly diluted the usability and practicality of the provision, and increases undesirable tandem parking which was minimised in the previous scheme. Furthermore, provision to plots 6, 7, 8 & 9 has been |

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| | <p>reduced from 4 spaces to 3. To make this reduced provision even worse these reduced spaces are all tandem (or should it be 'tridem') with all 3 spaces one behind the other.</p> <p>Additionally, informal parking provision opposite plots 10 & 11 has been lost in favour of a larger garden to plot 9.</p> <p>3. Landscaping ' the applicants covering letter mentions that they are ready to submit details to satisfy conditions. It was agreed at public meetings and in discussions between Marchfield/ CPC/Residents group that the landscaping to Chapel Croft would be designed in partnership with the Community. To CPC knowledge no such consultations have taken place.</p> <p>4. Attached garages. These are too easily convertible into habitable accommodation to the detriment of parking. Conditions must be applied to eliminate/reduce the likelihood of this.</p> <p>Additionally, we request legal covenants in the title deed of such properties to prevent Conversion.</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>HCC as Highway Authority has no objections to the proposed variation of condition 24 (approved plans) and the proposed amended site layout is considered to be acceptable.</p> |
| Restoration Minerals & Waste Planning (HCC) | <p>Hertfordshire County Council, as Minerals and Waste Planning Authority, have no comments to make on the above application.</p> |
| Lead Local Flood Authority (HCC) | <p>Thank you for consulting us on the above application for the Variation of Condition 22 (External Electricity and Gas Meters) and Condition 24 (Approved Plans) Attached to Planning Permission 4/00658/19/MFA (Demolition of existing buildings, construction of 15 dwellings (class c3) and one retail (class a1 shop) unit and parish store room, alterations to vehicle and pedestrian accesses)</p> <p>We note that the application is for a substitution of the approved drawing references with revised drawing references showing proposed amendments to house types. Therefore, we do not have any comments</p> |

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| | to make. |
| Crime Prevention Design Advisor | In relation to crime prevention I think the amendments proposed will improve security , especially the site layout and alterations to plots 10-12. no comment - see dms |
| Lead Local Flood Authority (HCC) | Following a review of the information submitted in support of the above application, we do not have any comments to make. |
| Parish/Town Council | CPC welcomes the reinstatement of 4 parking spaces to plots 7,8,9 and the elimination of 'tridem' parking to these plots. Separately the applicant has invited CPC to comment on landscaping which is also welcomed. In other respects our concerns have not been addressed, namely: The approved scheme was arrived at following extensive consultations between CPC, DBC, residents interest groups and public meetings in the village. This proposed scheme 'unpicks' many of the important elements negotiated and agreed in this extensive consultation, therefore this scheme is strongly opposed for the following reasons: 1. Plot 6. This is the 'signature' dwelling upon entry to the scheme. The double fronted appearance was considered to be of extremely high importance to DBC planning officers and this was supported by CPC. The revision has lost the visual impact of the previous. Additionally the parking provision of plot 6 is reduced and remains at 3 spaces in undesirable 'tridem' layout. 2. Informal parking provision opposite plots 10 & 11 has been lost in favour of a larger garden to plot 9. 3. Attached garages. These are too easily convertible into habitable accommodation to the detriment of parking. Conditions must be applied to eliminate/reduce the likelihood of this. Additionally, we request legal covenants in the title deed of such properties to prevent Conversion. |

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

| Neighbour Consultations | Contributors | Neutral | Objections | Support |
|-------------------------|--------------|---------|------------|---------|
| 99 | 4 | 0 | 4 | 0 |

Neighbour Responses

| Address | Comments |
|---|--|
| Lyndhurst Croft Lane Chipperfield Kings | The parking within this proposal concerns me. The previous developer Marchfield sat down with local representatives to discuss this and managed to agree a proposition which was agreeable. There has been |

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| <p>Langley Hertfordshire WD4 9DX</p> | <p>no such consultation with the new developer which is disappointing.</p> <p>I recently applied to add an extra room to my property and it was insisted that part of the planning process I had to show space for at minimum 3 parking spaces, without blocking one from the other. This revised plan allows all 3 to be stacked to the side. It also shows a connected garage which we all know will be turned into living space over time. Below is the email from our planning officer in regards to the parking;</p> <p>Andrew Parrish Wed 03/10/2018 09:57 Sorry, just seen the plan. 4 cars doesn't work as blocked in. Three cars might. Can you amend and also show the border hedges and dopped kerb position.</p> <p>Regards</p> <p>Andrew Parrish Lead Planning Officer Development Management 01442 228334</p> <p>Unless something has changed in regards to the planning rules, which wouldn't surprise me considering what has been signed off locally recently, then there seems to be some very double standards for larger developers. I object to this on the basis that most local residence will not know how to do so or even that there is even revised plans being decided upon. Too many times our council are ticking boxes for quotas rather than listening to those who these developments will effect the most.</p> |
| <p>Oakland Croft Lane Chipperfield Kings Langley Hertfordshire WD4 9DX</p> | <p>I have sent several letters recorded delivery to Dacorum Planning and Highways but as a todays date they have not replied to my recorded delivery letters. In 1966 Simmons Nurseries sold a Piece of land to H P Tolley Ltd which was part of the Nurseries and by Croft Lane Chipperfield, the frontage was 224ft and with a depth of 96ft to 103ft, but when I had the frontage measured it was only 214ft and the depth measured it was only 86ft which means 10ft belongs to HP Tolley Ltd by the side of the service road, It dose not belong to the owners of the unregistered service road, I must point out that the permission to enter on to Croft Lane Chipperfield run out in 1971, Dacorum Planning and Highways was informed of this by Paul Lyons Architects, As regarding depth of the land sold between 10ft to 17ft is not owned by Marchfield Home again it is owned by H P Tolley Ltd, I have made an application to Land Registry to have the Covenant that was made in 1966 added to the deeds, title number HD308356, The Covenant was not added to the deeds in 1993 when the land was registered, I am having the vision display remeasured as it not correct when it was sold to highways</p> |

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| <p>The Old Nurses House</p> <p>Chapel Croft Chipperfield Hertfordshire WD4 9EH</p> | <p>Dear Sir/Madam,</p> <p>I absolutely object to the parking provisions on plots 6/7/8/9. There are two Revisions posted here, A and B, and both will cause problems.</p> <p>Plot 6 - Only two parking spaces for a four bedroom property is not enough when there is very limited public transport. Further, there is tandem parking but absolutely no room to maneuver so to use the second car which is blocked by the first car, it would mean starting the first car causing additional pollution and noise. This is the same on both Revisions A and B.</p> <p>Plots 7/8/9 - When looking at Revision A, these four bedroom houses only have two parking spaces which is not enough (see above reasoning). Further, these two spaces are also restricted tandem parking and, again, would cause the additional pollution and noise as stated above.</p> <p>Plots 7/8/9 - When looking at Revision B, these properties do have three spaces as required. However, two of the three spaces are, again, tandem parking with no room to maneuver, again, creating additional pollution and noise.</p> <p>Neither of these revised plans meet the requirement to fit within the Chipperfield Design Statement and also the current focus on climate change.</p> <p>Kind Regards</p> <p>Jo James</p> |
| <p>Nettleden Croft Lane Chipperfield Kings Langley Hertfordshire WD4 9DX</p> | <p>Re Garden Scene Chipperfield- revised scheme reference 20/02754/ROC</p> <p>I wish to object to this thinly veiled significant change to plans that were hard fought by the villagers, the parish council and some Dacorum councillors.</p> <p>After much discussion the plans originally approved presented a development in keeping with the village and had sensible parking provision. This proposed scheme attempts to back pedal on some of these hard fought points.</p> <p>Plots 10, 11 and 12 directly about my property</p> <p>I, along with other villagers and the parish council were particularly focussed on parking provisions and although the notional number remains unchanged tandem parking has been re-introduced which we all feel is ineffectual and essentially no longer an effective parking space. Parking to certain plots has been further reduce and indeed it appears plot 8 now has only 2 spaces.</p> <p>I note that a number of garages have now been conjoined to the main dwelling and I would like to be assured that these are not converted into dwelling space with the consequent lack of a further potential parking space whilst increasing the habitable space. I would request some legal covenant be placed on these properties to avoid such conversion.</p> <p>After the construction of Straw Plait Barn I am now critically aware the</p> |

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| | <p>visual intrusion, loss of privacy and general light pollution in what was previously a totally unlit private and non-overlooked garden. The 3 properties on plots 10, 11 and 12 would pose further light pollution and loss of privacy.</p> |
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I would therefore like to voice my objection to this significant change to currently approved plans as this seems to go against all the principles and agreements previously reached on the overall look of the development and in particular the parking provisions.

ITEM NUMBER: 5b

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| 4/02204/18/MFA | Demolition of existing buildings. Construction of extra care scheme comprising 41 no. Apartments with associated landscaping and Parking. | |
| Site Address: | Old Silk Mill Brook Street Tring HP235EF | |
| Applicant/Agent: | | Miss Lowe |
| Case Officer: | Andrew Parrish | |
| Parish/Ward: | Tring Town Council | Tring Central |
| Referral to Committee: | Application first reported to Committee in May 2019. The decision has not been issued and in the mean-time there has been a material change in circumstances that needs to be considered. | |

1. RECOMMENDATION

1.1 That planning permission be REFUSED.

2. SUMMARY

2.1 The application is recommended for refusal. The application is for the demolition of a semi-detached pair of houses and the erection of 41 extra care apartments within a 3 storey block with undercroft car parking and access from Brook Street. The site is part of a General Employment area, the majority of which is a vacant, undeveloped site. Together with the two residential properties, it comprises a generally rectangular site which sits substantially below the level of dwellings immediately to the west at Kingsley Walk. The intervening land comprises a steep earth embankment which will be cut back and supported by a retaining wall to enable the development to take place. Landscape margins are proposed to the Brook Street and northern frontages with tree planting at podium level on the western boundary.

2.2 In principle, the loss of the employment land is considered acceptable as the majority is not currently in active employment use whilst the loss of the small commercial unit would not have a significant impact on the functionality or viability of the business park or GEA, and should be balanced against a more efficient use of the land for residential purposes, the use for which is considered appropriate given the dwellings at 21 and 22 Brook Street and the siting adjacent to existing housing.

2.3 The loss of the two semi-detached dwellings of 21 and 22 Brook Street is considered to have a low level of significance in conservation terms and is not objectionable. There would be no harm to the setting of The Old Silk Mill Grade II listed buildings and in design terms, subject to details by condition, the Conservation Officer has raised no objection to the height and appearance of the development which would reflect the scale, mass and form of the Silk Mill buildings whilst respecting the design and materials of the terraced dwellings opposite.

2.4 Car parking is acceptable and there would be no material detriment to highway safety. The impact on adjoining residential amenity in terms of privacy, light and visual appearance is acceptable.

2.5 Since the resolution to grant planning permission in May 2019, which was subject to the completion of an s106 agreement, there have been a number of material changes in

circumstance. In particular, following the recent publication of the South West Herts Strategic Flood Risk Assessment, part of the site now lies within Flood Risk Zone 3b, land with the highest risk of flooding, and comprising the functional floodplain. The classification of residential development as being “more vulnerable” means that on this basis alone, in accordance with the NPPF and the associated Planning Practice Guidance on flood risk, the development should not be permitted. The Environment Agency recommend refusal on this ground and advise that the layout should be amended to avoid it.

2.6 The addition of objections from the Lead Local Flood Authority on the grounds of building over the culverted Long Marston Brook, contrary to its policy and advice, and harm to the water environment and sustainable drainage principles, only serves to exacerbate the environmental harm from this development, contrary to NPPF guidance.

2.7 The Council's Environmental Health Officer also raises objections on grounds of potential harm to the occupants of the development as a result of exposure to road traffic noise and air pollution. However, given that these were not points of objection raised previously by Environmental Health and there have been no material changes since May 2019 which impact on this, refusal on these grounds is not be advised, although we would recommend informatives be attached to any decision to refuse, or conditions should permission be granted.

2.8 The layout has not been amended to resolve the LLFA and EA objections, nor has additional information been provided to address legitimate concerns with the proposal concerning flood risk.

2.9 The Council is currently unable to demonstrate a five-year supply of deliverable housing sites. As local planning authority, it is therefore required to apply the “tilted balance” in favour of granting planning permission in accordance with Paragraph 11 (d) of the NPPF. This requires that housing applications are determined against the NPPF and the balance is consequently tilted towards the presumption in favour of sustainable development.

2.10 Despite applying the tilted balance in this case, and weighing up the benefits of the proposal, in particular the delivery of much needed housing, it is considered that sustainable development would not be achieved through this development.

2.11 When assessed against the policies in the Framework taken as a whole, it is concluded that the adverse impacts of the development would significantly and demonstrably outweigh the benefits and the conflict with the development plan is not outweighed by other considerations including the Framework.

2.12 The proposal would be contrary to Policies CS31 and 32 and to relevant guidance within the NPPF. In view of the above the application is recommended for refusal.

3. BACKGROUND

3.1 Members may recall that in May 2019, it was resolved to delegate the application to the Group Manager Development Management and Planning with a view to approval subject to:

- agreement of pre-commencement conditions with the applicant, and
- completion of a s106 agreement with the following Heads of Terms - 55 years minimum age restriction, meeting medical or health criteria that justify the extra care accommodation categorisation, provision of fire hydrants, financial contribution towards improvements to the two nearest bus stops to provide easy access kerbing of £16,000

3.2 The report that was considered is attached at Appendix C.

3.3 Although to date there has been progress on the drafting of the s106 agreement, due to a number of issues, the completion of the agreement has been delayed and remains outstanding.

3.4 In the mean-time, triggered by the submission of a subsequent similar application on the site (19/02794/MFA) in November 2019, and technical consultee responses to this, a number of material changes in circumstances have come to light as follows:

1. The flood zone has been reclassified as Zone 3b from the previous Zones 2 and 3 (which the applicant had further analysed through their FRA should be flood Zone 1) following publication of the new Strategic Flood Risk Assessment. The Environment Agency now object in principle to the application, unless the layout is redesigned so that it is located outside of Flood Zone 3b, or the applicant undertakes their own modelling work which demonstrates that the site should not be classified as Flood Zone 3b.
2. Updated LFRMS2 (Hertfordshire Local Flood Risk Management Strategy 2) policy does not now consent to building over a culvert and the Lead Local Flood Authority (LLFA) object to the application on this ground. In addition, the LLFA object to the runoff rate of 5l/s which is not equivalent to the greenfield runoff rate for the site and to the absence of half drain down times having been provided for the surface water attenuation storage.
3. The Environmental Health Officer has revised his comments and now raises objection on grounds of exposure to road traffic noise harmful to living conditions and to potential breach of an air quality objective due to exposure to traffic fumes, both contrary to NPPF guidance.
4. The policies which are most important for determining the application are now out-of-date and the Council is unable to demonstrate a five year supply of deliverable housing sites (with appropriate buffer). In accordance with Para 11(d) of the NPPF, it must now apply the 'tilted balance' in favour of granting planning permission.

3.5 The applicant requested and officers agreed an extension of time (initially to 14th August 2020) to try and address these concerns and in particular to provide updated flood modelling data and to review the potential of moving of the culvert. Despite several further extensions of time, the applicant has advised that they are still not yet in a position to provide the flood modelling and other details to address these concerns.

3.6 A decision on the application therefore remains outstanding and it is necessary to reach a final decision.

3.7 Due to the materiality of these changes, which impact on the officer's recommendation, it is necessary to return the application to the Development Management Committee for its further resolution.

5. PLANNING HISTORY

5.1 As per Appendix C

6. CONSTRAINTS

6.1 As per Appendix C

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A. See Appendix C for original comments

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B. See Appendix C for original comments

8. PLANNING POLICIES

8.1 As per Appendix C

8.2 Since consideration of the application in May 2019, the Council has adopted the Parking Standards SPD (Nov 2020) that supersedes saved Policy 58 and Appendix 5 of the Dacorum Borough Local Plan 1991-2011.

9. CONSIDERATIONS

9.1 The technical consultees have provided their comments in respect of the current outstanding application 4/02204/18/MFA currently before the committee and these are annexed at Appendix A.

9.2 The applicant has previously been made aware of these material changes and the resulting objections from technical consultees through the concurrent application 19/02794/MFA (now withdrawn). The applicant provide a rebuttal / further information in response to these objections from their drainage consultant BWB Consulting Ltd dated 22/01/20 and from the applicant's agent dated 11/02/20. However, the technical consultees remain steadfast in their objections. Due to the similarity of these applications, the responses are considered equally applicable to the current proposal.

Flood Risk

9.3 The Environment Agency (EA) has two objections. The first objection is an objection in principal because the site falls within Flood Zone 3b (the functional floodplain). The second objection relates to the absence of a Flood Risk Assessment (FRA) in relation to the 3b classification. It has stated that this should not be addressed unless the first objection can be resolved.

9.4 The EA recommended conditions to this application in December 2018, based on the applicant's further analysis that the site fell within Flood Zone 1 (rather than 2 and 3). Since then Dacorum, in conjunction with neighbouring authorities, has published the South West Herts Strategic Flood Risk Assessment (SFRA) where Flood Zone 3b has been updated based on the most up to date information available. This has meant that more of the application site now lies within Flood Zone 3b.

9.5 Flood Zone 3b is the 'functional floodplain' and is defined as an area of land where water has to flow or must be stored in times of flood.

9.6 Planning Policy Guidance (PPG) makes clear that residential development is classed as "more vulnerable" and should not be permitted within Flood Zone 3b which is land with the

highest probability of flooding. The NPPF sets out a sequential approach to site selection, with the aim of steering new development to areas with the lowest risk of flooding. At Para 158 it states:

“Development should not be permitted if there are reasonable available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.”

9.7 The EA has said that the objection can be overcome by redesigning the layout so that none of the development falls within Flood Zone 3b or, at the very minimum, not have any additional footprint within the flood zones than was there previously, in order to avoid increasing flood risk elsewhere. Alternatively, if this can't be done it would be necessary for the applicant to undertake their own modelling work to demonstrate that the site should not be classified as Flood Zone 3b.

9.8 The EA has advised that as Dacorum through its SFRA has undertaken modelling for the Flood Zone 3b designation, which has been allocated by the 1 in 20 year flood risk, it is unlikely to be able to be successfully challenged by any modelling undertaken by the applicants. The EA therefore recommend that the easiest way to resolve the issue is to re-arrange the site layout to avoid this zone.

9.9 The applicant has not revised the layout so that it avoids Flood Zone 3b, nor has it submitted any modelling analysis to show that the site should not be classified as Flood Zone 3b. Instead the applicant maintains that permission should be granted on the basis that the EA previously did not object and because the Committee resolution was supportive.

9.10 In accordance with the NPPF and Table 3 of the PPG on Flood Risk and Coastal Change, “more vulnerable” development should not be permitted in Flood Zone 3b. The NPPF (Para 159) sets out provisions for applying an “exception test” if it is not possible to locate development in zones of lower flood risk. However, there is no provision in Table 3 for applying the “exception test” to “more vulnerable” development with Flood Zone 3b.

9.11 Given the absence of any material changes to the layout or modelling, the EA maintain their recommendation that the application be refused on grounds of its Flood Risk Zone 3b classification.

9.12 With regards to the EA's second objection, an updated FRA has not been submitted to take account of the site now falling within Flood Zone 3b. This of course cannot be done, in accordance with EA advice, unless and until the first objection is overcome.

9.13 Accordingly, the EA maintain their objection to the absence of a FRA, and recommend that permission be refused.

Surface Water Drainage

9.14 The Lead Local Flood Authority (LLFA) has reviewed and updated its response to the application since its comments in March 2019. It has raised a key objection to the application together with two further objections. The key objection relates to building over the culverted Long Marston Brook that runs through the site. The other two objections relate to the surface water runoff rate which is noted as not being the greenfield runoff rate for the site, and the lack of half drain-down times for the surface water attenuation storage.

9.15 The LLFA acknowledge its previous comment to the applicant that opening up / diverting the culvert would be difficult due to the size of the site and levels but that it still had concerns regarding building over the culvert and that the preference was for the layout to avoid building over the culvert, noting that it was soon to enact a policy to avoid any building over a culvert. However, in the absence of an adopted policy, it did not raise an outright objection.

9.16 Since its consultation response to the application in March 2019, Hertfordshire County Council as LLFA has adopted new policy that now does not consent to building over a culvert. Policy 8 of LFRMS2 (Hertfordshire Local Flood Risk Management Strategy 2) states that:

“In principle, no construction works should occur on the top of a culvert.”

The latest formal response of the LLFA to this application is that:

“the applicant will need to explore opportunities to divert the culvert away from/around the building, to ensure that there are no buildings on top of the culvert.”

9.17 The LLFA has further advised that:

“The proposed building is for residential apartments and if there was a need to access the culvert this could create severe disruption to a residential area. In addition to the potential impact if there were any problems with the culvert.”

9.18 It is worth noting in this respect that the LLFA has recently highlighted to us that they have a potential enforcement case at Silk Mill Business Park relating to a potential blockage in the watercourse that could be preventing water from reaching the main river (Long Marston Tring Bourne) and therefore exacerbating flood risk to the surrounding area. It is understood that the watercourse runs through the underground culvert the subject of which this application is looking to build over and therefore indicates the potential for disruption in future.

9.19 The applicant has not revised the layout so that it avoids building over the Long Marston Brook culvert through the site. Nor has it proposed to divert / de-culvert the Long Marston Brook to avoid the building altogether. In the circumstances, there remains an in principle objection to the development from the LLFA on grounds of being contrary to its policy of not building over culverted watercourses.

9.20 With regard to the LLFAs objection to the applicant’s proposed runoff rate from the site of 5 litres per second, it is LLFA policy that previously developed sites should aim to discharge at the original pre-development greenfield rate. The LLFA has said that the high rate of 5l/s requires strong technical justification and that a runoff rate around 1l/s would be acceptable as a maximum. This is still 10 times higher than the calculated greenfield runoff rate for the site of 0.1l/s. The LLFA has already objected to the applicant’s amended rate of 3l/s in relation to the recently withdrawn scheme.

9.21 The applicant has not updated the submitted Sustainable Drainage Statement in relation to this application either to a proposed lower rate of 1l/s or by way of justifying the proposed 5l/s runoff rate. Accordingly there remains an outstanding objection from the LLFA in relation to runoff rates.

9.22 In relation to the LLFA objection to the lack of half drain-down times for the surface water attenuation storage, although this has been provided in relation to the recently withdrawn scheme, which confirms that this would be achieved in a timeframe of 9 hours 15

minutes (based on a discharge rate of 3l/s), which would meet the 24hr stipulation, this information has not been provided in relation to the current application. Moreover, half drain-down times would need to be calculated in relation to a maximum discharge rate of 1l/s, not 3l/s. In the circumstances there remains an outstanding objection from the LLFA in relation to this aspect.

Noise Impact and Air Quality

9.23 The Environmental Health Officer (EHO) Environmental and Community Protection raised objections in relation to the recent application 19/02794/MFA (now withdrawn) on grounds of noise and air quality impact. In view of the great similarity of the current application with that scheme, we should be taking a consistent approach. His objections represent a material change in circumstances that need to be taken into account. The EHO has confirmed that if the current application remains undetermined and is now being reconsidered, he would expect the applicant to demonstrate no adverse effect in terms of noise and air quality, and in the case of noise that appropriate mitigation can be incorporated into the development.

9.24 The EHO has reviewed the comments previously provided by the Scientific Officer and now raises objections in relation to noise and air quality impact. Noise is a material consideration under the NPPF (Para 170 and 180) and the EHO has noted the proximity of the development to Brook Street with the potential for exposure to road traffic noise which may be detrimental to living conditions, especially given facing windows and the need for purge ventilation. This will be of particular concern given climate change and increasing potential for overheating risk. Mitigating the potential for overheating as a result of climate change is noted in the NPPF (Para 149) as an area which Plans and decisions should be targeting when determining planning applications in order to minimise carbon dioxide emissions in new development. Policies in the Core Strategy support this. However opening windows would not be compatible with limiting noise exposure and he has therefore advised that an alternative scheme for ventilation will be required before determination of the application.

9.25 The EHO has also requested that the applicant provide information regarding businesses at Silk Mill Way Business Park so that he can determine whether an assessment of noise on future occupiers can be scoped out of any noise assessment.

9.26 The EHO notes that the applicant has not provided a noise assessment in support of the current application that either demonstrates that there would be no adverse noise impact on residential occupiers or that appropriate mitigation will be put in place including an alternative scheme for ventilation of the apartments concerned. In the circumstances, the impact of traffic noise remains as an outstanding issue and the EHO is therefore unable to support the application.

9.27 With regards to air quality, the NPPF (Para 181) states that *“Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants”*. Core Strategy Policy CS32 requires development to help maintain air quality standards throughout the area. This would include air quality experienced by residential occupiers of new development.

9.28 The EHO has noted that the new apartments would front onto Brook Street which is a pinch point in terms of traffic being confined to a single running lane adjacent to the development site. He has also noted that due to queuing traffic, there is the propensity for higher noxious emissions as vehicles stand stationary and move off in lower gears. Given the need for purge ventilation through the opening of windows, there is the potential for residents to be exposed to high levels of poor air quality each time they open their windows.

This would be a particular concern in summer when the risk of overheating will be high. Accordingly, the EHO has said that in order to consider the suitability of the development, an assessment of local air quality, supported by suitable monitoring, preferably over a period of 6 months from January to June, should be submitted.

9.29 The applicant has not submitted an air quality assessment in support of the development. It follows that the impact of poor air quality on new residents is an outstanding issue and therefore the EHO is unable to support the application.

9.30 Whilst the objections of the Environmental Health Officer are noted and appreciated, we do not recommend that the application be refused on noise and air quality grounds in this case. This is because nothing has changed materially to the scheme to worsen the air quality and noise environment since it was considered at DMC in May 2019 and at which meeting no objections were raised on these grounds by Environmental Health. To now refuse it on these grounds would risk the Council being accused of unreasonable behaviour at appeal by changing the goal posts and putting the applicant to unexpected extra cost after a resolution to grant had already been given without this being raised as an issue.

Planning Obligations

9.31 The resolution in May 2019 was to grant development subject to the completion of an s106 agreement to secure the following heads of terms:

- 55 years minimum age restriction;
- meeting medical or health criteria that justify the extra care accommodation categorisation;
- provision of fire hydrants, financial contribution towards improvements to the two nearest bus stops to provide easy access kerbing of £16,000.

9.32 These provisions are considered necessary to mitigate the impacts of the development, directly related to the development and fairly and reasonably related in scale and kind to the development. Whilst a draft has been circulated, a section 106 agreement has not been completed by the parties. As such, there is no mechanism in place to secure the above planning obligations, and the proposal is therefore contrary to saved Policy 13 of the Local Plan and Policy CS35 of the Core Strategy.

9.33 It is recommended that the application be refused due to the lack of a mechanism to secure the above heads of terms.

Other Material Planning Considerations

9.34 Car parking standards have recently been revised with the adoption of the Parking Standards SPD (Nov 2020). However, the standards in relation to Use Class C2 Residential Institutions have not changed from those adopted under Appendix 5. We therefore consider that the provision of 45 parking spaces, which is well above the theoretical provision for C2(a) *residential institutions / homes with care staff* and C2(b) *elderly persons residential* at 23 and 19 spaces respectively, remains sufficient to serve this *extra care* development for which there is no specific standard in the SPD.

Planning Balance

9.35 Whilst Officers previously supported the application, the representations received from technical consultees represent fundamental issues of flood risk and site drainage at the site. These are significant new material planning considerations which need to be weighed in the

balance in reaching a decision. They go to the heart of matters which the NPPF considers as important aspects of sustainable development.

9.36 The Council is currently unable to demonstrate a five-year supply of deliverable housing sites. Therefore, it should take the 'tilted balance' in favour of granting planning permission in accordance with Paragraph 11 (d) of the NPPF.

9.37 General policies not related to housing supply will continue to have the full weight of S38(6) of the Planning and Compulsory Purchase Act 2004, and planning decisions are to be made "*in accordance with the plan, unless material considerations indicate otherwise.*"

9.38 The tilted balance requires that any applications for housing are determined against the NPPF. The balance is consequently tilted in favour of the presumption in favour of sustainable development except where:

- The application of policies in the Framework that protect areas or assets of particular importance provides clear reason for refusing the development proposed. These areas relate to habitat sites, SSSI, Green Belt, Green Space, AONB, National Park, Heritage Coast, irreplaceable habitats, designated heritage assets and areas at risk of flooding or coastal change (see NPPF, footnote 6); or
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole.

9.39 The application of the tilted balance does not imply that planning permission should be granted in all cases. The presumption in favour of sustainable development is not an unconstrained approach. For example, the NPPF gives full weight to the Green Belt, Chilterns AONB, other historic and environmental assets, and to flood risk. Applications that do not constitute sustainable development should normally be refused. Adverse impacts are to be assessed against the full scope of guidance in NPPF.

9.40 The benefits of the scheme should clearly be shown to outweigh the negatives for any scheme to be considered as sustainable development.

9.41 It is acknowledged that there are some clear benefits associated with the proposal in terms of the provision of much needed housing catering for a special need – extra care, in this case. There will also be support for local trades and employment during the construction of the site itself and benefits to the local economy through ongoing support of local shops, services and facilities. It is also acknowledged that the site, being within an urban area, is in a sustainable location.

9.42 However, importantly, based on the most recent comments of the technical consultees as discussed above, there are significant negatives. Of particular significance is the fact that the Environment Agency object in principle to the development on the grounds that the site falls within an area at risk of flooding, being with Flood Risk Zone 3b. This constitutes part of the functional flood plain, and the proposed development comprises a flood risk vulnerability category that is inappropriate to this flood zone. The EA will only remove its objection if the layout is revised so that it avoids Flood Zone 3b, or extends no further than the previous built development or further modelling analysis demonstrates that the site should not be classified as Flood Zone 3b.

9.43 Part of the site comprises land with a lower probability of flooding where development could be located – Flood Zones 1 and 2. The development has not been amended accordingly to be only located within these zones. Nor has it been demonstrated to the satisfaction of the EA that the Flood Zone has been incorrectly classified. In accordance with

the NPPF, and the associated Planning Practice Guidance, on this basis alone the development should not therefore be permitted. A related issue is that the FRA has not been updated to account for the Flood Zone 3b classification, contrary to NPPF (Para 163). Very significant weight should be attributed to these concerns.

9.44 A further significant negative is that the Lead Local Flood Authority object to the development on grounds of building over the culverted Long Marston Brook. This is contrary to Policy 8 of LFRMS2 and the LLFA is concerned that, for whatever reason, if it was necessary to access the culverted watercourse, this could create severe disruption to residents. The LLFA has consistently advised in discussions and advice to the applicant that the development should not build over the culvert but should look to open it up. However, it is only with the adoption of recent policy supporting this principle that it has been able to raise formal objection on this ground. Plans have not been amended and the proposal in this respect would be contrary to the NPPF's overarching social objective to achieving sustainable development of fostering a well-designed and safe built environment. It would potentially increase vulnerability of residents, both existing and proposed, to flood risk, particularly if the culvert were to become blocked for whatever reason and stream flows were to back up. Great weight should therefore be given to this.

9.45 The NPPF (Para 165) states that major developments should incorporate sustainable drainage systems (SUDS). The LLFA is a key consultee in terms of providing advice to the local planning authority in this respect. The LLFA's objections in relation to surface water runoff rates and lack of drain-down times for the surface water storage system are pertinent in terms of limiting the potential for flooding downstream, particularly with the added future propensity due to climate change effects. Minimising the risk of flooding through appropriate SUDS is a key material planning consideration within chapter 14 of the NPPF and is also part of the overarching environmental objective to achieving sustainable development. These aspects therefore bear significant planning weight.

9.46 The absence of a noise or air quality assessment in support of the application, with design changes or mitigation as necessary, raises further concerns from the Council's Environmental and Community Protection team in relation to the potential adverse impact of road traffic noise and poor air quality on the living conditions of the new occupants. However, given there has been no material change in the noise or air quality environment since the previous resolution to grant this scheme in May 2019, little material weight can be given to these concerns despite the fact that the extra care scheme will potentially place more vulnerable individuals at greater risk of pollutants harmful to their health.

9.47 The Council's policies for the protection of development from flood risk, for the management of the water environment and for the protection of residents from pollution are consistent with the NPPF approach.

9.48 Although there are recognisable benefits from the development, in particular the provision of much needed housing for special needs, nevertheless the harm to interests of acknowledged importance as identified by the technical consultees would be significant.

9.49 The location of the development within Flood Risk Zone 3b and the classification of residential development as being "more vulnerable" means that on this basis alone, in accordance with the NPPF and the associated Planning Practice Guidance, the development should not be permitted.

9.50 The addition of objections from the LLFA on the grounds of harm to the water environment, only exacerbates the environmental harm.

9.51 Accordingly it is considered, despite applying the tilted balance, that sustainable development would not be achieved through this development.

9.52 When assessed against the policies in the Framework taken as a whole, it is concluded that the adverse impacts of the development would significantly and demonstrably outweigh the benefits and the conflict with the development plan is not outweighed by other considerations including the Framework.

10. CONCLUSION

10.1 In May 2019, it was resolved to delegate the application to the Group Manager Development Management and Planning with a view to approval subject to the completion of a s106 agreement.

10.2 The completion of the agreement remains outstanding.

10.3 In the mean-time, a number of material changes in circumstance have come to light as follows:

1. The flood zone has been reclassified as Zone 3b and the Environment Agency (EA) now object in principle to the application, unless the layout is redesigned so that it falls outside Flood Zone 3b, or the applicant undertakes their own modelling work which demonstrates that the site should not be classified as Flood Zone 3b. In addition an updated Flood Risk Assessment (FRA) to take account of the revised flood zone classification has not been submitted.

The layout has not been amended, nor has it been satisfactorily demonstrated that the flood zone has been incorrectly classified. Neither has the FRA been updated. The EA therefore maintains its objection in principle.

2. Policy 8 of the now updated Hertfordshire Local Flood Risk Management Strategy 2 does not now consent to building over a culvert and the Lead Local Flood Authority (LLFA) object to the application on this ground. In addition, the LLFA object to the runoff rate of 5l/s for the site and to the absence of half drain down times having been provided for the surface water attenuation storage.

The layout has not been amended to avoid the culverted Long Marston Brook, and the applicant has not updated the Sustainable Drainage Statement either to a proposed lower rate of 1l/s or by way of justifying the proposed 5l/s runoff rate, nor have satisfactory half drain-down times been provided. The LLFA therefore maintains its objection.

3. The Environmental Health Officer (EHO) has revised his comments and now raises objection on grounds of exposure to road traffic noise harmful to living conditions and to potential breach of an air quality objective due to exposure to traffic fumes, both contrary to NPPF guidance.

Neither a Noise Assessment or an Air Quality Survey and Assessment with proposals as necessary for mitigation / redesign has been submitted. The EHO therefore maintains his objection.

10.4 The Council is currently unable to demonstrate a five-year supply of deliverable housing sites. Therefore, it should take the 'tilted balance' in favour of granting planning permission in accordance with Paragraph 11 (d) of the NPPF.

10.5 The tilted balance requires that any applications are determined against the NPPF. The balance is consequently tilted in favour of the presumption in favour of sustainable development except in certain circumstances, including flood risk and when adverse effects would demonstrably outweigh the benefits when assessed against the NPPF as a whole.

10.6 Although there are recognisable benefits from the development, in particular the provision of housing, nevertheless the harm to interests of acknowledged importance as identified above would be significant and as a result sustainable development would not be achieved through this development. When assessed against the policies in the Framework taken as a whole, it is concluded that the adverse impacts would significantly and demonstrably outweigh the benefits and the conflict with the development plan and national guidance is not outweighed by other considerations including the Framework.

11. RECOMMENDATION

11.1 That planning permission be **REFUSED** for the following reasons:

1. The site lies within Flood Zone 3b (functional floodplain) which is defined by the South West Hertfordshire Level 1 Strategic Flood Risk Assessment March 2019 as having the highest probability of flooding. The development is classed as “more vulnerable” in accordance with table 2 of the Flood Zones and flood risk tables of the Planning Practice Guidance (PPG) Flood Risk and Coastal Change. Tables 1 and 3 make it clear that this type of development is not compatible with this Flood Zone and therefore should not be permitted. In accordance with the sequential approach of the National Planning Policy Framework, the development should be relocated to land with a lower risk of flooding. In accordance with the PPG, there is no case for an exception. The proposal is therefore contrary to National Planning Policy Framework and Policy CS31 of the Dacorum Core Strategy September 2013.

2. The Flood Risk Assessment (FRA) submitted in support of the application is not based on the most up to date available data, namely the South West Hertfordshire Strategic Flood Risk Assessment (SFRA) and its flood zone 3b allocation. An FRA is vital to making informed planning decisions. In the absence of an acceptable FRA, the flood risks posed by the development are not fully known and understood. The proposal is therefore contrary to the National Planning Policy Framework and Policy CS31 of the Dacorum Core Strategy September 2013.

3. The proposal would result in buildings being constructed over the culverted Long Marston Brook. The proposed building is for residential apartments and if there was a need to access the culvert this could create severe disruption to a residential area, and furthermore could result in flooding or other impacts in the area if for any reason the culvert were to become blocked and access could not be gained. The proposal is contrary to Policy 8 of the Hertfordshire Local Flood Risk Management Strategy 2 which states that “*In principle, no construction works should occur on the top of a culvert*”. The proposal would therefore be contrary to the National Planning Policy Framework which states that advice should be taken from the Lead Local Flood Authority on sustainable drainage systems. The proposal is also contrary to Policy CS31 of the Dacorum Core Strategy September 2013.

4. The application proposes a surface water runoff rate of 5l/s that is not the greenfield runoff rate for the site nor a rate which the Lead Local Flood Authority might otherwise be willing to accept. Nor have half drain-down times been provided for the surface water attenuation storage. In the absence of strong technical justification / additional information having been submitted and accepted, the proposal does not accord with sustainable drainage principles

and is therefore contrary to the National Planning Policy Framework and Policy CS31 of the Dacorum Core Strategy September 2013.

5. There is no mechanism in place to secure the Heads of Terms for a planning obligation agreed by the Development Management Committee in May 2019. These provisions are considered necessary to mitigate the impacts of the development, are directly related to the development and are fairly and reasonably related in scale and kind to the development. The proposal is therefore contrary to saved Policy 13 of the Dacorum Borough Local Plan 1991-2011 and Policy CS35 of the Dacorum Core Strategy September 2013.

APPENDIX A: CONSULTEE RESPONSES

| Consultee | Comments |
|--------------------|---|
| Environment Agency | <p>Please note that we always provide our comments on the most up to date information at the time of our consultation. We previously recommended conditions on this application however since our previous response on this application Dacorum, in conjunction with neighbouring local authorities, have published the South West Herts Joint Strategic Flood Risk Assessment (SFRA) where Dacorum's Flood Zone 3b has been updated based on the most up to date information available. This has meant that more of the application site now lies within Flood Zone 3b.</p> <p>We therefore have two objections to the proposed development. The first objection is an objection in principal. The site falls within Flood Zone 3b (the functional floodplain). The second objection is for an inadequate Flood Risk Assessment (FRA) and should not be addressed unless the first can be resolved.</p> <p>Objection 1 - Development Within Flood Zone 3b Functional Floodplain (incompatible development)</p> <p>We object to the proposed development as it falls within a flood risk vulnerability category that is inappropriate to the Flood Zone (Flood zone 3b) in which the application site is located. The application is therefore contrary to the National Planning Policy Framework (NPPF) and its associated planning practice guidance. We recommend that planning permission is refused on this basis.</p> <p>Reason</p> <p>The PPG classifies development types according to their vulnerability to flood risk and provides guidance on which developments are appropriate within each Flood Zone. This site lies within Flood Zone 3b functional floodplain, which is land defined by your Strategic Flood Risk Assessment as having the highest probability of flooding.</p> <p>The development is classed as more vulnerable in accordance with table 2 of the Flood Zones and flood risk tables of the Planning Practice Guidance (PPG). Tables 1 and 3 make it clear that this type of development is not compatible with this Flood Zone and therefore should not be permitted.</p> |

Overcoming our objection

The applicant notes (within a letter from BWB dated 22 January 2020 submitted in support of application 19/02794/MFA) that the current flood risk is based on JFLOW data which has been used in the local authorities SFRA for the designation of Flood Zone 3b. However this is currently the best available data for this site. If the applicant believes that the site should not be classified as Flood Zone 3b then they will need to **undertake their own modelling** work which would demonstrate the level of flood risk at the site. Depending on the results of this modelling the applicant may then be able to challenge the LPA as to the 3b designation. Please be aware that the results of the modelling might not show this to be the case, and may result in the flood risk being worse than what we currently believe it to be.

Alternatively the applicant can overcome this objection by redesigning the layout so that the proposed development is located outside of Flood Zone 3b. The proposed development is currently increasing the built footprint within the Flood zones which will increase flood risk elsewhere. The development should at the very minimum not have any additional footprint within the flood zones than what was there previously.

As previously advised, if the layout is not able to be changed then there is no resolution to this objection whilst the site is classified as functional floodplain by the local authority.

Objection 2 – Inadequate Flood Risk Assessment (FRA)

In the absence of an acceptable FRA, we object to this application and recommend that planning permission is refused.

Reason

The application site lies within Flood Zone 3b, which is land defined by the planning practice guidance as having a high probability of flooding. An FRA is vital to making informed planning decisions. In the absence of an acceptable FRA, the flood risks posed by the development are not fully known and understood. This is sufficient reason for refusing planning permission.

The FRA submitted in support of this application is not based on the most up to date available data, namely the South West Herts Joint Strategic Flood Risk Assessment (SFRA) and its flood zone 3b allocation.

Overcoming our objection

As previously advised the first objection is an objection in principle and that this objection cannot be resolved until the first has been addressed.

If the first objection is overcome due to new modelling the FRA will need to be updated to include the updated data. If the first objection is overcome because the site layout has changed then

the FRA will need to be amended to reflect this. The FRA will need to demonstrate that the development is safe without increasing risk elsewhere. Where possible, it should reduce flood risk overall. If this cannot be achieved, we are likely to maintain our objection.

**Advice to LPA
Sequential Test**

In accordance with the NPPF (paragraph 158), development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the sequential test has to be applied and whether or not there are other sites available at lower flood risk. Our flood risk standing advice reminds you of this and provides advice on how to apply the test.

Flood Risk - Safe Access and Egress

In accordance with paragraph 163 of the NPPF, you must ensure that the 'development is appropriately flood resilient and resistant, including safe access and escape routes where required...' This is on the understanding that you have concluded that the proposed development has passed the flood risk sequential test. Within the application documents the applicant should clearly demonstrate to you that a satisfactory route of safe access and egress is achievable. It is for you to assess and determine if this is acceptable. Please note we have not assessed the proposed access and egress route.

Call-in Directive

We would also like to remind you that if you are minded to approve this application contrary to our objection on flood risk grounds, as it is a major development, you are required to notify the Secretary of State through the Department for Communities and Local Government's National Planning Casework Unit (NPCU), as outlined in The Town and Country Planning (Consultation) (England) Direction 2009: circular 02/2009.

**Advice to applicant
Water Resources**

Increased water efficiency for all new developments potentially enables more growth with the same water resources. Developers can highlight positive corporate social responsibility messages and the use of technology to help sell their homes. For the homeowner lower water usage also reduces water and energy bills.

We endorse the use of water efficiency measures especially in new developments. Use of technology that ensures efficient use of natural resources could support the environmental benefits of future proposals and could help attract investment to the area. Therefore, water efficient technology, fixtures and fittings should be considered as part of new developments.

| | |
|----------------------------|--|
| | <p>All new residential development are required to achieve a water consumption limit of a maximum of 125 litres per person per day as set out within the Building Regulations &c. (Amendment) Regulations 2015.</p> <p>However, we recommend that in areas of serious water stress (as identified in our report Water stressed areas - final classification) a higher standard of a maximum of 110 litres per person per day is applied. This standard or higher may already be a requirement of the local planning authority.</p> <p>Insurance eligibility New homes built in flood risk areas after 1 January 2009 are not covered by the Flood Re-insurance scheme and may not be eligible for home insurance. We advise contacting an insurance provider to discuss whether your development would qualify for insurance.</p> <p>Flood Risk Management Scheme Funding eligibility New properties and buildings converted to housings within areas of flood risk after 1 January 2012 will not be counted towards the outcome measures of any proposed future flood alleviation scheme. This is to avoid inappropriate development in flood risk areas. Further information can be found at https://www.gov.uk/government/publications/calculate-grant-in-aid-funding-flood-risk-management-authorities</p> <p>Final comments If you are minded to approve the application contrary to our objection, I would be grateful if you could re-notify the Environment Agency to explain why, and to give us the opportunity to make further representations.</p> |
| Lead Local Flood Authority | <p>This letter is the LLFA updating our consultation response to 4/02204/18/MFA. This letter supersedes our letter dated 05 March 2019. Following our consultation response on 19/02794/MFA – Land North Of Old Silk Mill, Tring, Hertfordshire, HP23 5EF, which was an application for the proposed residential scheme comprising 42 No. apartments with associated landscaping and parking, following demolition of existing buildings, the LLFA was made aware that application 4/02204/18/MFA had not yet been approved, and we would therefore like to formally update our response.</p> <p>The applicant has provided the Flood Risk Assessment carried out by BWB reference BST-BWB-ZZ-XX-RP-YE-0001-FRA dated September 2018 and Sustainable Drainage Statement carried out by BWB reference BST-BWB-ZZ-XX-RP-YE-0001-SDS dated September 2018 to support the application.</p> <p>We have reviewed the information provided in support of the application. However, unfortunately the information provided does not provide a suitable basis for an assessment to be made of the</p> |

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 required as part of the surface water drainage assessment.

As Lead Local Flood Authority, our Local Flood Risk Management Strategy has been reviewed and updated since our consultation response dated 05 March 2019. LFRMS2 contains our LLFA policies, which have been ratified by the council. In light of this we would make the following comments in order for the applicant to overcome our objection.

1. Building over the culverted ordinary watercourse

It is acknowledged that the LLFA case officer who provided previous comments on application 4/02204/18/MFA visited the site and acknowledged the potential difficulties of opening up the culvert. In email correspondence with BWB (not formally submitted as information for this application) the LLFA also mentioned how:

“Following our site visit and inspection of the watercourse we can confirm that trying open-up/divert would be difficult due the size of the site and levels. However, we still have concerns regarding building over the culvert, any future risk of damage to the culvert would put the building at risk. We would prefer for the layout to avoid any building over the culvert, the LLFA are due to enact a policy to avoid any building over a culvert.”

This policy has now been implemented so we would be unable to provide land drainage consent for building over the culvert.

The applicant has stated regarding the difficulties of opening up the culvert. Whilst it is acknowledged that opening up the culvert is difficult, the applicant will still need to explore opportunities to divert the culverted watercourse around the proposed residential apartment building. Apartments should not be built on top of the culvert.

Unfortunately, since our consultation response dated 05 March 2019, LLFA policy would now not consent building over a culvert. It is acknowledged that the layout of the proposed building is positioned on the top of the culverted Long Marston Brook. It is acknowledged that there are space constraints on site. However, it is LLFA policy that no building should occur over an ordinary watercourse. Policy 8 of LFRMS2 states that “In principle, no construction works should occur on the top of a culvert.” Therefore the applicant will need to explore opportunities to divert the culvert away from/around the building, to ensure that there are no buildings on top of the culvert.

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| | <p>The proposed building is for residential apartments and if there was a need to access the culvert this could create severe disruption to a residential area. In addition to the potential impact if there were any problems with the culvert.</p> <p>Any proposed diversion and new outfall connections would require land drainage consent from the LLFA, this is regardless of any planning permission. Any works proposed to be carried out that may affect the flow within an ordinary watercourse will require the prior written consent from the Lead Local Flood Authority under Section 23 of the Land Drainage Act 1991. This includes any permanent and or temporary works regardless of any planning permission.</p> <p>2. Provision of greenfield runoff rates</p> <p>The applicant is proposing a rate of 5l/s. As this is not the Greenfield runoff rate for the site, strong technical justification needs to be provided. It is acknowledged that the QBAR greenfield runoff rate is exceptionally low (0.1l/s), however, we have seen discharge rates as low as 2l/s or 1l/s, the lower of these would be acceptable to the LLFA any higher discharge rate would require strong technical justification.</p> <p>All calculations and volumes for storage will need to be updated accordingly.</p> <p>3. Half drain down times</p> <p>The applicant should provide the half drain down times of the surface water attenuation storage; half drain down time should be achieved within 24 hours.</p> <p>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-and-environment/water/surface-water-drainage/surface-water-drainage.aspx#</p> <p>Informative to the LPA We note that Long Marston Brook runs in culvert below properties on Brook Street. Should any future planning application for the wider Old Silk Mill site comes forward; the LLFA will seek for the culverted watercourse to be opened up where possible and diverted away from / around buildings.</p> |
| Environmental Health Environmental and | I refer to the above application which remains undetermined. ECP have concerns on noise and air quality grounds noting that the |

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| Community Protection | <p>more recent application 4/02794/19/MFA was withdrawn. My concerns relate to noise from road traffic noise, activity from Silk Mill Industrial Estate, noting single aspect living proposed for flats and ensuring adequate protection for future occupiers from noise, and the local site circumstances related to the narrowing of Brook Street caused by the presence of on-street parking.</p> <p>The attached email has addressed points raised by the applicant in relation to their most recent application. In order to demonstrate appropriate conditions for living can be achieved the applicant will need to provide supporting evidence that adequate conditions for resting / sleeping in terms of road traffic noise can be achieved, and by that siting the façade of this building close to the road it will not lead to the creation of new air quality management areas. The NPPF (para 181), outlines that planning policies and decisions should sustain and contribute towards compliance with relevant limit values and national objectives.</p> <p>Noting this development is for an extra care scheme it is potentially placing more vulnerable individuals to pollutants harmful to health.</p> |
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

| Neighbour Consultations | Contributors | Neutral | Objections | Support |
|-------------------------|--------------|---------|------------|---------|
| 106 | 0 | 0 | 27 | 4 |

Neighbour Responses

No further comments since DMC 28/05/19 – See Appendix C for comments received.

APPENDIX C: OLD SILK MILL COMMITTEE REPORT 28 MAY 2019

| | |
|------------------------------|--|
| 4/02204/18/MFA | DEMOLITION OF EXISTING BUILDINGS. CONSTRUCTION OF EXTRA CARE SCHEME COMPRISING 41 NO. APARTMENTS WITH ASSOCIATED LANDSCAPING AND PARKING. |
| Site Address | OLD SILK MILL, BROOK STREET, TRING, HP235EF |
| Applicant | |
| Case Officer | Andrew Parrish |
| Referral to Committee | Due to the contrary views of Tring Town Council. |

1. Recommendation

1.1 That planning permission be **DELEGATED** to the Group Manager Development Management and Planning **WITH A VIEW TO APPROVAL** subject to:

- agreement of pre-commencement conditions with applicant, and
- completion of a s106 agreement with the following Heads of Terms - 55 years minimum age restriction, meeting medical or health criteria that justify the extra care accommodation categorisation, provision of fire hydrants, financial contribution towards improvements to the two nearest bus stops to provide easy access kerbing of £16,000.

2. Summary

2.1 The application is recommended for approval. The application is for the demolition of a semi-detached pair of houses and the erection of 41 extra care apartments within a 3 storey block with undercroft car parking and access from Brook Street. The site is part of a General Employment area, the majority of which is a vacant, undeveloped site. Together with the two residential properties, it comprises a generally rectangular site which sits substantially below the level of dwellings immediately to the west at Kingsley Walk. The intervening land comprises a steep earth embankment which will be cut back and supported by a retaining wall to enable the development to take place. Landscape margins are proposed to the Brook Street and northern frontages with tree planting at podium level on the western boundary.

2.2 In policy terms, the loss of the employment land is considered acceptable as the majority is not currently in active employment use whilst the loss of the small commercial unit would not have a significant impact on the functionality or viability of the business park or GEA, and should be balanced against a more efficient use of the land for residential purposes, the use for which is appropriate given the dwellings at 21 and 22 Brook Street and the siting adjacent to existing housing.

2.3 The proposed development would not result in any material loss of privacy to dwellings in Brook Street nor, given favourable levels, any material loss of light or overbearing impact. Given the siting on lower land there would be no material loss of light or visual impact on dwellings in Kingsley Walk and, subject to obscure glazing and privacy screens, no material loss of privacy.

2.4 The loss of the two semi-detached dwellings of 21 and 22 Brook Street, having a low level of significance in conservation terms, is not objectionable. There would be no harm to the setting of The Old Silk Mill Grade II listed buildings and in design terms, subject to

details by condition, the Conservation Officer has raised no objection to the height and appearance of the development which would reflect the scale, mass and form of the Silk Mill buildings whilst respecting the design and materials of the terraced dwellings opposite.

2.5 Car parking is acceptable and subject to updated comments from the Highway Authority there would be no material detriment to highway safety. Subject to further details, the proposal would comply with sustainability principles, would cause no material harm to ecological interests and would not be at risk of flooding. The use and age restriction of the extra care development should be secured through an s106 planning obligation.

2.6 The proposal complies with Policies CS8, 10, 11, 12, 13, 27 and saved Policies 51, 58, 99 and 100 and 119. In view of the above the application is recommended for approval.

3. Site Description

3.1 The site is located off the western side of Brook Street in the town of Tring and extends to 0.31 ha. The site comprises a pair of semi-detached C20 Edwardian (Rothschild after 1901) residential properties (Nos. 21 and No. 22 Brook Street) to the east side, together with an existing single storey commercial building to the southern side and an area of overgrown hardsurfacing to the western side. The latter two areas form part of the Old Silk Mill General Employment Area. The hardsurfacing is currently a vacant, undeveloped piece of land which is said to be surplus to requirements. It is accessed via a narrow private unmade driveway from Brook Street which also serves Nos. 21 and 22 Brook Street. The site is generally rectangular and sits substantially below the level of dwellings immediately to the west at Kingsley Walk by the equivalent of a two storey building. The western boundary therefore comprises a steep earth embankment which included a number of mature trees that were felled in 2017. To the south of the site is The Old Silk Mill, a Grade II listed building which is currently used for various small industrial and commercial uses. To the north is an area of public open space that follows the line of the brook. Along the east side of Brook Street are C19 terraced properties set on raised ground.

4. Proposal

4.1 Permission is sought to demolish the commercial unit and the two dwellings and to erect an extra care apartment building on 3 storeys with associated undercroft car parking, landscaping and podium level amenity space. It is proposed to provide a total of 41 No. apartments, under a Class C2 use, comprising 28 No. one bed units and 13 No. 2 bed units. The development would be for those aged 55 years old and over provided as an extra care scheme, where residents would be able to access care provision on site, increasing if necessary as their needs change, whilst benefitting from a full level of independence provided by an owner occupied self-contained flat with own front door. One of the one bed units would be provided for warden/carer's accommodation to ensure that 24 hour access to assistance would be available for future residents.

4.2 The building would incorporate a communal resident's lounge area, a shared flexible therapy room, an office/reception area, a communal raised garden and car, cycle and mobility scooter parking areas. The therapy room would be used to provide individual and small group therapies, or specific care practices that may require additional

equipment to that available inside each apartment. The larger communal lounge area will be used at certain times to provide group sessions, such as yoga, pilates or cinema viewings.

4.3 The apartment block would be formed around a central communal space in a U shaped format on 3 storeys with brick walls under a pitched tiled roof and access to an undercroft parking area. Pedestrian access would be from both Brook Street and the northern (Brook Street Park) frontage at ground floor level. Soft planting is proposed to each of the three frontages with the earth embankment to the Kingsley Walk frontage cut back and supported by a retaining wall and tree planting incorporated along the boundary at podium level.

4.4 The existing vehicular access from Brook Street would be widened with the provision of a new footway to the southern side. The existing public footpath to the northern side would be retained and a new pedestrian ramped access (suitable for mobility scooters) would be provided onto footpath 41 to the rear, enabling convenient access to the town centre and other local facilities for residents.

5. Relevant Planning History

- 4/02221/17/MFA CONSTRUCTION OF FIVE 3-BED TERRACED DWELLINGS AND FIVE 2-BED MEWS STYLE DWELLINGS OVER THREE STOREYS WITH ASSOCIATED AMENITY SPACE, CAR PARKING, CYCLE AND BIN STORAGE AND PRIVATE GATED ACCESS DRIVE. PROPOSED RETAINING WALL. REDUCED GARDEN TO NO. 22 BROOK STREET
Refused
06/02/18
- 4/01977/17/FUL CONSTRUCTION OF 4 NEW DWELLINGS WITH AMENITY SPACE, CAR PARKING AND CYCLE STORAGE. PRIVATE GATED ACCESS DRIVE. PROPOSED NEW RETAINING WALL OF CONTIGUOUS PILING AND STEPOC BLOCK RETAINING WALL WITH GREEN WALL AND NATIVE TREE AND SHRUB SOFT LANDSCAPING.
Refused
05/12/2017
Allowed on Appeal 10/09/18
- 4/00378/17/FUL CONSTRUCTION OF FOUR 4-BED DWELLINGS WITH DOUBLE GARAGE
Withdrawn
09/05/2017

6. Policies

6.1 National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

6.2 Adopted Core Strategy

NP1, CS2, CS4, CS8, CS10, CS11, CS12, CS13, CS14, CS19, CS27, CS29, CS31, CS32, CS35

6.3 Saved Policies of the Dacorum Borough Local Plan

Policies 10, 13, 18, 21, 51, 54, 58, 99, 100, 122, 124.

Appendices 1, 3 and 5

6.4 Supplementary Planning Guidance / Documents

- Environmental Guidelines (May 2004)
- Area Based Policies (May 2004) - Residential Character Area TCA 15:Brook Street
- Water Conservation & Sustainable Drainage (June 2005)
- Energy Efficiency & Conservation (June 2006)
- Accessibility Zones for the Application of car Parking Standards (July 2002)
- Affordable Housing (Jan 2013)

6.5 Advice Notes and Appraisals [include only those relevant to case]

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

7. Constraints

- CIL2
- FLOOD ZONE 2 and 3
- GENERAL EMPLOYMENT AREA

8. Representations

Consultation responses

8.1 These are reproduced in full at Appendix A

Neighbour notification/site notice responses

8.2 These are reproduced in full at Appendix B

9. Considerations

Main issues

9.1 The main issues to consider are:

- Policy and Principle
- Need
- Impact on employment land and suitability for residential development
- Design, layout and impact on character and setting of listed building
- Impact on trees and landscaping
- Impact on highway safety, access and parking
- Impact on neighbours
- Impact on ecology

- Flood risk and drainage
- Sustainability
- CIL and s106 obligations
- Other Material Planning Considerations

Policy and Principle

9.2 The site lies partly within an existing General Employment Area (GEA) within the urban area of Tring and partly within a residential area. Under Policy CS4 residential development is appropriate within residential areas and in GEAs, appropriate employment generating development is encouraged and, in accordance with Policy CS15, GEAs will be protected for B-class uses. However, the principle of residential development was accepted by the Inspector in considering the appeal in 2018 for 4 No. terraced properties on part of the GEA.

9.3 The site lies in close proximity of The Old Silk Mill, a Grade II listed building where, under Policy CS27 and saved Policy 119, proposals should retain the character and setting of the listed building.

9.4 Subject to Policy CS15, Policy CS17 encourages the development of housing to meet the district housing allocation. Saved Policy 10 of the Dacorum Borough Local Plan 1991-2011 encourages the use of urban land to be optimised.

9.5 Policies CS10, 11, 12 and 13 of the Core Strategy are overarching policies applicable to all development which seek a high quality of design in development proposals. These are relevant to any residential development.

9.6 As set out in NPPF (paragraphs 59 and 61), the need to boost housing supply, including accommodation to meet the needs of different groups in the community (including older people) is a clear Government objective.

9.7 Market towns are able to accommodate much of the housing requirement for the Borough after Hemel Hempstead and developments such as this are important to the housing provision in Dacorum. Core Strategy Policy CS18 states that new housing development will provide a choice of homes including housing for those with special needs, including in the supporting text, for extra care housing places.

9.8 The key issues with this scheme are whether any material circumstances exist that justify an exception being made for residential development of this employment site, the effect of the proposal in terms of the character and setting of the listed building and the appearance of the area, the impact in terms of trees and landscaping, the impact on residential amenities and the acceptability in terms of highway safety.

9.9 Policies CS10, 11, 12, 13 and CS27 are relevant, together with saved Policies 51, 54, 58, 99 and 119 of the Local Plan.

Need

9.10 The Town Council raise a query regarding the need for this type of housing. They question whether there is a need for extra care apartments in Tring, as they would prefer to see additional housing for young people and families.

9.11 The Glossary contained at Appendix 4 of the Core Strategy defines extra care housing as:

'a sheltered scheme with the benefit of care staff on site, or nearby, for 24 hours a day. Tenants have access to care as and when they need it, or in emergencies. Flexicare can avoid the need for residential care for many people.'

9.12 As an extra care scheme, the proposed development is catered specifically for those of advanced years and provides the opportunity for residents to maintain their independence in their own apartments, but with the ability to easily access on-site support, assistance and help as and when they may need it.

9.13 Although now somewhat dated, the Hertfordshire Structure Plan Review (1991-2011), upon which the Dacorum Local Plan was based, identifies that Countywide there is an increasing number of elderly people who continue to live independently, which has an impact upon the overall demand for additional dwellings. The Structure Plan Review also refers to the difficulty that people with specific needs often face in finding suitable accommodation, this includes the elderly.

9.14 The County Council (Health and Community Services) has identified specific requirements, inter alia, for extra care ("flexicare") housing. The Strategic Housing Market Assessment (SHMA) 2016 recognises a need for supported housing for vulnerable groups across south and west Hertfordshire (i.e. London Commuter Belt (West)) and in particular notes the County Council's policy to provide more 'extra care' rather than high level support 'residential care' accommodation, thereby providing a choice between the latter and low level support 'sheltered' accommodation.

9.15 In respect of the size of new dwellings, Policy 18 of the Dacorum Local Plan 2004, specifically seeks smaller sized units of 1 and 2 bedrooms, in part to serve the needs of the elderly population. It is recognised that the number of elderly persons' households has increased across the Borough and therefore at paragraph 18.2 of the Local Plan it states *'Initiatives to provide small units of accommodation, such as blocks of elderly persons' flats, are therefore to be encouraged.'*

9.16 This trend of increasing numbers of elderly residents is reiterated within section 14 of the Dacorum Core Strategy 2013. Here paragraph 14.26 confirms that specific requirements have been identified across the County for extra care housing places and that the Council will permit appropriate schemes for new accommodation. The County and Borough wide need for accommodation to support the needs of the elderly population is therefore well documented and supported.

9.17 At a more localised level, the Dacorum Borough Council Settlement Profiles Paper of October 2017 identifies that 17% of Tring's population is over the age of 65 and that 22.2% of Tring households comprise only people aged 65 and over. This is a similar level to Berkhamsted and Northchurch, but exceeds the levels in Hemel Hempstead, Bovington and Kings Langley.

9.18 Although extra care is classed as a C2 rather than C3 (residential) use and is therefore not technically residential in a use class sense, the SHMA recognises that the provision of smaller units for older people, particularly extra care, plays a role in releasing larger, under-occupied, homes back into the market. In these terms, extra care can be considered to contribute to the housing requirements of the Borough.

9.19 The development would constitute an extra care scheme and would comply with the above population trends, policy and guidance. Furthermore, the mix of unit sizes comprising 27 one bedroom and 13 two bedroom, plus a one bedroom warden apartment, would help to achieve a number of smaller units as required by Policy CS18.

Impact on employment land and suitability for residential development

9.20 The site forms part of the northern tip of the Silk Mill GEA off Brook Street, Tring. It comprises a small single storey commercial building together with a vacant, underused hardsurfaced area which is understood to be surplus to the requirements of the employment area. In historic terms, the site included a pair of semi-detached properties which followed the same building line as the existing pair of properties at 21 and 22 Brook Street. It is understood that the site was cleared in 1976, parts of the foundation of which were still visible at the case officer's site visit within the area of the earth embankment. A related brick and flint wall forming the boundary of the site exists at the top of the embankment. The site has not been used for any productive employment purposes since demolition of the dwellings in 1976.

9.21 The existing commercial unit to be demolished is of small scale. It is currently occupied although it is understood that the occupier has confirmed their intention to retire. That notwithstanding, it is also understood that there remain a number of unoccupied units within the remainder of the Silk Mill Business Park for which there is said not to be enough demand. In the circumstances the loss of this small commercial unit would not have a significant impact on the functionality or viability of the business park or GEA, and should be balanced against a more efficient use of the land for residential purposes.

9.22 In policy terms, the loss of the employment land is not considered unacceptable in this case as the majority of it is not currently in active employment use. The hard surfaced part of the site historically has not been part of the Old Silk Mill site, being clearly separated from it by an existing commercial building marking the southern edge of the site and there is no clear vehicular or pedestrian access between the two sites. Furthermore, as the site sits adjacent to existing dwellings at Nos. 21 and 22 Brook Street, and shares access, residential development is considered a more compatible and appropriate use for the site than B1 use and, furthermore, in visual terms could be designed to relate better to the character of dwellings in Brook Street and to the adjacent public open space / public footpath than B class buildings. According to the Hounsfeld supporting statement on the previous application, marketing attempts for employment have not proved successful and the site has suffered from fly tipping and vandalism. The above notwithstanding, given potential new employment land in Tring on the LA5 site and Dunsley Farm, there is considered to be no major issue about the loss of the employment land in this case given the other supporting factors outlined above.

9.23 It should be noted that the principle of the loss of part of the GEA was accepted in relation to the previous application (4/01977/17/FUL) for 4 No. terraced properties across the hardsurfaced area. Whilst this application was refused by the Committee, it was subsequently allowed on appeal, and the loss of employment land did not form part of the reason for refusal, and was not queried by the Inspector.

9.24 For the above reasons, it is considered that an exception for residential

development of this part of the employment site is justifiable.

9.25 The site falls adjacent to existing residential uses, is generally flat and can provide a suitable size amenity area (450 sq m) that would be private and would not cause overlooking to adjacent properties. The site would make use of previously developed land and is sustainably located within the built up area of Tring with respect to services and facilities. It has available vehicle access, and car parking can be provided without impacting materially on the land take or visual amenities of the area. The site is therefore considered suitable for residential development.

9.26 Whilst the overall density of the scheme at 132 dph is relatively high, given the sensitive form and design of the building, its siting at a topographically low level in relation to surrounding dwellings, the small unit sizes and the fact that the development can accommodate all its necessary supporting infrastructure and facilities on site without harm (in particular car parking is unobtrusive), the proposal is not considered to appear excessive or materially out of keeping with the surrounding context of terraced dwellings, and is in line with policy to make good use of urban land. Furthermore, it should be noted that the Character Appraisal states that there is no consistent density to the area and that high density development may be acceptable, dependent upon a scheme respecting and following the development principles. In view of the above, the proposal is not considered to be an overdevelopment of the site and would accord with saved Policy 10 which seeks to ensure the use of urban land is optimised and is in line with paragraphs 117 and 118 of NPPF which encourages policies and decisions to take opportunities to make the most effective use as possible of previously developed or 'brownfield' land, and substantial weight should be given to the value of using brownfield land within settlements for homes and other identified needs. Paragraph 118 also supports the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing.

Design, layout and impact on character and setting of listed building

9.27 The site does not fall within a Conservation Area. However, the Conservation Officer has assessed the proposal in terms of the adjoining Old Silk Mill buildings which are listed / curtilage listed and in terms of the impact on the buildings to be demolished and the surrounding character.

9.28 The proposal would result in the loss of a pair of C20 (Edwardian Rothschild) buildings, Nos. 21 and 22 Brook Street. Whilst these have some visual and historic interest, he notes that they are not listed, curtilage listed or locally listed and therefore concludes that these have a low level of historic significance.

9.29 The proposal would result in the loss of some industrial sheds from the second half of the 20th century. However, these are of no particular architectural interest comprising profiled metal roofs over rendered walls.

9.30 With regards to the listed Silk Mill buildings, the Conservation Officer has said that the proposals would have a relatively minimal impact on their setting. *"They do not challenge the scale or massing of the silk mill and it would continue to be able to be read and understood in its own right. The proposal is subservient but responds to some of the details on the main mill site therefore maintaining the general character of the area."* Accordingly, no objection is raised in relation to the impact of the proposal on the setting of the designated heritage asset or its significance.

9.31 The development should follow the development principles of character area TCA15 Brook Street. This states that there are no special design or type requirements although small to moderate sized dwellings are appropriate and encouraged. The building would be arranged in a U shape set around a communal garden provided at first floor level, above an undercroft car parking area. The garden would be formed on a deck above the parking spaces and would provide level access from the first floor apartments and corridors. The proposed apartment building would comprise small units of accommodation and would be of traditional brick and pitched roof form, adopting a simple fenestration layout, with references to the surrounding context in terms of the chimneys and vertical alignment of fenestration. The three storey height and divided windows would also strongly reflect the character of the existing Silk Mill buildings. The building would show slight variations in roof height, would include two storey entrance porticos for the main entrance from the north and from the secondary entrance from Brook Street. Small areas of render, bay windows, chimneys and brick detailing are also to be included.

9.32 The Conservation Officer has noted that the design and materials are in keeping with the historic environment and the general character of the area. Amendments address concerns in relation to the chimneys that help break up the ridge, to the main entrance doors to add side lights, and in relation to repairs to the flint and brick boundary wall. However it is recommended that a specification and method statement for the repair of this feature be submitted pursuant to a condition. It would also be recommended that details of materials, brick bond, mortar colour, window header, cill details, joinery, etc. as requested by the Conservation Officer be required by condition. In addition, it would be recommended that details of low frontage boundary walls to fit with the character of the street, together with details of the vehicular archway to ensure a satisfactory appearance to this prominent aspect of the building be submitted for approval by condition.

9.33 The Development Principles state that height should not exceed two storeys, unless it can be demonstrated that the character and appearance of the street scene will not be harmed. Despite being 3-storey, given the softening effect of the hipped roof design, the benefit of lower slab levels and the frontage set back, the proposals would comfortably transition with the existing single storey Silk Mill buildings that front directly onto Brook Street such that in street scene terms there would be no abrupt change in height. It should be noted that the Silk Mill itself is some 3 metres higher than the proposed new apartment building. In relation to the existing Victorian terraced dwellings on the opposite side of Brook Street, the proposed height is not considered materially harmful to the street scene, again given the difference in slab levels and the proposed development set back from the frontage. In relation to Kingsley Walk properties to the west, there would be an equivalent two storey difference in levels favouring those properties. As such, the proposal would not appear overbearing or dominant in street scene terms, either from Brook Street Park or from Kingsley Walk. For these reasons, the proposal is considered justifiable in relation to a departure from the Development Principles. It should also be noted in this respect that the Inspector considering the recent appeal against refusal of an application for 3 storey terraced dwellings on this site (4/01977/17/FUL) was:

"satisfied that the proposal while not of the same scale, height, bulk or character as Nos 21 and 22 would not be materially prominent or obtrusive within the street scene, thereby maintaining the inherent mixed character and appearance of this part of Brook Street."

In this respect he had noted that part of the Silk Mill has three storeys and that there was four/five storey development to the north of the site.

9.34 The Development Principles state that new developments should present front gardens and/or a landscaped verge to Brook Street, that spacing should be provided within the medium range (2 m to 5 m) and, where it exists, the building line should be followed. The proposed development is considered to comply with these requirements. There is a strong building line along this part of Brook Street which the development would maintain whilst a setback of between 1.5 and 2.5 metres would allow for a reasonable landscaped frontage that will help soften the appearance of the development in the street scene. A similar landscaped frontage to the access road is proposed. The nature of the development and the character of the area does not justify lots of wide gaps between buildings. However, the siting of the development would include a small 1.3 metre gap with the adjoining Silk Mill development.

9.35 The proposed development would follow best practice in terms of perimeter block principles with good enclosure of the site, and active frontage, following the mantra of public fronts - private backs which has general advantages in terms of security for residents and the appearance of the street scene for the public realm. In the latter respect, the site is highly prominent in that it adjoins the southern edge of the Brook Street public open space and is also bordered by a frequently used public footpath to its frontage onto that space. There would arguably be an improvement to the Brook Street frontage in replacing the existing blank gable and 1.8 m high close boarded fence with a more activated frontage. As such the layout is considered appropriate to its immediate context and accords with the Development Principles.

9.36 In terms of density, for reasons discussed above, the density of 132 dph is considered acceptable and would not by itself be considered to result in any material harm. It would therefore accord with the Development Principles.

9.37 Subject to details by condition as noted above, it is considered that there would be no harm to the listed Mill buildings or to the character of the area / street scene. The proposal would accord with Core Strategy Policies CS10, 11, 12, 13 and 27, and saved Policy 119 of the Dacorum Local Plan.

Impact on trees and landscaping

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

9.39 There are a variety of native and non-native shrubs and trees on the site within the rear gardens of Nos. 21 and 22 Brook Street and on the embankment to the North West corner of the site. Some 35 individual trees and one group of trees were surveyed as reported within the submitted Arboricultural Report. There are no category A trees (highest quality) and only 3 category B trees, all of which are to be retained which lie on the embankment. The majority of the remaining trees are category C (Unremarkable of very limited merit) with two U class trees.

9.40 A number of residents have raised concerns at the loss of visually prominent trees

on the embankment to the western boundary of the site. However, these were not subject to a TPO and were felled by the applicant in 2017. This is unfortunate because it is acknowledged that their loss has resulted in a significant gap in the otherwise treed backdrop to the site in views from Brook Street and has impacted the general character of the public realm and footpath along the top of the embankment.

9.41 The proposal would require the removal of 18 C and 2 U category trees to facilitate the development, many of which are non-native fir trees. All the trees to be felled fall within the curtilage of Nos 21 and 22 Brook Street. Some minor crown lifting and pruning works to 5 other trees are proposed in order to facilitate the development and enable access for piling and construction works.

9.42 Whilst the trees do make some contribution to the visual amenities of the street scene, the losses have been confined to the lower quality trees on the site while better quality trees have been retained. None are the subject of a preservation order whilst the majority of the deciduous trees are only of semi-mature / early mature status and therefore unlikely to be considered of such outstanding amenity value to be considered suitable for TPO status.

9.43 Protective tree fencing for retained trees, together with supervised bank excavations prior to piling, a no-dig area around tree T7 within the Brook Street Park, and supervised work area during road construction is recommended and shown on the Tree Protection Plan within the Arboricultural Survey and Assessment. It is recommended that a suitably worded condition be used to secure tree protection in accordance with the plan and to require an arboricultural method statement including on site supervision of key activities and tree protection during demolition and construction works on site.

9.44 Subject to the above, the proposed development would have minimal impact upon trees and landscaping with the potential to enhance the landscape and amenities of the property and the wider area over the medium to long term. Only low value conifers and shrubbery will be removed from the two residential properties with no significant vegetation removed from the industrial area. The proposal presents an opportunity to replant the western bank and create a landscape residents courtyard and therefore the proposal will have a potentially positive effect in landscape terms.

9.45 In terms of soft landscaping, the landscape proposals have not yet been formulated in detail but the plans indicate that a belt of new trees comprising Japanese Cherry (*Prunus serrulata*) would be planted along the western boundary of the site at podium level above the proposed car park. These would potentially compensate to some extent for the trees that were felled in 2017 although at 5 metres, they would of course not reach the height of the original trees and furthermore would only have a life of 15- 20 years. It is recommended that final details of species be agreed by condition. The development also brings an opportunity to remediate the growing conditions of retained trees, which is a strategy that is unlikely to be implemented if the site remained undeveloped. Remediation of the growing conditions of retained trees can significantly improve tree health and vitality and it would be recommended that these measures are secured through a suitably worded planning condition.

9.46 In addition to the above, there is good opportunity to provide low level planting to the frontages along Brook Street and along the northern elevation onto the public open space at Brook Street Park. This will provide both a pleasant outlook for residents and

also an improvement in the overall appearance of this stretch of Brook Street. The removal of the existing blank side elevation to No. 21 and 1.8m high fencing, which immediately abut the edge of the footway, and the creation of a landscaped verge with the building set back from the footway would also assist in creating a more open, welcoming and attractive streetscape.

9.47 Selection of quality hard landscaping materials will be important to this development given the relatively small amount of space for greenery to offset the building and the large amount of hard surfacing in the form of the access road and car parking. Tarmac would not be considered appropriate.

9.48 It would be recommended that full details of hard and soft landscaping be sought by condition.

9.49 Subject to the above, it is considered the planting would in time provide suitable visual continuity with the trees either end of the site and also help integrate and soften the site into the adjoining public open space and surroundings.

Impact on highway safety, access and parking

9.50 The proposal would gain access from Brook Street via the existing private unsurfaced driveway. This would be upgraded and widened to 6.7 metres together with a 1.2 m wide footway to the southern side and retention of the existing public footpath leading to Kingsley Walk. A pedestrian raised table is proposed across the upgraded access to enable easy and level access from the southern side of the driveway over to the northern side and public right of way 39.

9.51 Concerns have been raised by the Town Council and residents regarding the narrow width of footways along Brook Street towards the town centre and concerns that this would prevent those residents from the development with mobility scooters from passing each other and therefore accessing the town centre. Paras 108 and 109 of the NPPF state that in assessing applications for development, it should be ensured that safe and suitable access should be achieved for all users and that applications for development should address the needs of people with disabilities and reduced mobility in relation to all modes of transport. This is also reflected in Policy CS12. The Highway Authority acknowledge that the existing footways on both sides of Brook Street towards the town centre are narrow and in poor condition, although has indicated that there is potential for improvements to be built by the developer under a S278 agreement with the highway authority or funded via Section 106 contributions. The above said, in response to these concerns, the applicant has submitted amended plans that introduce a mobility access ramp connecting directly to footpath (41) running to the rear of the site. The access ramp comprises a direct link from the first floor courtyard garden to the footpath. This would then give safe and unhindered access to the town centre via footpaths 41 and 46. This would also offer important sustainability benefits in terms of access to the local shopping parade off Silk Mill Way as well as public open space. The proposals in this respect are considered to accord with Policy CS12 and the Highway Authority has raised no objection subject to a gradient condition.

9.52 The positioning of No. 21 Brook Street significantly impedes visibility to the south, but the proposed set back of the development by a minimum of 0.8 metres would significantly improve visibility and allow a 2.8 x 43 metre visibility splay to be achieved in both directions.

9.53 A number of residents and the Town Council have raised concerns about the potential safety issues of pedestrians and the school crossing patrol adjacent to the proposed access. However, the Highway Authority have not raised this as an issue. Furthermore, the school crossing patrol will in any event ensure the safety of pedestrians as vehicles will have to stop, including any vehicles accessing or egressing the site, but as noted below the increase in vehicles during the morning peak is only likely to amount to 6 No. trips.

9.54 An assessment of the TRICS database within the submitted Transport Assessment indicates that an extra care development of the scale proposed would be likely to lead to a total of 8 No. vehicular trips within the AM peak hour and 6 No. trips within the PM peak hour. However, for robustness, this has been increased to 8 and 7 trips respectively given the more active nature of some of the lower aged future residents. Based on the potential lawful use of the existing car park (20-25 vehicles), it is therefore calculated that the number of vehicular movements would be reduced by around 20 in each of the am and pm peaks and therefore that the development would not lead to any significant impact in terms of highway capacity or harm to the network. Although theoretically there may be a lawful use of the hardsurfaced area for car parking, in practice this is considered unlikely to resume and furthermore, no concrete evidence has been submitted to indicate that it regularly accommodated 20-25 vehicles. Anecdotal evidence from residents suggests a maximum 3 - 5 vehicles were parked arriving between 7 and 8 am. Based on the existing two dwellings, the am and pm peak hours would be equivalent to 2 trips each. Therefore, there would be an increase of 6 No. trips within the AM peak hour and 5 No. trips within the PM peak hour.

9.55 As per Paragraph 109 of the NPPF:

"development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network be severe."

The Highway Authority has confirmed that it is unlikely that the addition of 6 and 5 two-way vehicle trips in the AM and PM peak hours, respectively, would have a severe impact on the local highway network.

9.56 Parking should accord with saved Policy 58 and the standards set down in Appendix 5. The current standards for C2 uses do not provide a specific standard for extra care developments. However, the car parking that will be provided on site would exceed the requirements for both residential institutions/homes with care staff and elderly persons residential. Based on a theoretical maximum occupancy of 93 bed spaces (2 people per one bed apartment and 3 people per two bed apartment) which in reality would be very unlikely, the parking standards for an institution/care home (category C2 (a)) would be 23 car parking spaces and for an elderly persons residential scheme would be 19 car parking spaces plus spaces for staff.

9.57 The proposed development will provide a total of 45 car parking spaces, including 4 marked disabled access spaces, all of which would be unassigned. Of these, 42 would be provided within the enclosed and gated undercroft parking area for use mainly by residents and 3 would be situated to the front, primarily for visitors. Staff and the on-site warden/carer would be able to park within the undercroft area. The proposed development therefore exceeds the car parking standards and reasonably provides for

the likely generated needs of this extra care form of development. Spaces would be 2.4 x 5 m long and swept paths confirm that the spaces would be suitably accessible in accordance with standards.

9.58 Whilst the proposed development falls within Use Class C2, even if a car parking comparison is made with a Class C3 sheltered housing scheme, where there is warden assistance, the proposed development would still exceed the required standard. A sheltered housing scheme has a requirement for 0.75 of a space per unit, including 0.25 of a visitor space giving a requirement of 31 car parking spaces. The proposed provision of 45 spaces would therefore provide a more than adequate level of car parking to serve the development and includes an appropriate capacity for both staff and visitor parking.

9.59 NPPF states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles / buggies in safe, accessible and convenient locations. It is considered reasonable, given the need to encourage a shift to alternative forms of fuel, that a minimum 20% of parking spaces should include active electric charging bays by condition with 20% passive.

9.60 Two areas are proposed for the parking of mobility buggies, scooters and/or wheelchairs within the secure undercroft area. This space would be easily accessible from within the development and provide space for these to be stored and charged as necessary, for residents who are less mobile.

9.61 Although acknowledging that it is unlikely that all residents would wish to cycle, in accordance with Policy CS8, opportunities for non-car based modes of transport should be supported. There are no specific standards within Appendix 5 for extra care development, but the applicant has carefully considered the car and cycle parking provision in respect of the over 55s who may move into the apartments at a stage of life when they are still relatively active and also concerns expressed by local residents and the Town Council during consultation events. On this basis, secure long and short term cycle parking is proposed for 48 No. bicycles within the undercroft area.

9.62 Bin storage would be contained within an enclosed area at the end of the access road, adjacent to the embankment retaining wall. Capacity for 12 No. 1100 litre Eurobins is proposed and considered acceptable. A tracking diagram indicates that a 10 metre rigid refuse lorry could access, turn and egress the site in a forward gear.

9.63 A financial contributions of £16,000 towards improvements to the nearest bus stops to provide easy access kerbing is requested and is considered justifiable. It would be recommended that this be secured via s106.

9.64 The Highway Authority raises no objection on highway safety grounds. Subject to any further comments of the Highway Authority on the amended plans relating to the mobility access ramp, and any additional conditions / s106 requirements, the access, car and cycle parking provision is considered acceptable and in accordance with Core Strategy Policies CS8 and 12, and saved Policies 51, 54 and 58 of the Local Plan.

Impact on neighbours

9.65 A large number of residents have raised concerns around the traffic, access and highway safety impacts of the development, and around the design, height, and appearance of the development and whether it is in keeping with the area. These points

have been addressed above.

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

9.67 Nos. 52, 53 and 69 Brook Street have raised concerns regarding loss of light, overlooking and overbearing appearance. It is acknowledged that the distance between facing properties will at just over 11 metres be less than the Council's minimum back to back distance. However, these properties, like others in this row of terraces in Brook Street front onto the existing street and are therefore already overlooked by passing pedestrians. Furthermore, a front to front relationship of dwellings at this sort of distance is not unusual in many older character areas, so the introduction of residential properties fronting onto the street in this case is not considered to cause any material loss of privacy or harm.

9.68 With regards to the potential for loss of light, given the elevated position of the existing dwellings, the proposed development would not subtend an angle greater than a 25 degrees taken from a point two metres above ground level of the window in the affected properties. Accordingly, the BRE guideline (Good Practice Guide for Site Layout Planning for Daylight and Sunlight) says that no further analysis is required as there will be adequate skylight received. With regards to sunlight The BRE test relates mainly to existing living room windows. Sunlight analysis is undertaken by measuring annual probable sunlight hours (APSH) for the main windows of rooms which face within 90 degrees of due south. As none of the windows in the Brook Street terraces face within 90 degrees of due south, a further analysis is not necessary and therefore it is concluded that the development would cause no material loss of sunlight.

9.69 With regards to the visual impact of the development on Brook Street properties, given the favourable ground levels, the proposed development, although 3-storey, would only effectively appear as a two and a half storey development. Therefore taking into account the distance and noting the development would not subtend the former mentioned 25 degrees, the proposal is not considered to result in an overbearing appearance.

9.70 There is some concern from residents of Kingsley Walk (138 and 140) to the west of the site that the proposed development would result in loss of light and overlooking. These properties would at their closest point be some 18 metres from the west face of the apartment block and would be well under 25 degrees to the horizontal from the nearest ground floor window. Therefore it is not considered that there would be any material loss of light, either daylight or sunlight. For the same reason the development would not be considered overbearing.

9.71 With regards to overlooking, the only window likely to affect these properties is a corridor window in the North West facing elevation of the northern wing but this is shown to be obscure glazed. Therefore, subject to an obscure glazing condition, there would be no loss of privacy quite apart from the fact that these properties front onto the existing public footpath and are therefore already overlooked by passing pedestrians.

9.72 There would be a similar, lower window in the North West elevation of the southern wing that would serve a stairwell and would potentially overlook the rear gardens of 124 and 126 Kingsley Walk. Although there would be screen planting on the boundary this would not prevent overlooking in the winter or at the establishment stage so it would be

recommended that this be obscure glazed by condition.

9.73 No. 134 is at its closest point some 20 metres from the northern North West wing of the development and there is the potential for overlooking from second floor living room juliet balconies, albeit at a very oblique angle. There is a similar relationship from the southern North West wing in respect of 130 Kingsley Walk. Although over 23 metres, No. 132 would also be affected. In the circumstances it is considered appropriate to require details of some form of privacy screen by condition to prevent a serious loss of privacy. Other properties in Kingsley Walk would be less affected through overlooking due to the greater distance (over 25 metres).

9.74 It should be noted, notwithstanding the above, that tree planting along the western boundary would in time afford an element of privacy screening.

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

9.76 The proposal would therefore accord with Policy CS12.

Impact on ecology

9.77 The site is not part of a designated wildlife site or nature reserve, or green corridor, as set out in saved Policy 102. Nevertheless, Policy CS26 (Green Infrastructure) states inter alia that development will contribute towards the conservation and restoration of habitats and species.

9.78 Since the submission of the application, a preliminary Bat Roost Assessment has been submitted in respect of the site as requested by the Ecology Advisor. Although the houses were considered to have moderate potential due to external crevices, no evidence of bats was discovered in respect of both 21 and 22 Brook Street or in respect of the commercial building to be removed. However, the Ecology Advisor has recommended that two further presence / absence surveys be undertaken in May / June 2019. This should be secured by condition. Notwithstanding this, the Ecology Advisor has advise that the LPA can determine that the application has taken bats adequately into account and accordingly has discharged its duties with regards to European Protected Species and the Habitats Regulations.

9.79 Potential enhancements for bats have also been recommended in the form of tree and building mounted bat boxes as well as bat access tiles, details of which can be secured as part of the landscape condition. The proposed landscaping would provide some opportunity for ecological enhancements to the site in compensation for removed trees.

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

Flood risk and drainage

9.81 The site ostensibly falls within Flood Risk Zones 2 and 3. However, the applicant's analysis of the Environment Agency's Flood Maps, through their submitted Flood Risk Assessment indicates that the flood zones do not encroach into the site, but rather lie within the carriageway of Brook Street (as they would be diverted by the upstream

buildings). The site lies entirely with Zone 1. On this basis it is concluded that the development of the site for housing is acceptable, having regard to Policy CS31 of the Core Strategy, which states that development should avoid Flood Zones 2 and 3. In avoiding these zones it is also clear that the sequential and exception tests do not need to be carried out. The supporting FRA confirms that the development would not be at risk of flooding, or increase flood risk elsewhere. The FRA ensures that the development will accord with Paragraph 163 of the NPPF and it is recommended that the imposition of the recommendations are secured through an appropriate condition, as advised by the Environment Agency, which includes flood resilience measures such as raised floor levels, raised wall sockets (also useful for accessibility reasons given the age-related nature of the development), plasterboard laid horizontally.

9.82 A Sustainable Drainage Statement by BWB demonstrates compliance with local and national standards in order to limit surface water discharge rate to 5l/s to the culverted Marston Brook via permeable paving, silt traps and storage beneath the access road sufficient for 1 in 100 year plus 40% climate change event. This is acceptable and the Environment Agency and Lead Local Flood Authority have raised no objections subject to conditions.

Sustainability

9.83 Policy CS29 of the Core Strategy seeks to ensure that development within the Borough is carried out sustainably and meets a number of criteria, inter alia, in respect of water conservation, SUDS, energy conservation, waste reduction, reuse of materials, etc. The Design and Access statement details in outline some of the sustainability credentials, including renewable energy sources including heat recovery, a possible group heating system involving micro-chip system and rainwater harvesting. A separate Sustainable Drainage Statement has been submitted which is acceptable. A sustainability checklist as required by Policy CS29 has been submitted, although this is vague with regards to some of the measures proposed. Therefore it is unclear if the full sustainability principles of the plan will be met. A condition is therefore recommended to secure this information.

CIL and S106 Planning Obligations

9.84 As a C2 use, the development will not be subject to any Community Infrastructure Levy.

9.85 As an extra care development under Class C2, affordable housing obligations cannot be sought, which is made clear in accordance with the Council's Affordable Housing SPD. The Strategic Housing Officer has confirmed that affordable housing will not be required.

9.86 It has been confirmed that the proposed development will provide the care and communal facilities associated with an extra care development and will be restricted to those of advancing years (i.e. primary residents being those over 55 at the time of taking up residence) and to meeting certain medical or health criteria that justify the extra care accommodation. Given that CIL and affordable housing cannot be sought on this scheme, it is considered important that the use be appropriately restricted in future for the reason that the Council would not otherwise have granted a general needs housing scheme on this site without such contributions to social and physical infrastructure. The applicant has confirmed agreement to securing this via an s106 planning obligation.

9.87 The Highway Authority seeks improvements to the nearest bus stops at a cost of £8,000 per stop, a total of £16,000. The improvements would include the provision of easy access kerbing at each stop. This should be secured via an s106 planning obligation.

9.88 It is noted that the Herts Fire and Rescue Authority has requested fire hydrants to serve the development via an s106 planning agreement. Whilst such a request could normally be dealt with via a Grampian style condition, given an s106 planning obligation is to be prepared, fire hydrants can be secured at the same time through standard wording. This has been agreed by the applicant.

9.89 Subject to the above, the proposal would comply with saved Policy 13 and CS35 of the Core Strategy.

Other Material Planning Considerations

9.90 The Design Out Crime Officer has noted that the applicants intend to build the development to the preferred police minimum security standard Secured by Design (SBD). SBD housing developments suffer at least 50% less burglary, 25% less vehicle crime and 25% less criminal damage.

9.91 The nature of the development is such that the residents will wish to feel secure within their homes and as such access into the building will be controlled to residents, staff and authorised visitors. The applicant intends to meet the requirements to accord with the Secured by Design standards, including the provision of lockable cycle stores and a gated vehicular and pedestrian access to the undercroft car parking area. In addition, in order to achieve a Secured by Design scheme, metal railing gates are to be installed within the recessed access to the undercroft car parking area. These will be set back from the frontage of the building to ensure that both sufficient space for vehicle turning is retained, and also to ensure that the front appearance of the building is maintained. It would be recommended that the details of SBD be secured by condition.

9.92 Thames Water have raised no objections subject to a condition seeking details of a piling method statement in the interests of protecting underground sewerage infrastructure.

9.93 The Council's Scientific Officer has raised no objections on noise or air quality but in view of the location of the development in a radon affected area, has recommended the standard contamination condition. He has also recommended a construction management plan condition, a demolition method statement and an energy source condition.

9.94 The HCC Minerals and Waste Officer has recommended that waste arising from the development process be used and disposed of sustainably in accordance with HCC policies. It is recommended that details of a Site Waste Management Plan (SWMP) be secured by condition.

10. Conclusions

10.1 Exceptional circumstances are considered to exist to justify residential development of this part of the Silk Mill GEA as an extra care development for which

such need is supported by policy. The site is suitable for residential development and would provide adequate amenity space, landscaping and car parking to serve the 41 apartments. The demolition of Nos. 21 and 22 Brook Street which have a low level of significance is not objectionable from a conservation aspect. There would be no harm to the setting of The Old Silk Mill listed buildings and in design terms, subject to details by condition, the Conservation Officer has raised no objection to the height and appearance of the development which would reflect the scale, mass and form of the Silk Mill buildings whilst respecting the design and materials of the terraced dwellings opposite. Car parking is acceptable and the Highway Authority has confirmed there would be no material detriment on highway safety grounds. There would be no harm to residential amenities as a result of the development, or adverse impact on flood risk or ecology. The use and age restriction of the extra care development would be secured through an s106 planning obligation. The proposal is therefore recommended for approval.

11. RECOMMENDATION – That planning permission be **DELEGATED** to the Group Manager Development Management and Planning **WITH A VIEW TO APPROVAL** subject to:

- agreement of pre-commencement conditions with applicant, and
- completion of a s106 agreement with the following Heads of Terms - 55 years minimum age restriction, meeting medical or health criteria that justify the extra care accommodation categorisation, provision of fire hydrants, financial contribution towards improvements to the two nearest bus stops to provide easy access kerbing of £16,000.

Conditions

| No. | Condition |
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| 1 | <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p><u>Reason:</u> 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.</p> |
| 2 | <p>The premises hereby permitted shall be operated at all times as an Extra Care scheme under Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and shall retain all communal areas, and wardens apartment, as shown on the approved floorplans.</p> <p><u>Reason:</u> For the avoidance of doubt as to the use permitted and because in the absence of affordable housing and other contributions to social and physical infrastructure through CIL contributions, the Council would not have granted a general needs housing scheme on this site.</p> |
| 3 | <p>No development other than demolition, site preparation, groundworks, site investigation and remediation shall take place until samples of the materials proposed to be used on the external surfaces of the development (including mortar colour, render colour and brick bond - not stretcher bond) hereby permitted shall have been provided on site as a sample panel at least 1 metre by 1 metre and summary details submitted</p> |

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| | <p>to and approved in writing by the local planning authority. The approved materials shall be used in the implementation of the development.</p> <p><u>Reason:</u> To ensure a satisfactory appearance to the development in the interests of the character and setting of the adjoining listed building and surrounding area in accordance with saved Policy 119 of the Dacorum Borough local Plan 1991-2011 and Policies CS12 and CS27 of the Dacorum Core Strategy September 2013.</p> |
| 4 | <p>The development shall be carried out in accordance with the approved plans and elevations and notwithstanding any details submitted, no development other than demolition, site preparation, groundworks, site investigation and remediation shall take place until 1:20 details of the design and appearance of the following shall have been submitted to and approved in writing by the local planning authority:</p> <ul style="list-style-type: none"> • all new windows, external doors and openings (including materials, finishes, cills, window headers, surround details). The details shall include vertical and horizontal cross-sections through the openings to show the position of joinery within the openings; • eaves joinery and rainwater goods, including a typical cross profile of the eaves; • chimneys; • balconies / railings / juliet balconies; • vehicle access gates to the undercroft car park; • bin store; • cycle store; • retaining walls; • vehicular archway, including finished appearance of the internal walls and ceiling; • photovoltaic panels. <p>The development shall be carried out in accordance with the approved details.</p> <p><u>Reason:</u> To ensure a satisfactory appearance to the development in the interests of the character and setting of the adjoining listed building and surrounding area in accordance with saved Policy 119 of the Dacorum Borough local Plan 1991-2011 and Policies CS12 and CS27 of the Dacorum Core Strategy September 2013.</p> |
| 5 | <p>No development other than demolition, site preparation, groundworks, site investigation and remediation shall take place until details of the extent and form (including materials) of the general repairs to the existing brick and flint wall shown annotated on Drg. No. 18-02-P-07 Rev K including details of how the wall is to be protected from damage during construction / piling works, shall have been submitted to and approved in writing by the local planning authority. The approved details shall be carried out prior to the first occupation of the development.</p> <p><u>Reason:</u> To ensure a satisfactory appearance to the development in the interests of the character and setting of the adjoining listed building and</p> |

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| | surrounding area in accordance with saved Policy 119 of the Dacorum Borough local Plan 1991-2011 and Policies CS12 and CS27 of the Dacorum Core Strategy September 2013. |
| 6 | <p>The chimneys shown on the approved plans shall be constructed as a necessary and integral part of the development.</p> <p><u>Reason:</u> For the avoidance of doubt and to ensure a satisfactory appearance to the development in accordance with Policy CS12 of the Dacorum Core Strategy September 2013.</p> |
| 7 | <p>Prior to the commencement of the development (including demolition works), the trees shown for retention on the approved Tree Protection Plan 170925-P-32 contained within the Arboricultural Report, November 2018, prepared by TMA shall be protected and works supervised by a qualified arboriculturalist in accordance with details contained therein during the whole period of site demolition, excavation and construction. The tree protection measures shall be retained in place, shall not be moved and no materials, plant, soil or spoil shall be stored within the area so protected.</p> <p><u>Reason:</u> In order to ensure that damage does not occur to the trees during demolition works and building operations in accordance with Policy CS12 of the Dacorum Core Strategy September 2013 and saved Policy 99 of the Dacorum Borough Local Plan 1991-2011. The details are required before commencement of development as if they are deferred until after the development has begun, demolition and buildings works would potentially result in harm to the health and survival of trees to the detriment of the visual amenities of the development and area.</p> |
| 8 | <p>Notwithstanding any details submitted, no development other than demolition, site preparation, groundworks, site investigation and remediation shall take place until full details of the following shall have been submitted to and approved in writing by the local planning authority:</p> <ul style="list-style-type: none"> • hard surfacing materials, to include permeable block paving or similar to the access road; • 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; • typical section through the proposed tree planter to the Western boundary; • Irrigation lines; • trees to be retained and measures for their protection during construction works; • measures to 'remediate' the growing conditions of retained trees as recommended in the approved Arboricultural Report; • proposed finished levels or contours; • biodiversity features such as bat boxes; • external lighting; |

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| | <ul style="list-style-type: none"> • minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs etc.); • proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc., indicating lines, manholes, supports etc.); • retained historic landscape features and proposals for restoration, where relevant; • details of a management plan for the ongoing maintenance of the landscaped areas. <p>The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted and the management plan implemented in accordance with the details approved therein.</p> <p>Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the local planning authority.</p> <p><u>Reason:</u> To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with saved Policies 99 and 100 of the Dacorum Borough Local Plan 1991-2011 and Policies CS12 and 13 of the Dacorum Core Strategy September 2013.</p> |
| 9 | <p>The development hereby permitted shall be carried out in accordance with the approved sustainability statement and, notwithstanding any details submitted as part of the application, no development other than demolition, site preparation, groundworks, site investigation and remediation shall take place until further details in respect of the following matters shall have been submitted to and approved in writing by the local planning authority:</p> <ul style="list-style-type: none"> • evidence that building materials and timber will be from verified sustainable sources; • how water consumption will be minimised during construction; • plans and details of the proposed rainwater harvesting system; • plans and details of the proposals to minimise CO2 emissions from the use of the building and maximise the energy efficiency performance of the building fabric; <p>The approved measures shall be provided before any part of the development is first occupied and they shall thereafter be permanently retained.</p> <p><u>Reason:</u> To ensure the sustainable development of the site in accordance with the aims of Policy CS29 of the Dacorum Core Strategy September 2013 and adopted Supplementary Planning Guidance.</p> |
| 10 | <p>The development shall be carried out in accordance with the relative levels and heights shown in relation to adjoining buildings and land on Drg. Nos. 18-02-P-21 E, 18-02-P-22 C and 18-02-P-24 D and 18-02-P-29 C.</p> |

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| | <p><u>Reason:</u> For the avoidance of doubt and to ensure a satisfactory form of development in accordance with Policies CS11, 12 and 13 of the Dacorum Core Strategy September 2013.</p> |
| 11 | <p>The development hereby permitted shall not be occupied until the arrangements for vehicle, cycle and mobility scooter parking, circulation and access shown on Drawing No. 18-02-P-07 Rev K shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved. All residents' parking shall be unassigned. Arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the carriageway.</p> <p><u>Reason:</u> To ensure the adequate and satisfactory provision of off-street parking facilities, satisfactory access into the site and to avoid the carriage of extraneous material or surface water into the highway in the interests of highway safety in accordance with saved Policies 51, 54 and 58 of the Dacorum Borough local Plan 1991-2011 and Policy CS12 of the Dacorum Core Strategy September 2013.</p> |
| 12 | <p>20% of the undercroft parking bays hereby permitted shall include provision for Electric Vehicle charging (active external socket) with 20% passive external socket.</p> <p><u>Reason:</u> To ensure a sustainable form of development in accordance with Policy CS29 and NPPF Para 110 and to ensure that options for residents to choose EV are readily available.</p> |
| 13 | <p>The development shall not be occupied until a Servicing and Delivery Plan shall have been submitted to and approved in writing by the local planning authority in consultation with the Highway Authority. The Servicing and Delivery Plan shall contain the delivery and servicing requirements for the proposed use, a scheme for coordinating deliveries and servicing for the proposed development, areas within the development site that will be used for loading / unloading and manoeuvring of delivery and servicing vehicles, and access to / from the site for delivery and servicing vehicles.</p> <p><u>Reason:</u> In the interest of maintaining highway efficiency and safety in accordance with Policy 51 of the Dacorum Borough Local Plan 1991-2011 and Policy CS12 of the Dacorum Core Strategy September 2013.</p> |
| 14 | <p>No development shall take place until a Construction Management Plan shall have been submitted to and approved in writing by the local planning authority. The plan should consider all phases of the development.</p> <p>The statement shall provide for:</p> <ul style="list-style-type: none"> • construction vehicle numbers, type, routing; • traffic management requirements; |

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| | <ul style="list-style-type: none"> • the parking of vehicles of site operatives, contractors and visitors to avoid on-street parking; • loading and unloading of plant and materials; • storage of plant and materials used in constructing the development; • construction access arrangements; • construction and demolition hours of operation; • timing of construction activities to avoid school pick up/drop off times; • siting and details of wheel washing facilities; • cleaning of site entrances, site tracks and the adjacent public highway; • measures to control dust and dirt during construction; • asbestos control measures where applicable; • post construction restoration/reinstatement of the working areas and temporary access to the public highway. <p>The details shall include a plan showing the proposed location of these areas. The approved statement shall be adhered to throughout the demolition and construction period.</p> <p><u>Reason:</u> To minimise danger, obstruction and inconvenience to users of the highway and harm to residential amenities in accordance with saved Policy 51 of the Dacorum Borough Local Plan 1991-2011 and Policies CS8 and 12 of the Dacorum Core Strategy September 2013. The details are required before commencement of development as it is necessary to ensure that the measures are planned and in place at the start of construction.</p> |
| 15 | <p>The gradient of the ramps to access footpath no 41 shall not exceed 1:12.</p> <p>Reason: To ensure construction of a satisfactory access and in the interests of highway safety and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).</p> |
| 16 | <p>Prior to the commencement of the development hereby permitted a Phase I Report to assess the actual or potential contamination at the site shall be submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>For the purposes of this condition:</p> <p>A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is</p> |

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| | <p>constructed and a preliminary risk assessment is carried out.</p> <p>A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.</p> <p>A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.</p> <p><u>Reason:</u> To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS32 of the Dacorum Core Strategy September 2013. The details are required before commencement of development as if they are deferred until after the development has begun, the opportunity to decontaminate the land will have been lost to the detriment of human health and other receptors.</p> |
| 17 | <p>All remediation or protection measures identified in the Remediation Statement referred to in Condition 13 shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.</p> <p>For the purposes of this condition a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.</p> <p><u>Reason:</u> To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS32 of the Dacorum Core Strategy September 2013.</p> |
| 18 | <p>Prior to demolition works commencing a Demolition Method Statement shall be submitted to and approved in writing by the Local Planning Authority for a management scheme whose purpose shall be to control and minimise emissions of pollutants from and attributable to the demolition of the development. This should include a risk assessment and a method statement in accordance with the control of dust and emissions from construction and demolition Best Practice Guidance published by London Councils and the Greater London Authority. The scheme shall set out the secure measures, which can, and will, be put in place.</p> <p><u>Reason:</u> In order to protect highway safety and the amenity of other users of the</p> |

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| | public highway and rights of way, in accordance with Core Strategy (2013) Policy CS8 and 12 of the Dacorum Borough Core Strategy September 2013. |
| 19 | <p>No demolition or groundworks shall take place until details of measures to recycle and reduce demolition and construction waste which may otherwise go to landfill, shall have been submitted to and approved in writing by the local planning authority. The measures shall be implemented in accordance with the approved details.</p> <p><u>Reason:</u> To accord with the waste planning policies of the area, Policy CS29 of the Dacorum Core Strategy (September 2013), saved Policy 129 of the Dacorum Borough Local Plan 1991-2011 and Policies 1, 2 and 12 of the Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 which forms part of the Development Plan. The details are required before commencement of development as if they are deferred until after the development has begun, the opportunity to recycle and reduce demolition waste will have been lost to the detriment of sustainability principles.</p> |
| 20 | <p>A. With the applicant failing to reference the site energy source in any of the submitted supporting information, should the development have CHP or biomass, the CHP and / or biomass boilers must not exceed the Band B Emission Standards for Solid Biomass Boilers and CHP Plant as listed in Appendix 7 of the London Plan's Sustainable Design and Construction SPG document.</p> <p>No development other than demolition, site preparation, groundworks, site investigation and remediation shall take place until evidence to demonstrate compliance with these emission limits shall have been submitted to and approved in writing by the Local Planning Authority.</p> <p>B. Prior to installation, details of the boilers shall be forwarded to the Local Planning Authority for approval. The boilers shall have dry NOx emissions not exceeding 40 mg/kWh (0%).</p> <p>C. The CHP must have a discharge stack which is at least 3m above any openable windows or ventilation air inlets within a distance of 5Um. Details to demonstrate compliance with this condition must be submitted to and approved in writing by the local authority prior to installation.</p> <p><u>Reason:</u> To ensure the amenities of the neighbouring premises are protected from increased air pollution arising from the development; in accordance with Policies CS8, 12 and 32 of the Dacorum Core Strategy September 2013.</p> |
| 21 | <p>The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) by BWB Consulting and the following mitigation measures detailed within the FRA:</p> <p>1. All finished floor levels of the development to be raised 300mm from existing build levels.</p> |

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| | <p>2. The inclusion of proposed flood resilient construction of site levels re-profiled where practicable to encourage pluvial/fluvial runoff and overland flows away from the built development towards the nearest drainage point.</p> <p>3. The development entrance incorporates flood resilience design in the event of pluvial or fluvial flows from Brook Street</p> <p>4. Building management and residents to sign up to EA Flood Warning Service and any site evacuation plan</p> <p>5. Design and construction as per planning drawings and schedule by Hinton Cook Architects of 19/10/18</p> <p>6. A main river is culverted underneath part of the development site and consideration during development demolition and construction should be made to maintain its function and integrity.</p> <p>These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.</p> <p>Reason: To reduce the risk of flooding to the proposed development and future occupants and to ensure that during a flood event there is not an unacceptable risk to the health and safety of the occupants and an increased burden is not placed on the emergency services in accordance with paragraph 163 of the NPPF and Policy CS31 of the Dacorum Core Strategy September 2013.</p> |
| 22 | <p>No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) shall have been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.</p> <p>Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. Piling could result in the fracture of underground services leading to pollution of soil or water contrary to Policy CS32 of the Dacorum Core Strategy September 2013.</p> |
| 23 | <p>The development shall be carried out in accordance with the approved Specification Notes Regarding Approved Document Q / Secured by Design Requirements, and notwithstanding any details submitted, the windows and doors shall be PAS 24: 2016, not PAS 24 2012. The measures included shall thereafter be retained and adequately maintained at all times.</p> <p><u>Reason:</u> To ensure a secure and safe form of development for the residents in accordance with Policies CS11 and 12 of the Dacorum Core Strategy September 2013. Building to the physical security of Secured by Design, which is the police approved minimum security standard, will reduce the potential for</p> |

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| | burglary by 50% to 75%. SBD housing developments suffer at least 50% less burglary, 25% less vehicle crime and 25% less criminal damage. |
| 24 | <p>The development hereby permitted shall be carried out in accordance with the conclusions and recommendations, including the completion of further bat surveys, contained within the submitted and approved Bat Survey Report reference EBD00713 by Ecology by Design dated November 2018. A report of the results of the further bat surveys, and any mitigation, shall be submitted to and approved in writing by the local planning authority in consultation with Herts Ecology before the development is occupied.</p> <p><u>Reason:</u> To ensure that the ecological aspects of the site are properly considered in accordance with Policy CS26 and 29 of the Dacorum Core Strategy September 2013.</p> |
| 25 | <p>The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment, BWB reference BST-BWB-ZZ-XX-RP-YE-0001-FRA dated September 2018 and Sustainable Drainage Statement carried out by BWB reference BST-BWB-ZZ-XX-RP-YE-0001-SDS dated September 2018 and the following mitigation measures;</p> <ol style="list-style-type: none"> 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 event. 2. Implement drainage strategy based on attenuation and discharge into watercourse restricted to 5l/s for all rainfall events up to and including the 1 in 100 year + climate change event. 3. Undertake drainage strategy to include an attenuation tank and porous surfacing as indicated on the proposed drainage strategy drawing. <p><u>Reason:</u> To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy CS31 of the Dacorum Core Strategy September 2013.</p> |
| 26 | <p>No development shall take place until the final design of the drainage scheme is completed and sent to the Local Planning Authority for approval in writing in consultation with the Lead Local Flood Authority. The surface water drainage system will be based on the submitted Flood Risk Assessment, BWB reference BST-BWB-ZZ-XX-RP-YE-0001-FRA dated September 2018 and Sustainable Drainage Statement carried out by BWB reference BST-BWB-ZZ-XX-RP-YE-0001-SDS dated September 2018. The scheme shall also include;</p> <ol style="list-style-type: none"> 1. 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. Detail in relation to culverted watercourse including condition assessment. |

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| | <p>3. Silt traps for protection for any residual tanked elements.</p> <p><u>Reason:</u> To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policy CS31 of the Dacorum Core Strategy September 2013. The details are required before commencement of development as The details are required before commencement of development as it is necessary to ensure that the measures are planned and in place at the start of construction.</p> |
| 27 | <p>Upon completion of the drainage works for each site in accordance with the timing / phasing arrangements, a management and maintenance plan for the SUDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall include;</p> <p>1. Provision of complete set of as built drawings for site drainage. 2. Maintenance and operational activities. 3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.</p> <p><u>Reason:</u> To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with Policy CS31 of the Dacorum Core Strategy September 2013.</p> |
| 28 | <p>The second floor window in the North West elevation north wing of the development hereby permitted serving the corridor shall be non-opening below a height of 1.7 metres from internal floor level and shall be permanently fitted with obscured glass.</p> <p><u>Reason:</u> In the interests of the amenity of adjoining residents in compliance with Policy CS12 of the Dacorum Core Strategy September 2013.</p> |
| 29 | <p>The upper half landing window in the southern wing of the North West elevation of the development hereby permitted shall be non-opening and shall be permanently fitted with obscured glass.</p> <p><u>Reason:</u> In the interests of the amenity of adjoining residents in compliance with Policy CS12 of the Dacorum Core Strategy September 2013.</p> |
| 30 | <p>The development shall not be occupied until details of a privacy screen to be affixed on or adjacent to the balconies hereby permitted in respect of second floor apartment Nos. 25 and 41, shall have been submitted to and approved in writing by the local planning authority. The approved screens shall be installed as an integral component of the development prior to first occupation of the apartments concerned and shall thereafter be permanently retained in position.</p> <p><u>Reason:</u> In the interests of the residential amenities of the adjacent dwellings at 130, 132 and 134 Kingsley Walk in accordance with Policy CS12 of the Dacorum Core Strategy September 2013.</p> |
| 31 | <p>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:</p> |

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| | <p>Schedule 2 Part 14 Class A</p> <p><u>Reason:</u> To enable the local planning authority to retain control over the development in the interests of safeguarding the street scene and the character and setting of the adjoining listed building in accordance with saved Policy 119 of the Dacorum Borough Local Plan 1991-2011 and Policies CS12 and CS27 of the Dacorum Core Strategy September 2013.</p> |
| 32 | <p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>18-02-P04 A 18-02-P05 B 18-02-P-07 K 18-02-P-10 B 18-02-P-11 C 18-02-P-12 B 18-02-P-13 A 18-02-P-15 18-02-P-21 E 18-02-P-22 C 18-02-P-24 D 18-02-P-26 18-02-P-27 18-02-P-28 18-02-P-29 C 18-02-P-30 24205_08_020_02</p> <p><u>Reason:</u> For the avoidance of doubt and in the interests of proper planning.</p> <p>Article 35 Statement</p> <p>Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the pre-application stage and determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.</p> <p>INFORMATIVES:</p> <p>Environmental Health</p> <p>Un-expected Contamination - In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended because, the safe development and secure occupancy of the site lies with the developer.</p> |

Thames Water

Foul Water Drainage - There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

Water supply - Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

There are water mains crossing or close to your development. Thames Water does NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>

Lead Local Flood Authority

Long Marston Brook runs in a culvert below properties on Brook Street. The applicant is advised that should any future planning application for the wider Old Silk Mill site come forward, the LLFA will seek the culverted watercourse to be opened up where possible.

Environmental Health

Piling Works

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

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

Noise on Construction/Demolition Sites

The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites. And the best practicable means of minimising noise will be used. Guidance is given in British Standard BS 5228: Parts 1, 2 and Part 4 (as amended) entitled 'Noise control on construction and open sites'.

Construction hours of working – plant & machinery

In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0800hrs to 1800hrs on Monday to Friday 0800hrs to 1230hrs Saturday, no works are permitted at any time on Sundays or bank holidays

Dust

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

Bonfires

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

Highways

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the website:

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

AN2) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way

network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

AN3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

AN5) Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 38 and 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 noted below:

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

Appendix A

Consultation responses

Tring Town Council

The Town Council considered this application at the meeting held on Monday 19th November 2018. Whilst recognising the changes that have been made to the plans, it resolved to recommend refusal of the application.

The objection does not stem from the principle of developing the site, but rather from the chosen form of development in that particular location.

Use Class C2 implies an element of care provision for which it enjoys exemption from CIL and contribution towards the provision of affordable housing. Policy CS12 Quality of Site Design section (a) states “on each site development should provide a safe and satisfactory means of access for all users”.

If one considers the proposal from the perspective of a resident who uses a mobility scooter wishing to access shops or other local facilities in the Town:

- The pavement on the same side of Brook Street as the development towards the town centre is too narrow. Passing a baby buggy or another mobility scooter coming the other way would be problematic
- Taking the option to cross the road, the resident faces another very narrow pavement with the effective width reduced by parked cars (present throughout the day and night) and lampposts
- The Co-op or Community Centre on Silk Mill offer alternative facilities. However, it is not possible to access them directly as there are steps to navigate. Installing an inclined path is not acceptable as the gradients exceed the maximum permitted
- This leaves the only option of going down Brook Street to Silk Mill Way

Those using Class 3 scooters intended for road use would face a daunting task to get to town - having to navigate the single lane due to parking along Brook Street of 100m (The traffic study's figure), amongst heavy traffic. This in turn would cause further congestion, travelling at a maximum of 8 miles an hour and highly dangerous for all users.

The factors above mean that residents with mobility problems would be isolated and dependent upon others for access to basic facilities. This, in turn, would increase traffic in and out of the development.

Whilst the amended plan has improved at the junction of Brook Street, drivers, when leaving the proposed site, will face the problem of pulling out into two-way traffic restricted to one lane for a length of one hundred metres.

This is a hazardous situation where the risks are compounded as the development is on heavily used pedestrian route to Tring School, the second largest secondary school in the county. Again the methodology of the traffic study must be questioned – the survey being undertaken in July when years 11 & 13 were away from school on study leave/taking exams. It is also an important point for other users going to the Silk Mill Community Centre e.g. from the elderly persons dwellings in Shugars Green.

Summarising –

- The location for the proposed development is on a prime route into the town and to access the A41 (then onto the M25 & M1),
- where continuous on-street parking creates a bottleneck along a sizeable length of the busy route
- Access to and from the Silk Mill Industrial Estate is poor
- Pavements are narrow; and many children walking to school.

To this, the intention is to add vehicles for 41 dwellings; the traffic from all the vehicles servicing the complex; and vulnerable adults on mobility scooters.

For these reasons the new development, if permitted, would not contribute to a well-connected and accessible transport system especially through failing to ensure good access for the disabled, and integrating the various types of transport users and movements (Policy CS8).

Finally the Town Council questions the need for this type of accommodation. The need for extra-care dwellings in Tring is unproven.

In their covering letter, the Developer quotes the Hertfordshire Structure Plan Review (1991-2011) and the Dacorum Local Plan 2004. These statements are dated and reflect a national trend. It would be remiss of Dacorum Borough Council not to include a reference to the provision of extra-care dwellings in the Core Strategy. However, the reference is not an indication of unmet need per se. Local evidence – vacancies in local residential retirement properties – tends to suggest that there is not an unsatisfied demand for extra-care dwellings.

The covering letter also quotes age distributions. Again quoting the base facts does not cover the underlying factors behind the statistics. Local house prices are squeezing out the young from the town, skewing the statistics. The Town Council's preference is for housing suitable for young people and young families, including affordable housing to correct this imbalance.

Reference is also made in the covering letter to 'downsizing' to release larger houses. Whilst this does occur, the high cost of family homes in Tring, does not permit movement through the housing chain for young families. This is evidenced by increased planning applications to extend properties, converting roof space, etc. as a cheaper option to moving house.

(21/11/18)

Tring Town Council

The Town Council considered this application at the meeting held on Monday 24th September 2018. It resolved to recommend refusal of the application on the following grounds.

Road Safety

The Town Council acknowledged that the new application had improved visibility relative to prior applications at this site, but still considered the scale of the development and the local conditions on Brook Street made access at this point unsafe. Just looking at the technicalities of the proposals did not take into account the actual traffic conditions at the site – to make a judgement without allowing for the circumstances would be a grave error.

The situation on Brook Street is:

- It is a busy road being an important route into town and through the town to connect to the A41 then onto the M1 & M25. It is also used to go to Tring School, the second largest secondary school in Hertfordshire

- The terrace houses along Wingrave Road and Brook Street do not have garages and residents park on Brook Street. This makes the length of Brook Street from the proposed access to the entrance to the Silk Mill industrial estate a one lane carriageway. This condition persists throughout the day
- The proposed access point is an important crossing point for pupils going to and from Tring School – it warrants a crossing patrol officer. But it is also an important point for other users going to the Silk Mill Community Centre e.g. from the elderly persons dwellings in Shugars Green and residents walking into Town avoiding the narrow pavement that runs beside the Silk Mill. The offer of the developer to fund a crossing at this point acknowledged, but it highlights that there is a problem

To this congestion the proposed development will add vehicle movements for 41 dwellings plus visitors, deliveries and service vehicles. Resident vehicles will be replaced by visits by relatives and carers as they age.

Need

The need for extra-care dwellings in Tring has not been proved. The Town Council's preference would be for housing suitable for young people and young families, including affordable housing, who are currently being squeezed out of the town by the high prices.

No evidence has been presented supporting the case for extra-care dwellings.

Design

The Silk Mill adjacent to the proposed site is a listed building. The current use of the site does not enhance the locality, but the proposed design is a missed opportunity – it appears to be based on a northern workhouse rather than the listed Silk Mill. This and the scale mean that it will dominate the surroundings and be detrimental to the listed Silk Mill. Consequently it would be out-of-keeping and bear no relation to the architecture in the town.

Drainage

There is an ancient water course that feeds the mill under the proposed site – any development must make take is into account.

(25/09/18)

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

Hertfordshire County Council (HCC) as Highway Authority wishes to recommend permitting the planning application, subject to conditions.

Conditions

Condition 1: Construction Traffic 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 Traffic Management Plan shall include details of:

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

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

Condition 2: Servicing and Delivery Plan

Prior to commencement of the development, the applicant shall submit a Servicing and Delivery Plan. This plan is to be submitted and approved in writing by the Local Planning Authority. The Servicing and Delivery Plan shall contain the delivery and servicing requirements (refuse collection has been agreed) for the proposed use, a scheme for coordinating deliveries and servicing for the proposed development, areas within the development site that will be used for loading and manoeuvring of delivery and servicing vehicles, and access to / from the site for delivery and servicing vehicles.

Reason: In the interest of maintaining highway efficiency and safety.

Condition 3: Ramp Gradient

The gradient of the ramps to access footpath no 41 shall not exceed 1:12.

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

Section 106 Agreement

If developer contributions are being sought, HCC would seek improvements for the nearest bus stops at a cost of £8,000 per stop, a total of £16,000. The improvements would include the provision of easy access kerbing at each stop.

HIGHWAY INFORMATIVES:

HCC recommends inclusion of the following Advisory Notes (ANs) to ensure that any works as part of this development are carried out in accordance with the provisions of the Highways Act 1980 and other relevant processes.

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the

website:

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

AN2) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website:

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

AN3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website:

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

AN4) Section 106 Agreement. A Section 106 agreement will be required for the following:

- A charge for Residential Development based on the HCC Planning Obligation Guidance (2008) for schemes in the local area that accord with the three tests

AN5) Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 38 and 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 noted below:

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

Section 278 or 184 Agreement

The applicant will be required to enter into a Section 278, or 184, agreement to agree any alternations or improvements to the public highway. This includes any changes to

the existing access arrangements.

Description of the Proposal

The proposals are for the demolition of all existing buildings and the construction of 41 extra care home units, with associated access, car and cycle parking and landscaping, as detailed within the Design and Access Statement.

According to the Design Statement (DS) the proposed development would comprise a mixture of 13 one bedroom units and 28 two bedroom units. The Transport Statement (TS); however, refers to 40 units only. There is no completed application form on the DBC website to resolve this anomaly. However, the different unit mixes would both result in 54 bedrooms.

Site Description

The application site is located west of Brook Street (B488), Tring. The site is currently occupied by a pair of dwellings and an industrial unit measuring 89sqm (B2 land use). An informal car park is also located at the south of the site which caters for the industrial unit and any additional visitors/ deliveries to the site. To the east of the site is Brook Street, to the south is The Old Silk Mill, with residential properties to the west and amenity/ recreation space to the north.

The site has a vehicular access from Brook Street, adjacent to the property of 21/22 Brook Street. Brook Street is a Class B secondary distributor road and is subject to a 30mph speed limit.

The site is located approximately 935m north of the centre of Tring, where there are a variety of facilities and amenities including GP surgeries and pharmacies.

History

Pre-application advice was sought in 2015 for 50 new residential dwellings (Ref: 4/02873/15/PRE). Several comments were provided by HCC as highway authority on the proposed access and parking arrangements which were not deemed to be acceptable to HCC in its current form.

A second application was submitted for four residential dwellings on this site in 2017 (Ref. 4/01977/17/FUL) which was recommended for approval by HCC as highway authority.

A third application was submitted in 2017 for construction of 10 residential dwellings which was recommended for refusal by HCC Highways for an excessive number of properties served from a private drive.

Analysis

Policy Review

The applicant has provided a Transport Statement (TS) and a Design Statement (DS) but has not provided a policy review of local, regional or national documents. HCC notes that the consideration of the following documents is advised to highlight that they have

been considered when developing the proposal:

- National Planning Policy Framework (July 2018);
- Dacorum Core Strategy 2006-2031 (September 2013);
- Dacorum Local Plan 2001-2011 (Saved Policies September 2013); and
- Tring, Northchurch and Berkhamsted Urban Transport Plan

Transport Statement

A Transport Statement (TS) was provided as part of the planning application package for consideration by HCC. This is in line with requirements set out in Roads in Hertfordshire: Highway Design Guide, 3rd Edition (Roads in Herts).

Trip generation

A trip generation profile for the existing site use and proposed site use were provided in the TS.

The TRICS online database was interrogated to obtain trip rates for the trip generation profiles for the existing and proposed land uses. This approach is considered acceptable for the purposes of this application.

Existing traffic

For the existing site, the TRICS database was analysed to find comparable sites with comparable trip rates. For the existing site, the 'Residential/ Houses Private Owned' and 'Employment/ Industrial Use' categories were used to obtain trip rates which is acceptable. The applicant also applied the following TRICS parameters to obtain their trip rates for the existing land use:

- Vehicles;
- England Sites, excluding Greater London;
- 6 to 20 units / 300 to 900sqm;
- Monday to Friday; and
- Suburban Area, Edge of Town, Neighborhood Area, Residential Zone and Village.

The parameters used are considered acceptable. The resultant trip rates and associated trip generation based on 2 units for residential and 89sqm for industrial operations are as follows:

- AM Peak:
 - Trip Rate: 0.136 arrivals and 0.408 departures (residential units)
 - No. Trips: 0 arrivals and 1 departure resulting in 1 two-way trip (residential units)
 - Trip Rate: 0.620 arrivals and 0.155 departures (industrial unit)
 - No. Trips: 1 arrival and 0 departures resulting in 1 two-way trip (industrial unit)
 - Total No Trips: 1 arrival and 1 departure
- PM Peak:
 - Trip Rate: 0.350 arrivals and 0.136 departures (residential units)
 - No. Trips: 1 arrival and 0 departures resulting in 1 two-way trip (residential units)
 - Trip Rate: 0.000 arrivals and 0.930 departures (industrial unit)
 - No. Trips: 0 arrivals and 1 departure resulting in 1 two-way trip (industrial unit)

- Total No Trips: 1 arrival and 1 departure

Proposed Use

The category of 'Residential/ Retirement Flats' was utilised for the purposes of obtaining trip rates for the proposed development. This is a robust and therefore acceptable approach based on the comparison with the 'Health / Care Home' trip rates analysed. The following parameters were used in the interrogation of TRICS for obtaining the trip rates in the TA:

- Vehicles;
- England Sites, excluding Greater London;
- 28-80 units;
- Monday to Friday; and,
- Suburban Area, Edge of Town, Neighborhood Area and Residential Zone.

These are considered acceptable for the purposes of this proposed development. The resultant trip rates per unit, and associated trip generation based on 40 units, are as follows:

- AM Peak:
 - Trip Rate: 0.117 arrivals and 0.075 departures
 - No. Trips: 5 arrivals and 3 departures resulting in 8 two-way trips
- PM Peak:
 - Trip Rate: 0.077 arrivals and 0.096 departures
 - No. Trips: 3 arrivals and 4 departures resulting in 7 two-way trips

Net impact

The TS has provided a net trip generation profile which is not considered to be acceptable because it includes an assumption that half of the overspill car park arrives and departs during peak hours without any survey data or factual data to support this. The net trip generation should be compared to the existing site rather than the 'potential'. Therefore, the net trip generation profile should be as follows:

- AM Peak: 4 arrivals and 2 departures resulting in a total of 6 two-way trips
- PM Peak: 2 arrivals and 3 departures resulting in a total of 5 two-way trips

It is unlikely that the addition of 6 and 5 two-way vehicle trips in the AM and PM peak hours, respectively, would have a severe impact on the local highway network.

Highway safety

The applicant obtained Personal Injury Collision (PIC) data for the five-year period between 01/01/2013 to 31/12/2017 on Brook Street from HCC. The results indicated that across the study area eight collisions took place, all but two were slight in nature. The serious incidents occurred at different locations, two years apart and therefore HCC does not anticipate that any existing highway safety issues would be exacerbated by the development proposals.

Proposed Mitigation

The following mitigation is proposed as part of the development proposals:

- Improvements to the site access to provide sufficient visibility splays; and
- 1.8m footway on the access road for pedestrians.

The proposed mitigation is acceptable at a minimum and mitigation on the wider network would be sought due to the nature of the proposed development. Improvements on the wider network may include improvements to the footways, crossing facilities for ease of access to bus stops in the vicinity of the site, etc.

Due to the narrowness of the existing footways along Brook Street leading into the town centre, there was concern that should two wheelchair and/or scooters travelling to/from the site meet at any point along the route, there would be no room to pass safely. Therefore, the applicant has since provided amended drawing, 18-02-P-11C, which provides an illustration of a proposed ramp to access the existing footpath no. 41 at the rear of the property. The ramp would provide direct access to this path. The proposals are considered acceptable in principal; however, they would be subject to detailed design review and the ramp's gradient should not exceed 1:12.

Highway layout

Vehicle site access

Vehicular access to the site would continue to be via the existing dropped kerb; however, a more formal arrangement of the site access road would be provided, which would accord to HCC design guidance. The design drawing provided in Appendix H of the TS has been reviewed and it is considered that the proposed access arrangement is acceptable in principle but would be subject to review as part of any future Section 278 Agreement.

The visibility splays for the site have been designed in accordance with appropriate guidance set out in Manual for Streets.

Pedestrian access

Pedestrian access would continue to be proposed from Brook Street as per the existing arrangement with a 1.8m footway on the proposed access road for pedestrians.

Swept Path Assessment

The applicant had not provided car swept path assessment drawings for the proposed site as part of the original application submission. The swept path assessments are considered acceptable.

Refuse and Servicing Arrangements

The applicant has not provided refuse swept path assessment drawings for the proposed site, although has described that refuse collections would be undertaken via the vehicle entering the site in order to access the bin store area situated along the northwestern boundary.

Without swept path analysis HCC was unable to understand how this could be undertaken. Additional information was requested to support that the refuse collection arrangements are safe and suitable for the purposes of this development. Additional information has since been provided to HCC and is considered acceptable.

Future maintenance of the access road

Due to the nature of the site, it would not be considered that HCC would adopt the internal access network and maintenance would therefore not be the responsibility of HCC.

Parking

Car parking provisions and layout

It is stated in the TS that the applicant would provide 40 off-street car parking spaces that would be accessed from Brook Street. The TS has not confirmed how many bays would be for disabled users or how many bays would be for electric vehicle spaces at the development.

Dacorum Borough Council Car Parking Standards require 20% active and 20% passive electric charging bays for all schemes with sites larger than 10 dwellings.

Dacorum Borough Council Car Parking Standards require 0.75 spaces per unit for sheltered accommodate that is warden controlled and 0.25 spaces per unit for visitors. Therefore, Dacorum's car parking standards require a maximum of 40 car parking spaces. The proposed development car parking provision is in line with these standards. The proposed car parking is considered acceptable to HCC; however, it is ultimately the responsibility of the LPA to determine the suitability of the car parking provision.

Disabled parking provisions

Dacorum Borough Council Car Parking Standards require that for residential use, 1 disabled space is provided for every dwelling built to mobility to standard, and for car parks associated with new employment premises, 5% of the total car park capacity should be blue badge to accommodate both employees and visitors. The TS does not state how many of the spaces at the proposed development would be designated disabled spaces. It is ultimately the decision of DBC to determine the suitability of disabled parking provision.

Cycle parking provisions

Dacorum Borough Council Car Parking Standards for residential use state that for warden control sheltered accommodation, 1 short-term space per 3 units plus 1 long-term space per 5 units is required. No reference has been made to cycle parking in the development submission. HCC's Local Transport Plan (LTP) 4 places an emphasis on supporting development where sustainable transport is supported. On this basis, the applicant should provide cycle parking in line with the requirements set out by DBC. However, it is ultimately the decision of DBC to determine the suitability of cycle parking provision.

Accessibility

Public transport

Bus

The public transport infrastructure surrounding the site provides easy access to and from a range of locations.

The closest bus stops are the 'Shugars Green' ones which are located 80m north of the site along Brook Street. The stop on the western side of the highway provides a seated shelter which is signposted with timetable information, and the stop on the eastern side provides a flag-and-stop pole, with signposted timetable information. Both stops are served by the 50, 61 and 164 services.

A summary of the bus services available on Brook Street/ Shugars Green is included within Table 3 of the TS.

The above summary illustrates the variety of bus routes available, including local town services and inter-urban routes and all routes would give access to Aylesbury.

Rail

Tring Railway Station is the closest station to the proposed development site, which is located approximately 2.8km to the east of the proposed development. Tring Railway Station lies on the West Coast Line, which runs from London to Scotland via Birmingham and Manchester. It is served by the London Midland Train Operating Company. It is noted that the station is accessible via car, foot, bicycle or bus.

A summary of the rail services available from Tring station are included within Table 4 of the TS.

Walking and Cycling

A summary of the benefits of suitable walking and cycling infrastructure has been provided within the TS.

It is noted that there are a variety of local facilities within an 800m walking distance of the site. The TS does not describe the local pedestrian footways and if they are considered to be sufficient. However, it is noted that footways are available on both sides of Brook Street leading to the town centre. Whilst there are footways, they are in poor condition and are narrow. There is potential for improvements to be built by the developer under a S278 agreement with the highway authority or funded via Section 106 contributions.

A review of local cycle routes demonstrated that although there are no National Cycle Routes within close proximity of the site (2km), there are several local routes on road which provide access to Tring Station and beyond.

HCC notes that the site appears reasonably well situated in terms of access to the facilities within Tring.

Travel Plan

Due to the scale of the development, a Travel Plan would not be required.

Construction

A Construction Traffic Management Plan would be required to ensure construction vehicles would not have a detrimental impact on the vicinity of the site and a condition would be required to provide adequate parking for construction vehicles on-site to prevent on-street conflict and impacts to the highway safety. A Construction Traffic Management Plan would be required for all phases of the construction, including excavation and construction of all elements of the development. Due to the congestion surrounding the proposed development site, it would be expected that an assessment of the impacts of construction traffic on the operation and safety of the local highway network is considered.

Contributions

If developer contributions are being sought, HCC would seek improvements for the nearest bus stops at a cost of £8,000 per stop, a total of £16,000. The improvements would include the provision of easy access kerbing at each stop.

Conclusion

HCC as highway authority has reviewed the application submission and wishes to recommend approval of the planning application, subject to conditions.

(20/05/19)

HCC Historic Environment Advisor - In this instance we consider that the development is unlikely to have a significant impact on heritage assets of archaeological interest, and we have no comment to make upon the proposal.

(4/04/19)

LLFA

The applicant has provided the Flood Risk Assessment carried out by BWB reference BST-BWB-ZZ-XX-RP-YE-0001-FRA dated September 2018 and Sustainable Drainage Statement carried out by BWB reference BST-BWB-ZZ-XX-RP-YE-0001-SDS dated September 2018 to support the application.

The proposed drainage strategy is based upon attenuation and discharge into the culverted Long Marston Brook restricted at 5l/s. We note infiltration is not being proposed due to close proximity to other buildings. The existing site currently discharges to the existing sewers within the Brook Street. The drainage strategy comprises of permeable paving and an attenuation tank to cater for the 1 in 100 rainfall event plus 40% for climate change.

The Long Marston Brook stems from the pond to the south of the Old Silk Mill, the pond is fed by wider catchment flows which from this point are routed in culvert through the Old Silk Mill then beneath the site before returning to open channel approximately 55m downstream. The dimensions are approximately 1000mm in diameter and approximately 3.5m from existing ground levels to the invert. We note that it is not being proposed to open up the watercourse due to levels and the scale of the development.

Micro-Drainage simulations have been provided to support the proposed scheme for the 1, 30, 100 and the 1 in 100 year +40% climate change event.

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 Flood Risk Assessment, BWB reference BST-BWB-ZZ-XX-RP-YE-0001-FRA dated September 2018 and Sustainable Drainage Statement carried out by BWB reference BST-BWB-ZZ-XX-RP-YE-0001-SDS dated September 2018 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 event.
2. Implement drainage strategy based on attenuation and discharge into watercourse restricted to 5l/s for all rainfall events up to and including the 1 in 100 year + climate change event.
3. Undertake drainage strategy to include an attenuation tank and porous surfacing as indicated on the proposed drainage strategy drawing.

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

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, BWB reference BST-BWB-ZZ-XX-RP-YE-0001-FRA dated September 2018 and Sustainable Drainage Statement carried out by BWB reference BST-BWB-ZZ-XX-RP-YE-0001-SDS dated September 2018. The scheme shall also include;

1. 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. Detail in relation to culverted watercourse including condition assessment.
3. 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 each site in accordance with the timing / phasing arrangements, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include;

1. Provision of complete set of as built drawings for site drainage.

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

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

Informative to the LPA

We note that Long Marston Brook runs in culvert below properties on Brook Street. Should any future planning application for the wider Old Silk Mill site come forward; the LLFA will seek for the culverted watercourse to be opened up where possible.

(5/03/19)

Design Out Crime Officer

Thank you for the additional information relating to planning application , 4/02204/18/MFA, I can see that the applicants intend to build the development to the police minimum security standard Secured by Design , I can therefore support this application.

I did notice however that the information supplied in the additional info is 4 years out of date, we would ask that the windows and doors are PAS 24 : 2016 , not PAS 24 2012.

Physical Security (SBD)

Layout:

I am content with the layout..

Communal door sets:

Certificated to BS PAS 24: 2016, or LPS.1175

Access Control to block of flats:

For each block that has more than 25 flats off a communal entrance, the SBD standard is for the communal entrance doors to have an Audio Visual access control system . Tradespersons release buttons are not permitted.

Postal delivery for communal dwellings (flats):

Communal postal boxes within the communal entrances , covered by the CCTV or each flat will have post delivered to it via a letter plate fitted in each flat's door., with the local Posta Officer being given an access fob.

Individual front entrance doors:

Certificated to BS PAS 24:2016

Windows:

Flats

Ground floor windows and those easily accessible certificated to BS Pas 24:2016 or LPS 1175 French doors for balconies:

Dwelling security lighting:

Communal entrance hall, lobby, landings, corridors and stairwells, and all entrance/exit points..

Bin stores:

The access doors to these should be to LPS.1175, or BS PAS 24: 2016.

Car Parking:

Access control, gates or roller shutters (to stop unauthorised parking & rough sleeping), well-lit area painted white or light colour ‘

Compartmentalisation of Developments incorporating multiple flats.

Larger developments can suffer adversely from anti-social behaviour due to unrestricted access to all floors to curtail this either of the following is advised:

- Controlled lift access, Fire egress stairwells should also be controlled on each floor , from the stairwell into the communal corridors.
- Dedicated door sets on each landing preventing unauthorised access to the corridor from the stairwell and lift

Secured by Design recommends no more than 25 flats should be accessed via either of the access control methods above.

From a community safety perspective I am really pleased to see that there has been an increase in parking.

(09/01/19)

Herts Ecology

1. A Preliminary Roost Assessment for bats has been undertaken in October 2018 of 21/ 22 Brook Street, the main building to be demolished to accommodate the proposals, and also Unit 53 of the Old Silk Mill.

2. The houses were considered to have moderate potential given the external gaps that exist in the structure although no direct evidence was found. Following best practice guidance, at least two further presence / absence surveys are needed confirm or not the presence of bats and these are proposed to be undertaken in May / June 2019 as it was too late in the season to undertake these in 2018. Crevice dwelling bats are those most likely to be present and so an outline mitigation strategy has been provided to demonstrate how bats are likely to be dealt with in the event of their presence being confirmed. This may need amending depending on the results of the 2019 surveys.

However if a roost is found to be present, it is recognised that a further survey and licence will also be needed.

3. Unit 53 had negligible potential and no further surveys are recommended. 4. Potential enhancements for bats have also been recommended in the form of tree and building mounted bat boxes as well as bat access tiles.

5. Guidance is also given regarding any lighting scheme to reduce light pollution and impacts on bats if found to be present and generally in the locality.

6. I consider that the surveys and recommendations represent a sound and acceptable approach to bats at this site. On this basis I can advise that the LPA can determine the application have taken bats adequately into account.

7. To ensure the recommended surveys are undertaken, I advise that if the application is approved, they should be secured as a Condition, with results and revised recommendations as necessary submitted to the satisfaction of the LPA.

(07/01/18)

Thames Water

Waste Comments

Thames Water would advise that with regard to Foul Water sewage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided .

The proposed development is located within 15m of a strategic sewer. Thames Water request that the following condition be added to any planning permission.

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

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

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

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

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.

Water Comments

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.
<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>

(24/12/18)

Environment Agency

The proposed development will only meet the requirements of the National Planning Policy Framework (NPPF) if the following measures as detailed in the Flood Risk Assessment, dated September 2018 submitted with this application are implemented and secured by way of a planning condition on any planning permission.

We ask to be consulted on the details submitted for approval to your authority to discharge this condition and on any subsequent amendments/alterations.

Condition 1 – Secure Implementation of the Flood Risk Assessment (FRA)

The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) by BWB Consulting and the following mitigation measures detailed within the FRA:

1. All finished floor levels of the development to be raised 300mm from existing build levels.
2. The inclusion of proposed flood resilient construction of site levels re-profiled where practicable to encourage pluvial/fluviial runoff and overland flows away from the built development towards the nearest drainage point.
3. The development entrance incorporates flood resilience design in the event of pluvial or fluviial flows from Brook Street
4. Building management and residents to sign up to EA Flood Warning Service and any site evacuation plan
5. Design and construction as per planning drawings and schedule by Hinton Cook Architects of 19/10/18
6. A main river is culverted underneath part of the development site and consideration during development demolition and construction should be made to maintain its function and integrity.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to ensure that during a flood event there is not an unacceptable risk to the health and safety of the occupants and an increased burden is not placed on the emergency services. This condition is in line with paragraph 163 of the NPPF and your Local Plan Core Policy CS31: Water Management.

We are reliant on the accuracy and completeness of the reports in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.

Advice to Local Planning Authority (LPA)

Sequential Test

In accordance with the NPPF paragraph 158, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the LPA to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the NPPF. Our flood risk standing advice reminds you of this and provides advice on how to do this.

Flood Risk - Safe Access and Egress In accordance with paragraph 163 of the NPPF, you must ensure that the 'development is appropriately flood resilient and resistant, including safe access and escape routes where required...' This is on the understanding that you have concluded that the proposed development has passed the flood risk sequential test. Within the application documents the applicant should clearly demonstrate to you that a satisfactory route of safe access and egress is achievable. It is

for you to assess and determine if this is acceptable. Please note we have not assessed the proposed access and egress route.

(13/12/18)

Crime Prevention Advisor

As previously stated from a crime prevention perspective we are unable to support this application . Building to C2 does not meet our minimum security requirements or those detailed in the building regulations Approved Document Q.

(19/12/18)

Lead Local Flood Authority

The Flood Risk Assessment carried out by BWB reference BST-BWB-ZZ-XX-RP-YE-0001-FRA dated September 2018 and Sustainable Drainage Statement carried out by BWB reference BST-BWB-ZZ-XX-RP-YE-0001-SDS dated September 2018 submitted with this application does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In order for the Lead Local Flood Authority to advise the relevant local planning authority that the site will not increase flood risk to the site and elsewhere and can provide appropriate sustainable drainage techniques, the following information is required as part of the flood risk assessment;

1. Details in relation to culverted Long Marston Brook and options to re-open the channel.

Overcoming our objection

To address the above points, please see the below comments;

The proposed drainage strategy is based upon attenuation and discharge into the culverted Long Marston Brook restricted at 5l/s. We note infiltration is not being proposed due to close proximity to other buildings. The existing site currently discharges to the existing sewers within the Brook Street.

The Long Marston Brook stems from the pond to the south of the Old Silk Mill, the pond is fed by wider catchment flows which from this point are routed in culvert through the Old Silk Mill then beneath the site before returning to open channel approximately 55m downstream. The dimensions are approximately 1000mm in diameter and approximately 3.5m from existing ground levels to the invert. Please note that this section of the culverted Long Marston Brook is classified as an ordinary watercourse up until the point it joins the Main River.

As this section of the watercourse is an ordinary watercourse, we would expect the applicant to explore opportunities to improve the ordinary watercourse network to decrease flood risk and to meet the Water Framework Directive targets for water quality and ecological purposes. When there is an existing culverted ordinary watercourse section any betterment of the situation should be sought, such as re-opening or diverting the channel. If not achievable, the applicant must provide evidences as to why betterment is not viable.

The layout of the proposed building is position over the culverted Long Marston Brook. In principle the LLFA would accept building over a culvert. Any works taking place within and/or over the culvert or within 3 m of the top of bank of the ordinary watercourse will require prior written consent from the Hertfordshire County Council regardless of any planning permission.

Any works proposed to be carried out that may affect the flow within an ordinary watercourse will require the prior written consent from the Lead Local Flood Authority under Section 23 of the Land Drainage Act 1991. This includes any permanent and or temporary works regardless of any planning permission

Informative to the Applicant and LPA

Due to the complicated nature of this site, we recommend that the applicant consults the LLFA directly in relation to drainage strategy. The applicant should note that we charge for pre-application consultation. If the applicant wishes to use this service they should refer to our pre-application guidance which can be found online here:

<http://www.hertfordshire.gov.uk/services/envplan/water/floods/surfacewaterdrainage/preappguide/>

For further advice on what we expect to support an planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage

<http://www.hertfordshire.gov.uk/services/envplan/water/floods/surfacewaterdrainage/>

Please note if the LPA decides to grant planning permission we wish to be notified for our records should there be any subsequent surface water flooding that we may be required to investigate as a result of the new development.

(03/12/18)

Herts Highways

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:

Decision

Hertfordshire County Council (HCC) as Highway Authority wishes to object to the proposed application due to the following issues:

- No swept path drawings are provided for the car park access or the car park. The purpose of provision of the swept path drawings would be to demonstrate that the site is safe and suitable for its intended use and that vehicles can safely enter the site and manoeuvre within to depart in a forward gear;
- No swept path drawings are provided for servicing and refuse movements. The purpose of provision of the swept path drawings would be to demonstrate that the site is safe and suitable for its intended use and that refuse vehicles can safely enter the site and manoeuvre within to depart in a forward gear;
- No surveys were undertaken at the site access to obtain current vehicle movements into/out of the site, and instead assumptions were made assuming the informal car park would result in 26 vehicle movements during peak hours (excluding the existing residential properties); and
- No information was provided on the existing and proposed number of servicing trips

which would also impact on the local highway network.

While not reasons for refusal on their own, the following should be provided as part of any future submission:

- A policy chapter has not been provided in the TS;
- No detail is provided on the provision of cycle parking;
- Incorrect parking requirements have been provided for the care home based on Dacorum's parking standards.

Description of the Proposal

The proposals are for the demolition of all existing buildings and the construction of 41 extra care home units, with associated access, car and cycle parking and landscaping, as detailed within the Design and Access Statement.

According to the Design Statement (DS) the proposed development would comprise a mixture of 13 one bedroom units and 28 two bedroom units. The Transport Statement (TS), however, refers to 40 units only. There is no completed application form on the DBC website to resolve this anomaly. However, the different unit mixes would both result in 54 bedrooms.

Site Description

The application site is located west of Brook Street (B488), Tring. The site is currently occupied by a pair of dwellings and an industrial unit measuring 89sqm (B2 land use). An informal car park is also located at the south of the site which caters for the industrial unit and any additional visitors/ deliveries to the site. To the east of the site is Brook Street, to the south is The Old Silk Mill, with residential properties to the west and amenity/ recreation space to the north.

The site has a vehicular access from Brook Street, adjacent to the property of 21/22 Brook Street. Brook Street is a Class B secondary distributor road and is subject to a 30mph speed limit.

The site is located approximately 935m north of the centre of Tring, where there are a variety of facilities and amenities including GP surgeries and pharmacies.

History

Pre-application advice was sought in 2015 for 50 new residential dwellings (Ref: 4/02873/15/PRE). Several comments were provided by HCC as highway authority on the proposed access and parking arrangements which were not deemed to be acceptable to HCC in its current form.

A second application was submitted for four residential dwellings on this site in 2017 (Ref. 4/01977/17/FUL) which was recommended for approval by HCC as highway authority.

A third application was submitted in 2017 for construction of 10 residential dwellings which was recommended for refusal by HCC Highways for an excessive number of properties served from a private drive.

Analysis

Policy Review

The applicant has provided a Transport Statement (TS) and a Design Statement (DS) but has not provided a policy review of local, regional or national documents. HCC notes that the consideration of the following documents is advised to highlight that they have been considered when developing the proposal:

- National Planning Policy Framework (July 2018);
- Dacorum Core Strategy 2006-2031 (September 2013);
- Dacorum Local Plan 2001-2011 (Saved Policies September 2013); and
- Tring, Northchurch and Berkhamsted Urban Transport Plan

Transport Statement

A Transport Statement (TS) was provided as part of the planning application package for consideration by HCC. This is in line with requirements set out in Roads in Hertfordshire: Highway Design Guide, 3rd Edition (Roads in Herts).

Trip generation

A trip generation profile for the existing site use and proposed site use were provided in the TS. The TRICS online database was interrogated to obtain trip rates for the trip generation profiles for the existing and proposed land uses. This approach is considered acceptable for the purposes of this application.

Existing traffic

For the existing site, the TRICS database was analysed to find comparable sites with comparable trip rates. For the existing site, the 'Residential/ Houses Private Owned' and 'Employment/ Industrial Use' categories were used to obtain trip rates which is acceptable. The applicant also applied the following TRICS parameters to obtain their trip rates for the existing land use:

- Vehicles;
- England Sites, excluding Greater London;
- 6 to 20 units / 300 to 900sqm;
- Monday to Friday; and
- Suburban Area, Edge of Town, Neighborhood Area, Residential Zone and Village.

The parameters used are considered acceptable. The resultant trip rates and associated trip generation based on 2 units for residential and 89sqm for industrial operations are as follows:

- AM Peak:
- Trip Rate: 0.136 arrivals and 0.408 departures (residential units)
- No. Trips: 0 arrivals and 1 departure resulting in 1 two-way trip (residential units)
- Trip Rate: 0.620 arrivals and 0.155 departures (industrial unit)
- No. Trips: 1 arrival and 0 departures resulting in 1 two-way trip (industrial unit)
- Total No Trips: 1 arrival and 1 departure
- PM Peak:
- Trip Rate: 0.350 arrivals and 0.136 departures (residential units)

- No. Trips: 1 arrival and 0 departures resulting in 1 two-way trip (residential units)
- Trip Rate: 0.000 arrivals and 0.930 departures (industrial unit)
- No. Trips: 0 arrivals and 1 departure resulting in 1 two-way trip (industrial unit)
- Total No Trips: 1 arrival and 1 departure

Proposed Use

The category of 'Residential/ Retirement Flats' was utilised for the purposes of obtaining trip rates for the proposed development. This is a robust and therefore acceptable approach based on the comparison with the 'Health / Care Home' trip rates analysed. The following parameters were used in the interrogation of TRICS for obtaining the trip rates in the TA:

- Vehicles;
- England Sites, excluding Greater London;
- 28-80 units;
- Monday to Friday; and,
- Suburban Area, Edge of Town, Neighborhood Area and Residential Zone.

These are considered acceptable for the purposes of this proposed development. The resultant trip rates per unit, and associated trip generation based on 40 units, are as follows:

- AM Peak:
- Trip Rate: 0.117 arrivals and 0.075 departures
- No. Trips: 5 arrivals and 3 departures resulting in 8 two-way trips
- PM Peak:
- Trip Rate: 0.077 arrivals and 0.096 departures
- No. Trips: 3 arrivals and 4 departures resulting in 7 two-way trips

Net impact

The TS has provided a net trip generation profile which is not considered to be acceptable because it includes an assumption that half of the overspill car park arrives and departs during peak hours without any survey data or factual data to support this. The net trip generation should be compared to the existing site rather than the 'potential'. Therefore, the net trip generation profile should be as follows:

- AM Peak: 4 arrivals and 2 departures resulting in a total of 6 two-way trips
- PM Peak: 2 arrivals and 3 departures resulting in a total of 5 two-way trips

It is unlikely that the addition of 6 and 5 two-way vehicle trips in the AM and PM peak hours, respectively, would have a severe impact on the local highway network.

Highway safety

The applicant obtained Personal Injury Collision (PIC) data for the five-year period between 01/01/2013 to 31/12/2017 on Brook Street from HCC. The results indicated that across the study area eight collisions took place, all but two were slight in nature. The serious incidents occurred at different locations, two years apart and therefore HCC does not anticipate that any existing highway safety issues would be exacerbated by the development proposals.

Proposed Mitigation

The following mitigation is proposed as part of the development proposals:

- Improvements to the site access to provide sufficient visibility splays; and
- 1.8m footway on the access road for pedestrians.

The proposed mitigation is acceptable at a minimum and mitigation on the wider network would be sought due to the nature of the proposed development. Improvements on the wider network may include improvements to the footways, crossing facilities for ease of access to bus stops in the vicinity of the site, etc.

Highway layout

Vehicle site access

Vehicular access to the site would continue to be via the existing dropped kerb; however, a more formal arrangement of the site access road would be provided, which would accord to HCC design guidance. The design drawing provided in Appendix H of the TS has been reviewed and it is considered that the proposed access arrangement is acceptable in principle but would be subject to review as part of any future Section 278 Agreement.

The visibility splays for the site have been designed in accordance with appropriate guidance set out in Manual for Streets.

Pedestrian access

Pedestrian access would continue to be proposed from Brook Street as per the existing arrangement with a 1.8m footway on the proposed access road for pedestrians.

Swept Path Assessment

The applicant has not provided car swept path assessment drawings for the proposed site.

Refuse and Servicing Arrangements

The applicant has not provided refuse swept path assessment drawings for the proposed site, although has described that refuse collections would be undertaken via the vehicle entering the site in order to access the bin store area situated along the northwestern boundary. Without swept path analysis HCC is unable to understand how this could be undertaken. Additional information is required to support that the refuse collection arrangements are safe and suitable for the purposes of this development.

Future maintenance of the access road

Due to the nature of the site, it would not be considered that HCC would adopt the internal access network and maintenance would therefore not be the responsibility of HCC.

Parking

Car parking provisions and layout

It is stated in the TS that the applicant would provide 40 off-street car parking spaces that would be accessed from Brook Street. The TS has not confirmed how many bays would be for disabled users or how many bays would be for electric vehicle spaces at the development.

Dacorum Borough Council Car Parking Standards require 20% active and 20% passive electric charging bays for all schemes with sites larger than 10 dwellings.

Dacorum Borough Council Car Parking Standards require 0.75 spaces per unit for sheltered accommodation that is warden controlled and 0.25 spaces per unit for visitors. Therefore, Dacorum's car parking standards require a maximum of 40 car parking spaces. The proposed development car parking provision is in line with these standards. The proposed car parking is considered acceptable to HCC; however, it is ultimately the responsibility of the LPA to determine the suitability of the car parking provision.

Disabled parking provisions

Dacorum Borough Council Car Parking Standards require that for residential use, 1 disabled space is provided for every dwelling built to mobility to standard, and for car parks associated with new employment premises, 5% of the total car park capacity should be blue badge to accommodate both employees and visitors. The TS does not state how many of the spaces at the proposed development would be designated disabled spaces. It is ultimately the decision of DBC to determine the suitability of disabled parking provision.

Cycle parking provisions

Dacorum Borough Council Car Parking Standards for residential use state that for warden control sheltered accommodation, 1 short-term space per 3 units plus 1 long-term space per 5 units is required. No reference has been made to cycle parking in the development submission. HCC's Local Transport Plan (LTP) 4 places an emphasis on supporting development where sustainable transport is supported. On this basis, the applicant should provide cycle parking in line with the requirements set out by DBC. However, it is ultimately the decision of DBC to determine the suitability of cycle parking provision.

Accessibility

Public transport

Bus

The public transport infrastructure surrounding the site provides easy access to and from a range of locations.

The closest bus stops are the 'Shugars Green' ones which are located 80m north of the site along Brook Street. The stop on the western side of the highway provides a seated shelter which is signposted with timetable information, and the stop on the eastern side

provides a flag-and-stop pole, with signposted timetable information. Both stops are served by the 50, 61 and 164 services. A summary of the bus services available on Brook Street/ Shugars Green is included within Table 3 of the TS.

The above summary illustrates the variety of bus routes available, including local town services and inter-urban routes and all routes would give access to Aylesbury.

Rail Tring Railway Station is the closest station to the proposed development site, which is located approximately 2.8km to the east of the proposed development. Tring Railway Station lies on the West Coast Line, which runs from London to Scotland via Birmingham and Manchester. It is served by the London Midland Train Operating Company. It is noted that the station is accessible via car, foot, bicycle or bus.

A summary of the rail services available from Tring station are included within Table 4 of the TS.

Walking and Cycling

A summary of the benefits of suitable walking and cycling infrastructure has been provided within the TS.

It is noted that there are a variety of local facilities within an 800m walking distance of the site. The TS does not describe the local pedestrian footways and if they are considered to be sufficient. However, it is noted that footways are available on both sides of Brook Street leading to the town centre. Whilst there are footways, they are in poor condition and are narrow. There is potential for improvements to be built by the developer under a S278 agreement with the highway authority or funded via Section 106 contributions.

A review of local cycle routes demonstrated that although there are no National Cycle Routes within close proximity of the site (2km), there are several local routes on road which provide access to Tring Station and beyond.

HCC notes that the site appears reasonably well situated in terms of access to the facilities within Tring.

Conclusion

HCC as highway authority has reviewed the application submission and wishes to object to the proposed development based on the points detailed within this response letter.

(09/11/18)

Herts Ecology

The Hertfordshire Environmental Record Centre does not have any biological data related to this specific property. Despite this, and its urban location, there are extensive areas of semi-natural habitats nearby, including Tring Park Local Wildlife Site (LWS) and the Chilterns Beechwoods Special Area of Conservation (SAC) which are likely to provide foraging opportunities for bats.

Whilst an adverse effect on the LWS and SAC can be ruled out, it is likely that bats will forage around the Mill and, given its age, design and condition, may exploit opportunities

to roost or shelter within it; there are records of bat activity in the locality.

As demolition is proposed, bats that depend on the property to roost or shelter could be harmed. Bats are protected under domestic and European law and in general terms, it is an offence to disturb or harm a bat, or, damage or obstruct access to a roost or place of shelter. Without evidence of the presence or absence of bats, the Local Planning Authority (LPA) cannot be certain that demolition won't lead to an offence being committed and, therefore, is unable to determine this application.

Therefore, the LPA should request the completion of a 'Preliminary Roost Assessment' (PRA) by an appropriately qualified and experienced Ecologist to evaluate whether bats are (or evidence of them is) present and will be affected by the proposals. Such surveys can be undertaken at any time of year but must follow established best practice (Bat Conservation Trust Good Practice Guidelines, 3rd edition, 2016).

The outcomes should be considered by the LPA before the application is determined. If evidence or potential is found, further surveys will probably be required which can only be carried out in summer (ideally between May and August).

Given that adverse effects on the SAC can be ruled out, there is, therefore, no need for the LPA (as the competent authority) to carry out a Habitats Regulations Assessment.

Notwithstanding the outcome of the PRA, the National Planning Policy Framework also encourages development proposals to deliver net gains for biodiversity. Therefore, the need to incorporate biodiversity enhancements appropriate to the site, its surroundings and the scale of development (and designed by a suitably experienced ecologist) should form part of any consent. Enhancements suitable in this case could include integrated bat roost and bird nesting units within the fabric of the new building of a type and in a location appropriate to species of local importance.

Given that adverse effects on the SAC can be ruled out, there is, therefore, no need for the LPA (as the competent authority) to carry out a Habitats Regulations Assessment.

(11/10/18)

Conservation

We have reviewed the amended proposals and would comment as follows: (These comments should be read in conjunction with our earlier comments.)

The proposals would be acceptable. We welcome the further revisions to the elevations and believe that the scheme would sit more comfortably within the built environment than before. The chimney details are acceptable as are the other revision to the entrance area. However it would appear that the first floor side lights to the entrance area whilst shown on the floor plans are not on the elevations. This should be corrected.

We note that repairs to the flint and brick boundary wall are mentioned and we would welcome its repair and retention. However a specification and method statement for the repair of this feature should be submitted as part of any application.

Recommendation: The proposals are acceptable in principle and would be fully supported by the conservation and design dept. The permission should be conditioned

as noted in the previous comments with regards to sample panels of the brickwork and details of external materials, joinery and finishes. Hard and soft landscaping should also be conditioned. Ideally a revised elevation should be submitted to confirm the additional windows to the entrance area.

(29/11/18)

Scientific Officer

Please be advise that we have no objection to the proposed development in relation to Noise, Air Quality and land contamination.

However, with the proposed development located on a radon affected area where 1-3% of homes are above the action level as well as on a landmark historic land of electricity production and distribution (in large transformers) of medium risk and former contaminated land use i.e. electric power station, the following planning conditions and informative are recommend should planning permission be granted having given adequate consideration to the submitted Design and Access Statement and Planning Statement.

1a). Contaminated Land Condition

No development, shall take place until a Phase I Report to assess the actual or potential contamination at the site has been submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified, further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary, a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.

For the purposes of this condition:

- A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.
- A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.
- A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.

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

1b). All remediation or protection measures identified in the Remediation Statement referred to in Condition 1a above shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.

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

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32 and the NPPF (2012).

2). Construction Management Plan Condition

No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan should consider all phases of the development.

Therefore, the construction of the development shall only be carried out in accordance with the approved Construction Management Plan which shall include details of:

- a) Construction vehicle numbers, type, routing
- b) Traffic management requirements
- c) Construction and storage compounds (including areas designated for car parking)
- d) Siting and details of wheel washing facilities
- e) Cleaning of site entrances, site tracks and the adjacent public highway
- f) Timing of construction activities to avoid school pick up/drop off times
- g) Provision of sufficient on-site parking prior to commencement of construction activities
- h) Post construction restoration/reinstatement of the working areas and temporary access to the public highway.
- i) Construction or Demolition Hours of Operation
- j) Dust and Noise control measure
- k) Asbestos control measure where applicable

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with Core Strategy (2013) Policy CS8.

3). Demolition Method Statement

Prior to demolition works commencing a Demolition Method Statement shall be submitted to and approved in writing by the Local Planning Authority for a management scheme whose purpose shall be to control and minimise emissions of pollutants from and attributable to the demolition of the development. This should include a risk assessment and a method statement in accordance with the control of dust and emissions from construction and demolition Best Practice Guidance published by London Councils and the Greater London Authority. The scheme shall set out the secure measures, which can, and will, be put in place.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with Core Strategy (2013) Policy CS8.

4). Energy Source Condition

a. With the applicant failing to reference the site energy source in any of the submitted supportive information; should the development have CHP or biomass, the CHP and or biomass boilers must not exceed the Band B Emission Standards for Solid Biomass Boilers and CHP Plant as listed in Appendix 7 of the London Plan's Sustainable Design and Construction SPG document. Prior to the development commencing, evidence to demonstrate compliance with these emission limits will be submitted to the Local Planning Authority for approval.

b. Prior to installation, details of the boilers shall be forwarded to the Local Planning Authority for approval. The boilers shall have dry NO_x emissions not exceeding 40 mg/kWh (0%).

c. The CHP must have a discharge stack which is at least 3m above any openable windows or ventilation air inlets within a distance of 5U_m. Details to demonstrate compliance with this condition must be submitted to the local authority for approval prior to works commencing.

Reason: To ensure the amenities of the neighbouring premises are protected from increased air quality arising from the development; in accordance with Policies CS8 and CS32 of the Core Strategy (2013).

5). Un-expected Contaminated Land Informative

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended because, the safe development and secure occupancy of the site lies with the developer.

Should you have any further query in respect of the application, please do not hesitate contact me on Ext 2719 quoting Flare reference 563606.

(03/10/18)

Conservation

The proposal involves the demolition of two dwellings. These were part of a complex of two pairs of cottages the other pair having been demolished in the second half of the 20th century. They appear to date from the Edwardian period, The pair are constructed of 2 storeys in brickwork with a tiled roof. There are 3 large dormer windows and to the front (rear garden) There are bay windows under a porch. Detailing includes the visible rafter feet, cruciform windows and ornately detailed chimney stacks. It has had a two storey side extension to Brook Street. These details copy the detailing of the original building.

The proposed site is located close to the silk mill. This is a grade II listed industrial complex relating to the Georgian silk mill with associated support structures. Between

this and the development site are a number of industrial sheds of lesser interest dating from the second half of the 20th century. To the roadside one is of superior quality and has some interesting brick detailing.

In relation to the existing dwellings they have some visual and historic interest. However, they are not listed, curtilage listed or locally listed. Therefore, we believe that these have a low level of historic significance. The rest of the site has been cleared and is of lesser interest. Adjacent are Victorian terraced houses to Brook St and post war housing to Kingsley Walk. The other site is bound by an area of open space.

We believe that the overall design solution would sit comfortably with the surrounding heritage assets. They do not challenge the scale or massing of the silk mill and it would continue to be able to be read and understood in its own right. The proposal is subservient but responds to some of the details on the main mill site therefore maintaining the general character of the area. The construction on this area of previously developed land would not impact on the significance or understanding of the proposals. As per the act we would give great weight to the protection of the setting of the silk mill. However, we believe that any impact to its setting caused by this scheme would be negligible and therefore would not object to the proposed scheme in relation to its impact on the setting of the designated heritage asset.

The proposed design and materials are in keeping with the general character of the area. The principle elevations to Brook St and the Park would appear to be in keeping with the character of the historic environment. The elevations are in brick with slate roofs and constructed to domestic proportions and fenestration (rather than those of civic structures) broken up with rendering to the bay windows. Overall we believe that they would be acceptable but would recommend some minor changes to the detail. Ideally the chimneys should be double the depth shown at present. Further chimneys should be added to the Brook Street elevation to retain provide a suitable traditional character and help break up the long sweep of the ridge. The only other minor change we would recommend would be that to the main entrance door (opposite the park) that side lights be added to the ground floor and could be considered for the first floor.

Otherwise we believe that the proposals would be acceptable. As with all large schemes of this style it would be particularly important to ensure that the detailing is in keeping with the character of the building. Therefore, we would recommend that the bricks, brick bond (not stretcher bond) mortar colour window header and cill detail, joinery details, eaves details and chimney details, rainwater goods and metal work and finish and render colour be agreed. It may be helpful to reduce conditions to agree some of these details prior to the application being determined. The landscaping materials and details should also be agreed.

We note that there appears to be a lack of information about the brick and flint boundary wall at the top of the bank. This feature is of historic importance, adds to the character of the area and should be preserved and restored rather than rebuilt. Therefore, it would be recommended that its repair be conditioned through a method statement.

Recommendation: The proposals are acceptable in principle and with minor changes noted above would be fully supported by the conservation and design dept. The permission should be conditioned as noted unless further details are submitted.

(3/10/18)

Design Out Crime Advisor

With regard to crime prevention and security , I do not have enough information to make an informed comment. At present I am liaising with Architects- Hinton Cook , my question is :

Is this development being built to C2 or C3 and if it is C2 will it be built to the security requirements set out in the building regulations , Approved Document Q , or Secured by Design.?

(01/10/18)

Strategic Housing

Extra care development are not subject to affordable housing obligations.

(20/09/18)

Environment Agency

In the absence of a flood risk assessment (FRA), we object to this application and recommend refusal of planning permission until a satisfactory FRA has been submitted.

Reasons

The application site lies partially within Flood Zone 3 defined by the Environment Agency Flood Map as having a high probability of flooding. Paragraph 163, footnote 50 of the National Planning Policy Framework (NPPF) requires applicants for planning permission to submit an FRA when development is proposed in such locations. An FRA is vital if the local planning authority is to make informed planning decisions.

In the absence of an FRA, the flood risk resulting from the proposed development are unknown. The absence of an FRA is therefore sufficient reason in itself for a refusal of planning permission. This is also in line with your local plan policy; CS31 – Water Management which states that all developments within a flood zones 2 and 3 must be accompanied by a Flood Risk Assessment.

Overcoming our objection

The applicant can overcome our objection by undertaking an FRA which demonstrates that the development is safe without increasing risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application. Production of an FRA will not in itself result in the removal of an objection.

Please make the applicant aware that in February 2016 we published our new climate change allowances, and these will therefore need to be taken into account within the FRA. Further details can be found at <https://www.gov.uk/guidance/flood-riskassessments-climate-change-allowances>. End 2

We ask to be re-consulted with the results of the FRA. We will provide you with our comments within 21 days of receiving formal re-consultation. Our objection will be

maintained until an adequate FRA has been submitted.

Advice to Local Planning Authority – Sequential Test

In accordance with the NPPF paragraph 158, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the National Planning Policy Framework.

(18/09/18)

HCC Minerals & Waste

I am writing in response to the above planning application insofar as it raises issues in connection with waste matters. Should the council be mindful of permitting this application, a number of detailed matters should be given careful consideration.

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 encourage districts and boroughs to have regard to the potential for minimising 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 council is urged to pay due regard to these policies and ensure their objectives are met.

The county council would expect detailed information to be provided separately for the demolition, site preparation and construction phases of development. The waste arisings will be of a different composition from each of these phases. Good practice templates for producing SWMPs can be found at:

<http://www.smartwaste.co.uk/> or

http://www.wrap.org.uk/construction/tools_and_guidance/site_waste_management_planning/index.html

The SWMP should be set out as early as possible so that decisions can be made relating to the management of waste arisings and so that 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. It will also help in determining the costs of removing waste for a project.

The county council as Waste Planning Authority would be happy to assess any SWMP that is submitted and provide comments to the two councils.

(17/09/18)

Herts Fire and Rescue

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

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

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

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

The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22). In practice, the number and location of hydrants is determined at the time the water services for the development are planned in detail and the layout of the development is known, which is usually after planning permission is

granted. If, at the water scheme design stage, adequate hydrants are already available no extra hydrants will be needed.

Section 106 planning obligation clauses can be provided on request.

Justification

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

The County Council seeks fire hydrant provisions for public adoptable fire hydrants and not private fire hydrants. Such hydrants are generally not within the building site and are not covered by Part B5 of the Building Regulations 2010 as supported by Secretary of State Guidance "Approved Document B".

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

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

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

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

(ii) Directly related to the development;

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

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

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

I would be grateful if you would keep me informed about the progress of this application so that either instructions for a planning obligation can be given promptly if your authority

if minded to grant consent or, in the event of an appeal, information can be submitted in support of the requested provision.

(17/09/18)

Strategic Housing

To meet the affordable housing policy requirements 35% of the dwellings should be agreed for affordable housing.

Therefore, 14 units should be provided for affordable housing. We would specify that the tenure mix of the affordable housing provision is 75% affordable rented and 25% shared ownership in line with our Affordable housing SPD.

(12/09/18)

Appendix B

Neighbour notification/site notice responses

Objections

62 Brook Street - Limited access on an already busy and dangerous street. School crossing point and increased traffic will affect safety of children. Pavement running down Brook St not suitable for older people as very narrow with heavy traffic. Not enough parking already on street and as the new flats along Brook street have already shown residents are parking on roads instead of using provided car parking spaces which causes additional bottlenecks. When high street is closed this is the only route through town and more flats mean more traffic which affects emergency services .

(9/05/19)

2 Fog Cottages - I object because there isn't sufficient parking available for 41 flats. Also Tring doesn't have enough doctors or schools to support any more population. We are a small market town and by building more and more flats you are turning it into an ugly big concrete jungle of a town.

(6/05/19)

54 Brook Street - I strongly object to the proposed application.

The road is already an extremely busy road with cars travelling at a great speed.

Parking is extremely limited, with visitors to the industrial complex and the flats further along the road, which were built without adequate parking. 41 flats would make parking for Brook St residents extremely hard. 41 flats would bring probably 82 cars, plus any visiting cars - where would overflow parking be?

Parking in inappropriate places will cause danger.

Services (Ambulance/Police/fire brigade) already struggle to pass along the road, more cars will cause delays to response times.

Daylight into Brook St houses is going to be reduced massively with the height of flats. Is this right?

I note comments about refuse lorries and tree roots being damaged, which endorse my objection.

How do flats fit in with the property already in the road?

(6/05/19)

36 Kingsley Walk - I would strongly object to this application - reasons being:

- This is already being an excessively busy road, including traffic build up and parking from the flats built just along the road, the traffic from Silk Mill Industrial Area
- 1. This is the location of the school crossing - the road opposite leads up to the school
- 2. Children's play area/courts within meters of the location
- 3. People currently struggling to park and driving all over the grass (recently saw a child nearly hit by a car driving on the grass by one of the residents of the houses that are potentially to be demolished, so if 45 additional spaces are provided for 41 care homes - this is increasing traffic build up and potentially not enough parking therefore increasing potential for further incidents and accidents).
- 4. The flats built along the road provide underground parking, but they continue to park on the road/pavement outside the flats because of flooding in the underground car park, therefore increasing congestion on this road.
- 5. Parking is already made on pavements and the grass by local residents and people working in the local businesses so the increase in traffic for 'new' residents is going to further increase the pressure.

In my view, this planning application is very poorly thought out for the location.

(4/04/19)

124 Kingsley Road – We are writing in connection with the above planning application. We have examined the plans and we know the site well. We wish to object strongly to the development of these houses in this location as the proposal's impact on our property and surrounding area would be effected. Using Dacorum's Local Planning Framework's, Adopted Core Strategy 2013, CS12 of the core strategy our objections are the following:

- **CS12 f and g: integrate with the streetscape character and respect adjoining properties in terms of: height, landscaping and amenity space:**

The proposed three storey development will have an impact on amenity as a change of use from an occasionally used car park to a housing development with a different architectural style, not in keeping with the existing 2 storey surrounding area and character to that of the Grade II listed Old Silk Mill Industrial Estate and terraced cottages of Brook Street. It is our belief that the proposal **constitutes over development**. The proposed site has been vacant for 40 years.

The Statement, Figure 5, clearly shows the height of the proposed apartments which have a higher roof ridge line than the Brook Street cottages which are built at a raised height from the pavement. The apartments are higher than the surrounding Silk Mill Industrial units, dominating the 2 storey street scape, and out of character with the nearby Grade 2 listed Old Silk Mill and the two storey Kingsley Walk – constituting over development of Brook Street.

- **CS12 d: retain important trees or replace them if their loss is justified, CS12 e: plant trees and shrubs to assimilate development and softly screen settlement edges:**

We are concerned about the retention of trees along the boundary of the site alongside the public footpath on the edge of Kingsley Walk as they provide a green corridor for wildlife linking the Bulbourne chalk stream to other green areas, including the parkland. The trees also provide natural screening and privacy to residents on our existing estate. During the site preparation there have been a number of these trees cleared already along the steep sided slope at the boundary of the site next to the public footpath by the Kingsley Walk estate.

Proposed screening on the north west aspect, facing Kingsley Walk appears to be planted on top of the ground floor. Trees will require a good depth of soil, Urban, 1992, Tree size to soil volume relationship's table show a tree with a 202mm trunk diameter and 32m squared crown cover just over 11m cubed volume of soil. *this table can be seen in supporting information at the end of the objection letter. If the proposed trees are to act as a screen, they will need to be of considerable height, in order to screen the Kingsley Walk properties they will require an adequate soil depth to support the trees' root system and anchor the trees securely.

- **CS12 a: Provide a safe and satisfactory means of access for all users.**

The Statement provided within the amended application refers to the National Planning Policy Framework (NPPF), July 2018, referring to paragraph 109, 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe. Within this

context, Paragraph 110 advises that developments should give priority to pedestrians and cycle movements, address the need of disabilities or reduced mobility, and minimise the scope of conflicts between pedestrians, cyclists and vehicles.

The applicant, **Hounsfeld Limited commissioned M-EC Traffic Report, August 2018** fails to mention conflicts of road use at the site entrance to the apartments, omitting completely that the access point is situated on the site of the school crossing patrol point, at the point where the road narrows due to parking on the Tring bound lane to single file for a distance of approximately 100 metres and that the crossing point is used by many throughout the day, including the elderly people who live in Shugars Green opposite the site entrance. Visibility for pedestrians at this point is very poor and restricted crossing from Shugars Green, as there are parked cars obscuring the view. There is only a passing comment of the parking, which creates a single lane along the entire length of the proposed apartments and the Silk Mill Industrial Estate.

The M-EC Traffic Report collected their survey data 17-23 July 2018, with a site visit 20 July 2018 at an unspecified time. It must be noted that Tring schools year 11 and Upper Sixth pupils had already left school and road use would have a shown a reflection of this. No surveys of pedestrians crossing usage were taken.

TRIP calculation rates (Table 7) showed no reflection of trip numbers of visitors, delivery vehicles, refuse vehicles and carers to the site. Table 7 draws comparisons between (theoretical) half occupancy numbers of previous vehicle TRIPs with the proposed apartments, concluding during peak hours of 0800-0900hrs and 1700-1800hrs, 28 trips were made in each of these times in previous use and 8 trips would be made between 0800-0900hrs and 7 trips between 1700-1800hr by the apartments. As residents who overlook the car park, vehicle numbers were on average most days between 3 and 5 vehicles which generally were parked, without being moved all day, arriving between 0700-0800hrs in the morning. (We have never witnessed the car park at half parking occupancy) Therefore the Table 7 stated 'Net change (+/-) between the half occupancy and extra care apartments of -20 trips (0800-0900hrs) and -21 trips (1700-1800hrs) is inaccurate.

Section 5.7 in the Statement, 'The site can be easily accessed by foot or cycle ...' excluded from the statement are the ease of access of mobility scooter and wheelchairs, which no doubt some of the apartments' potential residents will use, especially as the architect has made provision for their parking and storage within the plans. The pavement directly outside the development along Brook Street is particularly narrow with lamp posts and drainage pipes on the sides of Silk Mill Industrial Estate, narrowing the pavement and causing obstacles for wheelchairs and Class 2 scooters. Class 3 scooters intended for road use would have to

navigate the single lane, (due to parking along Brook Street), which would cause further congestion, travelling a maximum of 8 miles an hour, not to mention safety, as the road is very busy and narrow.

The footpath which would be used to access the Co-op is a steep slope and stepped path from the development which would mean residents with mobility issues would not be able to access, leaving limited options; walking a longer distance along busy narrow pavements to access Tring town centre, catching unreliable buses, or becoming stranded, and unable to live independently. Section 5, page 9 refers to the NPPF 'deals with sufficient supply of homes and the governments continued commitment to boosting the supply of homes, including homes to meet the needs of groups with specific housing requirements.' It is our belief that the site will inadequately provide access for it's intended extra care residents, offering limited access to Tring, stranding it's residents,

The proposed development plans have provided 45 car parking spaces. Cars will require access in and out of Brook Street daily. **Road safety is at risk.** Traffic through Brook Street can be very heavy, as it is an important route towards the B488 and B489. The point of site access from Brook Street is where a busy school crossing is located and just as the road narrows due to parking on the Tring bound lane in front of the terraced houses numbering 50 upwards. This road is particularly congested at school start and finish times and during rush hour. Children wishing to cross the road outside of school start and finish times will have to negotiate this very busy crossing alone, as with elderly residents of Shugars Green (opposite site entrance).

There will be poor visibility at the point of access from Brook Street at an already congested bottleneck section of the road. It must also be noted that Tring Fire Station and paramedic response is located on Brook Street near to the site which may compromise their emergency response. It must also be noted that large vehicles such as refuse collection vehicles, and delivery vehicles will need to gain access to the site, all increasing the site T.R.I.P. numbers. The 'extra care scheme' will require staff and residents will no doubt receive visitors, who will require parking, of which there is already inadequate numbers of parking areas/spaces along Brook Street.

During the construction there will be site traffic: large construction vehicles, construction delivery vehicles and site worker traffic to be accommodated along the already narrow Brook Street.

• **The Charter Appraisal Tring Design Objectives relating to the proposal 1. Conserve the historic core.**

The designs are not in keeping with the surrounding Old Silk Mill Industrial Estate or the Victorian and Edwardian properties of Brook Street. The map showing Tring

Character Areas (page 333 of Area Based Policies) outlines the Old Silk Mill Industrial Estate as a likely development potential as one of 'minimal change'.

5. Maintain low rise characteristic of the town.

i.e. to **not be more than 2 storey** - the plans are for a 3 storey development, **constituting over development** of the Brook Street area.

The National Planning Framework, paragraph 127, as referred to in the Statement, 'developments should optimise the potential of a site to accommodate and sustain an appropriate amount of development. Paragraph 130 confirm that developments should take opportunities to improve the character and quality of an area and the way it functions.'

• **Dacorum's Core Strategy Charter Appraisal** lists Brook Street as **TCA15** with an approach to 'Improve and develop defined character. Infilling may be acceptable according to the Development Principles'. We believe that this development is contrary to the above.

(3/04/19)

140 Kingsley Walk - Could you please add these photographs to your portfolio in order to discount the claims of the developer of the site being used by fly tippers. Can these photographs please be displayed along with the ones that you will show on the screen to disprove these fictitious claims. As you can clearly see the site is locked and the staff on site are tipping their own waste. The site is still a mess in order for the proposal to be approved. I have also noted that they have suggested that the site has been burglarised - another claim that is easily disproven I have searched the police records back to 2016 and am unable to find any burglary that has been reported on these premises?

(2/04/18)

59 Brook Street – Objects

(1/04/19)

5 Beech Walk - I object to the proposed development of these flats. Brook Street is already congested with traffic and very difficult for pedestrians. The parking is already inadequate for the current residents and crossing the road close to where this development is proposed is very dangerous. I do not live in this road but use it regularly. I understand that housing is required but the original proposal for 4 houses would have been much more appropriate for the limited space. (1/04/19)

25 Hunters Close - Tring Town Council has already strongly refused the development. The proposed development is next to a busy school crossing patrol point cutting through from Shugars Green and the footpath parallel to Brook Street by Kingsley Walk. The single file traffic, due to parking in front of the cottages opposite the industrial estate has created a bottle neck on Brook Street, where users of Brook Street are regularly encountering difficulties/conflicts crossing Brook Street or driving through the single lane

infront of the Silk Mill industry estate.

The development will have parking for the 41 apartments plus visitor spaces, which will all enter and exit from the existing drive to 21 and 22 Brook Street, onto Brook Street at the point of the school crossing patrol point and onto Brook Street where the single lane traffic begins. THIS WOULD BE EXTREMELY HAZARDOUS!

The development is not fit for purpose, positioned in an area where those with comprised mobility are unable to safely leave the development, having to negotiate very narrow pavements.

I am very concerned about children going to Tring school crossing and the extra amount of traffic. Brook Street is almost impassable at present and the additional traffic we make it completely unmanageable.

Tring does not have the road or local infrastructure (e.g. Drs) to copy with this development. Also please note a similar development on the same road at the petrol station was recently refused for similar reasons.

(01/04/19)

86 Cross Oak Road, Berkhamsted - I object as i feel that the natural habitats are being ruined, looking at all these green trees and all the greenery they have, it is being taken over by housing. Do we need more houses for humans or more homes for the wildlife? We need to protect our wildlife as in some species there is already a decline. Also the amount of traffic will be more. More families will bring more cars, therefore the amount of traffic in Tring is unbareable to think about.

(11/03/19)

86 Cross Oak Road, Berkhamsted - Brook street when i have driven down it is a busy street with cars sometimes parked on one side. Do we really need these to cause more traffic congestion. More houses will mean more traffic and pollution added in the air.

(12/02/19)

134 Kingsley Walk - After reviewing the recently amended plans for the above application we would like to amend our objection accordingly, whilst still including our original objections.

*Amended objection are added in green throughout the original letter.

We are writing in connection with the above planning application. We have examined the plans and we know the site well. We wish to object strongly to the development of these houses in this location as the proposal's impact on our property and surrounding area would be effected. Using Dacorum's Local Planning Framework's, Adopted Core Strategy 2013, CS12 of the core strategy our objections are the following:

6. CS12 f and g: integrate with the streetscape character and respect adjoining properties in terms of: height, landscaping and amenity space:
The proposed three storey development will have an impact on amenity as a

change of use from an occasionally used car park to a housing development with a different architectural style, not in keeping with the existing 2 storey surrounding area and character to that of the Grade II listed Old Silk Mill Industrial Estate and terraced cottages of Brook Street. It is our belief that the proposal constitutes over development. The proposed site has been vacant for 40 years.

The Statement, Figure 5, clearly shows the height of the proposed apartments which have a higher roof ridge line than the Brook Street cottages which are built at a raised height from the pavement. The apartments are higher than the surrounding Silk Mill Industrial units, dominating the 2 storey street scape, and out of character with the nearby Grade 2 listed Old Silk Mill and the two storey Kingsley Walk – constituting over development of Brook Street.

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We are concerned about the retention of trees along the boundary of the site alongside the public footpath on the edge of Kingsley Walk as they provide a green corridor for wildlife linking the Bulbourne chalk stream to other green areas, including the parkland. The trees also provide natural screening and privacy to residents on our existing estate. During the site preparation there have been a number of these trees cleared already along the steep sided slope at the boundary of the site next to the public footpath by the Kingsley Walk estate.

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people who live in Shugars Green opposite the site entrance. Visibility for pedestrians at this point is very poor and restricted crossing from Shugars Green, as there are parked cars obscuring the view. There is only a passing comment of the parking, which creates a single lane along the entire length of the proposed apartments and the Silk Mill Industrial Estate.

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During the construction there will be site traffic: large construction vehicles, construction delivery vehicles and site worker traffic to be accommodated along the already narrow Brook Street.

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The designs are not in keeping with the surrounding Old Silk Mill Industrial Estate or the Victorian and Edwardian properties of Brook Street. The map showing Tring Character Areas (page 333 of Area Based Policies) outlines the Old Silk Mill Industrial Estate as a likely development potential as one of 'minimal change'.

5. Maintain low rise characteristic of the town.
i.e. to not be more than 2 storey - the plans are for a 3 storey development, constituting over development of the Brook Street area.

The National Planning Framework, paragraph 127, as referred to in the Statement, 'developments should optimise the potential of a site to accommodate and sustain an appropriate amount of development. Paragraph 130 confirm that developments should take opportunities to improve the character and quality of an area and the way it functions.'

- Dacorum's Core Strategy Charter Appraisal lists Brook Street as TCA15 with an approach to 'Improve and develop defined character. Infilling may be acceptable according to the Development Principles'. We believe that this development is contrary to the above.

We would be grateful for your consideration regarding these concerns.

(19/11/18)

6 The Pightle, Pitstone - Adding any type of additional residential properties that will further add to the weight of traffic and therefore an even higher risk of accidents is simply ludicrous.

The council have done nothing to think about or manage road safety on this stretch of road. Would suggest paying some thought to this first is of higher priority to existing residents than allowing planning for yet more flats and people.

As raised by others the nature and character of the buildings appear to have been given little care or thought.

(07/10/18)

40 Longbridge Way - As a Tring resident and regular user of Brook Street. Brook Street is already a congested busy road, any additional housing will almost certainly exacerbate the situation, given the applications "garage accommodation" will almost certainly be inadequate (given the consequence of the recently built flats at Massey House), thus resulting in more street parking. This will aggravate what has already developed into a serious hazard with the exit to Silk Mill Trading estate entrance combined with existing overflow and resident parking creating a situation where an accident waiting to happen.

(07/10/18)

96 Roseberry Way - additional congestion with no provision to add more facilities (doctors, parking etc)

(07/10/18)

10 Brookfield Close - This development is wholly inappropriate for the proposed site. Brook Street is a very busy thoroughfare which is already heavily parked with vehicles using the industrial estate and residents who do not have any off street parking. The visibility exiting the site is a concern, particularly as it is near a very busy pedestrian crossing point. Pupils for Tring School and Grove primary school cross here in large numbers. The proposed development has inadequate parking which will exacerbate already serious problems on the road. The proposed development is of such large scale and height that it will dominate the surroundings and is not at all in keeping with the Victorian cottages in the immediate area. Tring needs affordable housing for the younger generations, not retirement properties.

(04/10/18)

82 Mill View Road - Brook street cannot sustain a development of this size. It is already too built up and struggles with existing traffic

(4/10/18)

40 Longbridge Close - Brook Street is already a a very congested and heavily used road. The most recent development was built with totally inadequate parking thus adding to part pavement parking, and there is no reason to suppose the same shortcoming will be repeated, also it would appear that absolutely no consideration is to be given to our already overburden local medical facilities, and town car parking, given the other local applications /developments that are being proposed. Finally if we are being "obliged courtesy of HM Government to accept developments, surely Affordable homes for the younger generation, school capacity, doctors etc. should be the priority.

(04/10/18)

1 Hobson Walk - This would be a major development in an already a saturated apartment area. The impact of 44 flats being build with a potential occupancy of double that would have a enormous impact On the pedestrian and road traffic. Brook Street is already the busiest road in Tring. Many many children cross the road at this point , escorted by a lollipop lady heading for Tring School. I also feel strongly that we need more affordable housing for young families in Town in order for them To stay in Tring so the town can remain a healthy balance of ages.

(04/10/18)

53 Brook Street - I am concerned about the volume of traffic that this will make on entering and exiting on to a very congested Brook street which is already taking a lot of cars from the silk mill units as there is a lack of parking spaces. There is also a school crossing patrol at the new access to the proposed extra care apartments, also the road is used by older people crossing the road to visit the co-op shop from shugars green. I am also concerned about being overlooked as the apartments are quite close to the houses in Brook street and feel we will get a loss of light. Could I also point out that there is a culvert which runs under the disused car park and makes its way to the brook further down the road.

(01/10/18)

52 Brook Street - We are increasingly concerned over the excessive size of the proposed scheme. In terms of its siting, density and relationship to the surrounding buildings indicate that the scheme is too big for the site and being three stories high will be overbearing to the existing houses in Brook Street.

I would have thought a Highways / transport statement would have been submitted as part of the application as the proposals would materially add to local congestion. There is no indication on the drawings (autotrack) of how a refuse lorry would enter and exit the site and how they would turn within the site to collect the refuse. I am sure this would affect the on-street parking at the end of Brook Street opposite the proposed vehicle access. Also, we know that a speed survey was carried out (albeit during the school holidays !!) and this has also not been included as part of the application. Cars travel along Brook Street at crazy speeds and proposing more traffic movements will only make the situation more dangerous.

The application does not include a topographical survey, Arboricultural Survey, ecology report (phase 1 habitat survey), Planning Statement and sustainability statement.

During the public exhibition back in June The Architects promised that they would investigate the possibility of a crossing further up Brook Street as currently the junction is used as a school crossing and a busy crossing for pedestrians walking to the coop from Shugars Green.

Although the scheme now provides 1 for 1 parking, there is no indication on the drawings on how visitors parking will be accommodated. The existing parking along Brook Street is already at a premium and with the customers visiting Silk Mill also parking along Brook Street, any further overflowing parking will just exacerbate the situation.

The proposed new vehicle access and path is extremely close to the existing tree.

(within the root protection). No information has been provided on how the new access road will be constructed to an adoptable standard while protecting the roots of the existing tree. Also it seems to me that the refuse lorry will be higher than the oversailing branches of the existing tree.

Rights of light to the houses in Brook Street and future residents of the development, particularly on the ground floor need to be investigated, this is to ensure the 'Vertical Sky Component' measurement is adhered to. The Street frontage of the proposed apartments should be set further back from the pavement to allow plenty of landscaping.

(01/10/18 and 04/10/18)

4 Fog Cottages, Tring Station - This site is not suitable for so many dwellings. Brook street is already busy and even if the residents are all supposedly elderly with no cars they will require visitors parking for relatives, deliveries, medical staff and waste removal etc.

(27/09/18)

69 Brook Street - To be concise:

- * safety of the pedestrians as this is a key crossing area
- * an increase in traffic on an already busy road
- * this site does not offer provision for enough parking for the number of residents, where will the overflow park? The recent change in use at the Mill has resulted in more residential parking being used which has already created a strain for residents
- * there is no detail on the proposed style, the property is surrounded by Victorian terrace houses and a historical silk mill - modern is not appropriate
- * if the development is right on the road, this will result in opposite houses being overlooked, resulting in loss of privacy. It is a narrow road so this will feel very imposing.

The planning application of 41 dwellings is completely inappropriate for the location.

(25/09/18)

138 Kingsley Walk - I'd like to object on these points and would be grateful if you would bring up some of them at the meeting.

1. Loss of Light.... Once again, Hounsfild Ltd feel the need to construct a 3 story site, the roof line of which will partially block out more light to the front of our home. The only reason they keep proposing 3 story plans is to get as much profit as they can from the site and with no consideration to all of us that over look it on both sides of Brook street.

2. Parking and Turning.... I'm sure you are already well aware of the parking issues on Brook Street, this will only be made worse by this large proposed build. The new block of flats just a bit further along Brook Street (the one with the leisure centre style roof, how that ever got approved is simply farcical) already park on the street and they have underground parking plus access onto Brook Street is already a suicide exit and of course the school crossing is right there, the traffic build up would be horrendous, the street is already becoming a "single track road with passing places".

3.Overlooking.... We would be over looked due to the height of the building, I believe

they are proposing to plant a tree line along the wall but it seems to me the wrong way about it, trees need space and there will be no space looking at those plans and if planted will again impact on the loss of light issue.

4. The Demolition of the two homes already there.... These two homes must be listed or at least have a preservation order on them, the aesthetics of them are very much in keeping with Tring and in particular, Brook Street....Just on the demolition alone I'm very much against this planning application.

I'm not opposed for something to be built on this site and I will keep objecting to any plans that involve cramming a 3 story high number occupancy build on this site, none of us that look out onto this site and want see an elevation like that for the rest of our time spent in Kingsley Walk, as I mentioned earlier the developer is only interested in maximum profit for himself and could not give two hoots about the local area (as much as he says he cares), If Hounsfild Ltd would submit something sensible with no dwelling higher than 2 stories they might find they get a warmer reception, but 3 stories....NO and NEVER please.

(23/09/18)

134 Kingsley Walk - We are writing in connection with the above planning application. We have examined the plans and we know the site well. We wish to object strongly to the development of these houses in this location as the proposal's impact on our property and surrounding area would be effected. Using Dacorum's Local Planning Framework's, Adopted Core Strategy 2013, CS12 of the core strategy our objections are the following:

- CS12 f and g: integrate with the streetscape character and respect adjoining properties in terms of: height, landscaping and amenity space:
The proposed three storey development will have an impact on amenity as a change of use from an occasionally used car park to a housing development with a different architectural style, not in keeping with the existing 2 storey surrounding area and character to that of the Grade II listed Old Silk Mill Industrial Estate and terraced cottages of Brook Street. It is our belief that the proposal constitutes over development and. The proposed site has been vacant for 40 years.
- CS12 d: retain important trees or replace them if their loss is justified, CS12 e: plant trees and shrubs to assimilate development and softly screen settlement edges:
We are concerned about the retention of trees along the boundary of the site alongside the public footpath on the edge of Kingsley Walk as they provide a green corridor for wildlife linking the Bulbourne chalk steam to other green areas, including the parkland. The trees also provide natural screening and privacy to residents on our existing estate. During the site preparation there have been a number of these trees cleared already along the steep sided slope at the boundary of the site next to the public footpath by the Kingsley Walk estate.

Proposed screening on the north west aspect, facing Kingsley Walk appears to be planted on top of the ground floor. Trees will require a good depth of soil, Urban, 1992, Tree size to soil volume relationship's table show a tree with a 202mm trunk diameter and 32m squared crown cover just over 11m cubed

volume of soil. *this table can be seen in supporting information at the end of the objection letter. If the proposed trees are to act as a screen, they will need to be of considerable height, in order to screen the Kingsley Walk properties they will require an adequate soil depth to support the trees' root system and anchor the trees securely.

- CS12 a: Provide a safe and satisfactory means of access for all users. The proposed development plans have provided 45 car parking spaces. Cars will require access in and out of Brook Street daily. Road safety is at risk. Traffic through Brook Street can be very heavy, as it is an important route towards the B488 and B489. The point of site access from Brook Street is where a busy school crossing is located and just as the road narrows due to parking on the Tring bound lane in front of the terraced houses numbering 50 upwards. This road is particularly congested at school start and finish times and during rush hour. Children wishing to cross the road outside of school start and finish times will have to negotiate this very busy crossing alone, as with elderly residents of Shugars Green (opposite site entrance).

There will be poor visibility at the point of access from Brook Street at an already congested bottleneck section of the road. It must also be noted that Tring Fire Station and paramedic response is located on Brook Street near to the site which may compromise their emergency response. It must also be noted that large vehicles such as refuse collection vehicles, and delivery vehicles will need to gain access to the site, all increasing the site T.R.I.P. numbers. The 'extra care scheme' will require staff and residents will no doubt receive visitors, who will require parking, of which there is already inadequate numbers of parking areas/spaces along Brook Street.

During the construction there will be site traffic: large construction vehicles, construction delivery vehicles and site worker traffic to be accommodated along the already narrow Brook Street.

- The Charter Appraisal Tring Design Objectives relating to the proposal 1. Conserve the historic core.
The designs are not in keeping with the surrounding Old Silk Mill Industrial Estate or the Victorian and Edwardian properties of Brook Street. The map showing Tring Character Areas (page 333 of Area Based Policies) outlines the Old Silk Mill Industrial Estate as a likely development potential as one of 'minimal change'.
- 5. Maintain low rise characteristic of the town.
i.e. to not be more than 2 storey - the plans are for a 3 storey development, constituting over development of the Brook Street area.

Dacorum's Core Strategy Charter Appraisal lists Brook Street as TCA15 with an approach to 'Improve and develop defined character. Infilling may be acceptable according to the Development Principles'. We believe that this development is contrary to the above.

(21/09/18)

60 Brook Street - I object to this application. Brook street cannot sustain further development and the negative impact it will have for residents. The impact of

construction alone but also parking for residents directly opposite the proposed site should it go ahead. Families with young children live here and the road is already dangerous, further development and increased traffic will make it more dangerous

(20/09/18)

61 Brook Street - The proposal of building 41 retirement homes and knocking down two existing character Rothschild houses is outrageous. The proposal is completely out of context to the local area and will have a detrimental effect on listed Silk Mill buildings. The proposal only provides one car parking space per apartment which i see as inadequate. Parking along Brook Street and the surrounding area has become even harder recently due to new businesses trading in the Silk Mill. On the basis that each apartment will have two cars, the surrounding area does not have sufficient parking to provide this additional stress.

Brook Street is also a very busy through road and becoming more and more dangerous with users reaching speeds in excess of 60mph+. An increase in the number of cars in the immediate surrounding area will have a severe effect on all residents. Road users on a daily basis clearly show their road rage and frustration by arguing in the middle of the road. I cannot see how this proposed development will help road safety with HGV supplying the site.

The access proposed for the entrance to the site is used by local children on a daily basis and i am worried that with increased numbers of residents and cars, road and child safety has not been taken into account.

I trust this provide you with enough evidence that the local and surrounding area cannot cope with an additional load on the infrastructure.

(20/09/18)

6 Nursery Gardens - I fail to see how this latest proposal for part of the Old Silk Mill site is an improvement on the application for 4 houses refused on scale & mass grounds and; the application for 10 houses, refused due to the proposed access being inadequate and dangerous. This proposal with similar access but more potential vehicle movement in and out of the site and a much greater scale is surely a step in the wrong direction? Added to that it will require the demolition of two attractive properties.

(18/09/18)

140 Kingsley Walk - I am writing in order to object to the proposal of the demolition of existing buildings. Construction of extra care scheme comprising 41 no apartments with associated landscaping and parking at Old Silk Mill, Brook Street, Tring HP23 5EF.

The reasons for my objection below:

The site will be massively overdeveloped and overbearing. 41 apartments with carers, nurses, receptionist and visitors and 45 car parking spaces 4 of which are disabled bays. The road is already significantly congested and the latest block of flats has added to the problem of parking on the road due to there not being enough spaces allocated and the fact they flood. The site is also a flood plain which showed up on my property survey also the two houses that were on the site in the 70s were demolished due to flooding.

This is on the notice board by the site.

The access point is only one lane due to the cottages residents parking outside of their properties. This already has an impact on emergency services trying to navigate the road. This will be horrendous for those needing emergency services in the proposed site as the road is a blind spot and access is tight.

The entrance of the site is the School crossing for the only high school in Tring and is also directly opposite Shugars Green. This road houses the elderly in council owned bungalows. They would be at risk crossing the road to go to the local shop.

There is no planting scheme and as such we can not ascertain the height of the proposed trees. We would not be screened, we do not know how much room there will be for the roots of the trees. If there is not enough room they are at risk of falling.

The flats are three storey and the height of them is higher than the ridge of the existing houses and the cottages on Brook Street. They will be overlooking the properties on Brook Street and will be as high as the bedroom window on Kingsley Walk. There will be loss of light in the properties on either side of the planned proposal.

The residents agree that the site is an eyesore and something will be built on the site. It should be in keeping with the area and not so overdeveloped and three storey. The access point is also a huge concern as the local school children cross the road here and the potential of 80 plus car movement a day in comparison to none puts theirs and others lives in jeopardy.

(16/09/18)

Supporting

21 Brook Street - This development will improve the access on/off of Brook Street as it will remove the front/side wall of 21 Brook Street and the new properties will be set back from the current line that 21 occupies. The land to the side use to be a car park and traffic on/off was very compromised by the wall. The developer of this proposed project already owns the Old Silk Mill so anything built on this land will be in keeping with the finish and high standard that he has set on the much improved Silk Mill. This area is currently overgrown and scruffy and this development will greatly enhance the approach up to the Community Centre and Kingly Walk. The road safety in Tring is poor and not just on Brook Street, a pedestrian crossing set slightly further along would make crossing much safer rather than having an unofficial crossing at the pinch point. This is a chance to have an attractive, unified development that sits next to the Old Silk Mill and fully utilises the space available with homes built to a high standard for older residents.

(02/10/18)

21 Brook Street - We are in support of this application for the following reasons:

- The current road issues are longstanding and have nothing to do with the proposed plans and is an issue for the Highways Agency. This proposal will allow for better flow of traffic as the blind turn point at the corner of 21 Brook Street will be removed, no longer obscuring and causing issues for joining traffic. The proposed properties will be set further back with small front gardens which will also help with current very narrow

pathway . If a proper pedestrian crossing was installed further along from the unofficial crossing point this risk could be removed entirely.

- The parking space allowance is in line with with the council requirements. There are plenty of properties that have on road parking, so the fact that this will have underground parking at a sufficient level.
- The land is already a car park so cars will always be allowed into this site regardless.
- The land is currently regularly being fly tipped on which encourages vermin and some of the units have been burgled as the land is sitting vacant.
- The land is Brownfield and the Government is actively encouraging that we build on these spaces before Greenbelt. Regardless of our personal views, houses are needed and each council has a target to meet. If losing two houses to create 41 and underground parking enables that, surely that must be a positive. It will be beneficial to the area and be far more aesthetically pleasing than a disused car park being used as a dumping ground. The developer for this project also is the owner of the Old Silk Mill and specialises in working on period properties. He has made huge improvements in the Silk Mill and the design of the proposal will be in keeping with his properties in the area which are now attractive.
- If this proposal doesn't go ahead, there is already granted plans for the previous four house build. So whatever happens this land is going to be utilised. The four house build would mean that the road would remain the same and so would the all the current obstructions. They would be positioned higher up by Kingsley walk and all parking will be overground and likely to have more vehicles as they would be family homes.

(27/09/18)

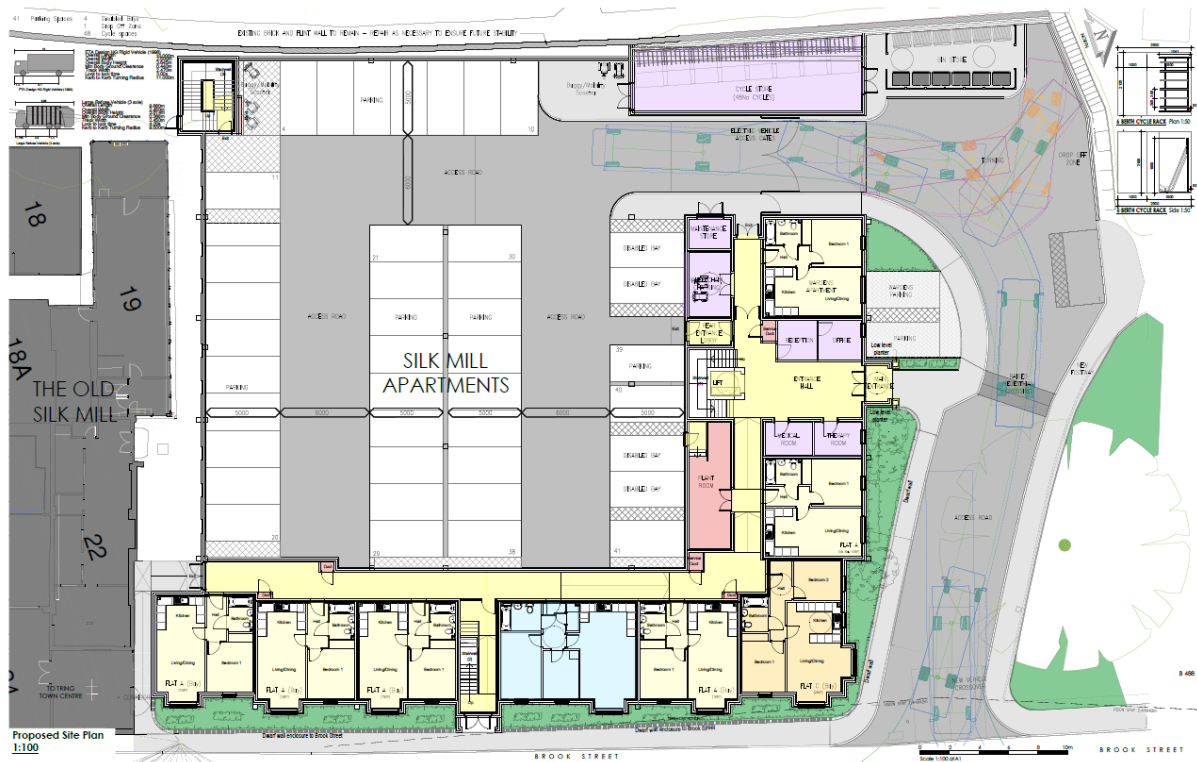
**Item 5b 4/02204/18/MFA DEMOLITION OF EXISTING BUILDINGS.
CONSTRUCTION OF EXTRA CARE SCHEME COMPRISING 41 NO. APARTMENTS
WITH ASSOCIATED LANDSCAPING AND PARKING**

OLD SILK MILL, BROOK STREET, TRING, HP23 5EF



Site Location Plan 1:1250

0 25 50 75 100 125m
Scale 1:1250 of A4



**Item 5b 4/02204/18/MFA DEMOLITION OF EXISTING BUILDINGS.
CONSTRUCTION OF EXTRA CARE SCHEME COMPRISING 41 NO. APARTMENTS
WITH ASSOCIATED LANDSCAPING AND PARKING**

OLD SILK MILL, BROOK STREET, TRING, HP23 5EF



Agenda Item 5c

ITEM NUMBER: 5c

| | | |
|------------------------|---|-----------------|
| 20/03908/FUL | Demolition of 33 residential garages and construction of 3 no. dwelling houses | |
| Site Address: | Garage Site At Housewood End, Hemel Hempstead, Hertfordshire | |
| Applicant/Agent: | Mr Ian Johnson | Mr Ian Morrison |
| Case Officer: | Martin Stickley | |
| Parish/Ward: | | Gadebridge |
| Referral to Committee: | The application is referred for the consideration of the Development Control Committee as the site is owned by the Borough Council. | |

1. RECOMMENDATION

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

2. SUMMARY

2.1 The application site is located within the residential area of Hemel Hempstead. It is not an allocated housing site and is a 'windfall site'. Dacorum's Core Strategy directs residential development to the towns and established residential areas (see Policy CS4 of the Dacorum Borough Core Strategy (2013)).

2.2 Three new dwellings are proposed to be located on land currently occupied by terraces of domestic garages, which originally served existing nearby residential properties. Over time, the garages have become either disused or underused, and this application offers the opportunity to create high quality affordable housing in their place, improving the local environment and security through new landscaping and increased natural surveillance.

2.4 The proposal would contribute to the Borough's housing stock (in accordance with Policy CS17). As such, and given that the development would be located in a sustainable location, the proposal is in accordance with Policies CS1, CS4, CS17 and saved Policy 10 of the Dacorum Borough Local Plan (2004).

3. SITE DESCRIPTION

3.1 The application site relates to several blocks of garages situated at Housewood End, Hemel Hempstead. The road that leads to the garage blocks begins between Nos. 1 and 2 Housewood End. The land levels drop as you move in a northeasterly direction, meaning that garage area generally sits lower than the surrounding properties. The northern and eastern boundaries of the site are bound by mature trees and the Green Belt. To the north and west, the site abuts Warner's End Wood, a Local Wildlife Site (LWS).

4. PROPOSAL

4.1 Planning permission is sought for the demolition of 33 garages and the construction of three residential units (1 x 2-bedroom and 2 x 3-bedroom) with associated parking areas and gardens. This application forms part of a Planning Performance Agreement (PPA) that encompasses seven garage sites.

5. PLANNING HISTORY

None

6. CONSTRAINTS

Special Control for Advertisements: Advert Spec Contr
CIL Zone: CIL3
Green Belt: Policy: CS5
Parish: Hemel Hempstead Non-Parish
RAF Halton and Chenies Zone: Yellow (45.7m)
Residential Area (Town/Village): Residential Area in Town Village (Hemel Hempstead)
Residential Character Area: HCA6
Smoke Control Order
Parking Standards: New Zone 3
EA Source Protection Zone: 3
EA Source Protection Zone: 2
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

National Policy Guidance (2019)
National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

Dacorum's Core Strategy (2006-2031)

NP1- Supporting Development
CS1 - Distribution of Development
CS2 - Selection of Development Sites
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS9 - Management of Roads
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS17- New Housing
CS18 - Mix of Housing
CS19 - Affordable Housing
CS26 - Green Infrastructure
CS29- Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Soil and Water Quality
CS35 - Infrastructure and Developer Contributions

Dacorum Borough Local Plan (Saved Policies) (1999-2011)

Policy 10 - Optimising the Use of Urban Land
Policy 18 - The Size of New Dwellings
Policy 21 - Density of Residential Development

Policy 51 - Development and Transport Impacts
Policy 57 - Provision and Management of Parking
Policy 58 - Private Parking Provision
Policy 99 - Preservation of Trees, Hedgerows and Woodlands
Policy 100 - Tree and Woodland Planting
Policy 111 - Height of Buildings
Policy 129 - Storage and Recycling of Waste on Development Sites
Appendix 1 - Sustainability Checklist
Appendix 3 – Layout and Design of Residential Areas

Supplementary Planning Guidance/Documents

Area Based Policies: HCA6 (Gadebridge) (May 2004)
Manual for Streets (2010)
Planning Obligations (April 2011)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)
Affordable Housing (January 2013)
Parking Standards (November 2020)

9. CONSIDERATIONS

Main Issues

9.1 The key considerations relating to this application include:

- The principle of development;
- The quality of residential development and living conditions of existing and future residents;
- Highway safety and car parking; and
- Any other material planning considerations.

The Principle of Development

9.2 The application site is located within the residential area of Hemel Hempstead. It is not an allocated housing site and is a 'windfall site'. Dacorum's Core Strategy directs residential development to the towns and established residential areas (see Policy CS4). The Area Based Policy HCA6 (Gadebridge) highlights that there is scope for the redevelopment of garage blocks but only if alternative provision is made for displaced vehicle parking.

9.3 The proposal would contribute to the Borough's housing stock (in accordance with Policy CS17). As such, and given that the development would be located in a sustainable location, the proposal is in accordance with Policies CS1, CS4, CS17, saved Policy 10. Considering this, there is no compelling objection to the principle of the proposed development.

Quality of Residential Development / Living Conditions

9.4 The impact on the established residential amenity of neighbouring properties is a significant factor in determining whether the development is acceptable. Policy CS12 states that concerning the effect of a development on the amenity of neighbours, development should avoid visual intrusion, loss of light and loss of privacy. Paragraph 127 (f) of the National Planning Policy Framework (henceforth referred to as the 'Framework') requires development to create safe, inclusive and accessible places that promote health and well-being and a high standard of amenity for existing and future users.

9.5 HCA6 identifies a number of development principles for the area. These include:

Design: A variety of designs are acceptable.

Type: All types of dwelling are acceptable, although the specific type should relate well to adjacent and nearby development in terms of design, scale and height.

Height: Should not exceed two storeys. Three storey development may be permitted where adjacent or nearby to buildings of a similar or greater height, dependent upon its impact on the character and appearance of the area.

Size: Small to medium sized dwellings are acceptable; large buildings are discouraged.

Layout: Dwellings should front onto the road; informally laid out schemes are acceptable; here the provision of landscaped amenity greens around which the dwellings can be located is encouraged. Where it exists, the building line should be followed. Spacing in the medium (2 m to 5 m) range is expected between dwellings or groups of dwellings.

9.6 The proposed layout is deemed acceptable. Sufficient garden spaces of approximately 11.5m have been provided in accordance with saved Appendix 3 of the Local Plan. Plenty of space has also been provided between the proposed dwellings and the properties at Marlins Turn (to the rear (south-west) of the site), noting a separation distance of around 38 metres.

9.7 To the east, a gap of approximately 21 metres would be provided between the flank of the proposed 'Plot 1' property and rear walls of 5, 7 and 9 Housewood End. The proposed flank wall would stretch along the rear of these neighbours' gardens. However, the topography of the land means that the proposed dwellings would sit lower than the neighbouring properties. This, combined with the separation distance and limited scale of the units, means that any impacts relating to visual intrusion would be limited.

9.8 The Building Research Establishment's Report 'Site layout planning for daylight and sunlight: a guide to good practice (BR209)' has been followed. There would be no breach of 25-degree lines drawn from the mid-points of the neighbouring ground-floor windows. Consequently, there would be no significant loss of light to the properties on Housewood End or Marlins Turn.

9.9 The proposed external materials comprise red brick, roof tiles, aluminium windows, timber doors and timber effect cladding. Chimneys comprising flues/ventilation have been incorporated to mimic other properties in the area. The drawings highlight that some of the materials are still to be confirmed e.g. the roof tiles. Therefore it is considered necessary to condition materials if the application is approved.

9.10 The overall scale and shape of the proposed properties and their plots is similar to the surrounding area. The design would differ to some degree, for example, the materials and window details. However, variation in the material palettes and fenestration has been identified in the surrounding area. The site is not readily visible from main roads and therefore it is unlikely that the proposal would be overtly prominent, or have negative impact on the character and appearance of the area.

9.11 The proposal would provide a high quality living environment for future occupiers and would not result in significant adverse impacts on the neighbouring properties in terms of loss of light, loss of privacy, visual intrusion or overbearing impacts. The quality of residential development and the impact on the living conditions is acceptable in accordance with the aforementioned policies.

Impact on Trees

9.12 There are a number of trees within close proximity to the site that must be considered. The submitted Arboricultural Report (ref: S232-J1-IA-1) identifies that no trees of significant landscape value or amenity would be detrimentally affected by the development. Dacorum's Trees and Woodlands Department have reviewed this document and raised no objections to the application.

9.13 The drawings found in the Appendices of the Arboricultural Report illustrate the root protection areas of the trees and measures to protect them during the preparation, demolition, construction and landscaping phases (see S232-J1-P1 Rev 2, S232-J1-P2 Rev 2 and S232-J1-P3 Rev 2). These details would be conditioned if the application were approved.

9.14 The large trees to the west of the site (T1 and T2) may result in some loss of daylight and afternoon sunlight to the proposed units. However, it is noted that the rear of the properties and their gardens would face a south-westerly direction. As such, they would benefit from increased levels of daylight and sunlight at other times in the day (morning and early afternoon).

9.15 Two trees (T3 and T4) would be removed. The Report identifies these as Category C trees, having 'strong lean' and 'poor form'. As compensation, the proposed site plan includes two new semi-mature trees to the front of the proposed properties. As the site is limited in scale, it is not felt that any further tree planting is required. If approved, details of the tree sizes and species will be conditioned. The Trees and Woodlands Team would be consulted at discharge of condition stage to ensure that the proposed trees are suitable for the location.

9.16 Taking all of the above into account, it is concluded that there would be a limited impact on existing vegetation in accordance with saved Policy 99 and new trees would be provided in as per Policy CS29.

Parking and Highway Safety

9.17 Policy CS12 seeks to ensure developments have sufficient parking provision. The Framework states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport, local car ownership levels and the overall need to reduce the use of high emission vehicles. The Parking Standards Supplementary Planning Document (SPD) provides policy guidance for the amount of parking provision required for new developments. It highlights the following (per residential unit) in this area:

2 bedroom dwellings – 1.5 allocated spaces or 1.2 unallocated spaces
3 bedroom dwellings – 2.25 allocated spaces or 1.8 unallocated spaces

9.18 The proposed layout provides six allocated spaces (two per unit) and four visitor spaces (total of ten). This meets the parking standards for allocated spaces and provides four additional spaces for visitor parking. The proposal is therefore acceptable in this regard.

9.19 The SPD requires the provision of electric vehicle charging points. As these are not illustrated on the drawings, details will be conditioned if the application is approved.

9.20 Policies CS8, CS9 and saved Policy 51 seek to ensure developments have no detrimental impacts in terms of highway safety. Paragraph 109 of the Framework states, 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

9.21 Concerning highway safety, the access and turning area is sufficient, as sufficient space for emergency and refuse vehicles appears to have been provided. Hertfordshire County Council as the Highway Authority have assessed the highway impacts and raised no objection to the proposals.

9.22 In summary, it is felt that the proposed parking and access arrangements are considered acceptable and policy compliant.

Other Considerations

Loss of Garages

9.23 HCA6 states that the redevelopment of garage blocks will only be acceptable if alternative provision is made for displaced vehicle parking. The widths of the existing garages are generally unsuitable for modern vehicles except motorcycles. It appears that residents mainly park around the T-junction at the bottom of Housewood End and the strip of road that runs along the flank of 13 Housewood End. These areas would not be impacted by the development proposals. If vehicles are displaced by the proposals, there would be a limited number of them. Furthermore, there appears to be space in the vicinity for these displaced vehicles.

9.24 Dacorum's Verge Hardening Team have been contacted to determine whether there would be scope to enhance existing parking areas or provide further parking areas on Housewood End. They responded with the following: "*Trees & Woodlands have agreed that we could put verge hardening at the bottom of Housewood End, as long as it is a "no dig" and does not extend in further than 1.5 meters.*" They will be investigating this "*subject to cost, agreement from Parks and Open spaces and planning permission.*" At this stage, these details have not been finalised or agreed, but it is worth noting that formal verge hardening at the bottom of Housewood End may be brought forward in the future.

Landscaping

9.25 The proposed site plan details planting at the fronts of the properties, which should help to soften the visual impact of the development and create an attractive development. The boundary treatment (1.8m timber fencing) and surfacing materials (block paving and bound gravel) is considered acceptable. Full details of landscaping would be requested by condition if the application is approved.

Ecology

9.26 An Ecological Survey and Bat Report has been submitted to the Local Planning Authority as part of the application submission. No significant concerns are raised by the conclusions of the reports. They have highlighted that no further surveys are required but recommended that the late discovery protocol be followed should bats be discovered. This would be added as an informative if the application is approved. An informative relating to nesting birds shall also be added.

9.27 The Ecological Survey makes several other recommendations, including retention of Warners End Wood LWS and Home Wood in their entirety with no loss or damage to the woodlands or individual trees within it (Para. 8.2); the inclusion of a 15m buffer around the ancient woodland in the LWS (8.3); the production of a Construction Ecological Management Plan (8.4); and no additional lighting of the woodland or habitats of ecological value (8.6). Details of the above recommendations would be captured through a 'Landscape and Ecological Management Plan' (LEMP) planning condition and any external lighting would be secured as part of the hard/soft landscaping condition.

Refuse

9.28 Developers are expected to provide adequate space and facilities for the separation, storage, collection and recycling of waste (see Dacorum's 'Refuse Storage Guidance Note').

9.29 The site plan indicates where bin storage for the properties is located. These areas are proposed to the sides/rear of the properties and would be visually obscured from the surrounding

area. The refuse collection point is located to the north east of the proposed properties. No concerns are raised about refuse storage and collection.

Community Infrastructure Levy

9.30 Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. The Charging Schedule clarifies that the site is in Zone 2 within which a current charge of £197.24 per square metre is applicable to this development.

9.31 Depending on the tenure of any affordable housing units, these may be exempt from the payment of CIL. It is recommended that any exemption requirements are discussed with the CIL team prior to the submission of the proposals and that relevant paperwork is completed expediently upon any issue of planning permission.

Contamination

9.32 The Environmental and Community Protection Team have confirmed that they have no objection to the proposed development. However, it is judged that the recommendation for an intrusive land contamination investigation is made. As such, it has been recommended that two conditions be included in the event that permission is granted.

Drainage

9.33 The drainage strategy comprises of unlined permeable paving for car parking areas with an outflow into the proposed network. It is noted that surface water drainage calculations have been provided to support to scheme and ensure sufficient storage has been provided for the 1 in 100 year plus climate change event. Based on the information, the Lead Local Flood Authority have confirmed that the site can be adequately drained, raising no objection subject to the inclusion of a final drainage scheme condition.

Response to Neighbour Comments

9.34 The majority of the concerns raised have been discussed previously in this report. However, there are several other points raised that will be discussed in turn below.

Utility Provision / Sewerage

9.35 Concerns have been raised regarding the suitability of the sewer and existing issues. Both Thames Water and Affinity Water have been consulted as part of this application and neither have raised concerns. They would need to be contacted by the Applicant if permission is approved to establish suitable utility connections. These utilities would need to be installed in line with Building Regulations.

Ecology / Trees

9.36 Residents have highlighted the existing trees and ecology as a constraint. As per the recommendations in the Ecology Report, the proposal would sensitively develop the site regarding these constraints. Hertfordshire Ecology have responded and suggested a LEMP condition – which would be imposed to ensure that the landscape and ecology are suitably managed.

Bin Stores

9.37 One resident raised concerns over the loss of the garage area, noting that many residents store their bins here for collection. Following this comment, a larger 'bin collection' area has been provided on the Proposed Site Plan.

Security

9.38 A comment raised the issue of security, stating, “a garage currently forms the boundary of our garden and that of our next door neighbour - how will this be replaced - will suitable fencing be provided and how/when will this be erected?” This information has requested as part of the landscaping condition. The point has been raised with the Applicant and they have stated that replacement boundary treatment would be provided where necessary.

10. CONCLUSION

10. 1 The principle of redeveloping the garage blocks into residential is acceptable in this area. No concerns are raised concerning the scale and design of the proposed dwellings. No significant adverse impacts are identified with regards to residential amenity. The impact on trees and the effect on the living conditions of future occupiers is acceptable. The provision of affordable housing on this site is welcomed and would make a valuable contribution to the Borough’s housing stock.

11. RECOMMENDATION

11.1 It is recommended that planning permission be **GRANTED** subject to 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. **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 the Flood Risk Assessment and Drainage Strategy reference M03001-04_FR04 dated December 2020 prepared by McCloy Consulting. The scheme shall also include:**

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 surface Water sewer.**
2. **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 event.**
3. **Implement drainage strategy to include permeable paving and attenuation tank.**
4. **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, with a supporting contributing area plan.**
5. **Demonstrate appropriate SuDS management and treatment for the entire site including the access road. To include exploration of source control measures and to include above ground features such as permeable paving.**
6. **Exceedance routes and details of any informal flooding areas for all events over the 1 in 30 year rainfall event.**
7. **Maintenance and management plan for the SuDS features.**

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policy CS31 of the Dacorum Borough Core Strategy (2013) and Paragraphs 163 and 165 of the National Planning Policy Framework (2019).

3. **(a) 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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 178 and 180 of the National Planning Policy Framework (2019). The details are required before commencement to ensure that the construction of the development does not result in pollution to the environment.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 178 and 180 of the National Planning Policy Framework (2019). The details are required before commencement to ensure that the construction of the development does not result in pollution to the environment.

5. **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).

6. **Prior to occupation of the development hereby approved, full details of the layout and siting of Electric Vehicle Charging Points and any associated infrastructure shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until these measures have been provided and these measures shall thereafter be retained fully in accordance with the approved details.**

Reason: To ensure that adequate provision is made for the charging of electric vehicles in accordance with Policies CS8, CS12 and CS29 of the Dacorum Borough Core Strategy (2013) and the Car Parking Standards Supplementary Planning Document (2020).

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

- o any external lighting;
- o boundary treatment;
- o soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs; and
- o minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.).

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

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

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

8. **Prior to the commencement of the development, a Landscape and Ecological Management Plan (LEMP) shall be prepared and submitted to the Local Planning Authority. The LEMP shall describe how it is planned to incorporate biodiversity as part of the development and achieve overall net gains for biodiversity. The LEMP should refer to the recommendations in Section 8 of the Preliminary Ecological Appraisal (Bernwood Ecology, 10th September). The approved plan shall be implemented in accordance with the approved details.**

Reason: To ensure that the development contributes to and enhances the natural environment in accordance with Policy CS26 of the Dacorum Borough Core Strategy (2013) and Paragraph 170 of the National Planning Policy Framework (2019). These details are required prior to commencement to ensure that an overall on-site net gain for biodiversity can be achieved before construction works begin. The LEMP should include details of when the biodiversity enhancements will be introduced and this may be reliant on the construction process/timings.

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

DBC-IW-HOU-00-DR-A-0010
DBC-IW-HOU-00-DR-A-0100
DBC-IW-HOU-XX-DR-A-2205
S232-J1-IA-1
S232-J1-P1 Rev 2
S232-J1-P2 Rev 2
S232-J1-P3 Rev 2

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

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2. The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.dacorum.gov.uk by searching for contaminated land.
3. In accordance with the Councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours - 07:30 to 17:30 on Monday to Friday, 08:00 to 13:00 on Saturday and no works are permitted at any time on Sundays or bank holidays.
4. 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.
5. The attention of the Applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.
6. Thames Water Informatives (Please see full comments in Officer Report)

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no

objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>.

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

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.

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 <https://www.gov.uk/government/publications/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

7. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.
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.
9. If bats, or evidence for them, are discovered during the course of roof works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.
10. All wild birds, nests and eggs are protected under the Wildlife & Countryside Act 1981 (as amended). The grant of planning permission does not override the above Act. All applicants and sub-contractors are reminded that site clearance, vegetation removal, demolition works, etc. between March and August (inclusive) may risk committing an offence under the above Act and may be liable to prosecution if birds are known or suspected to be nesting. The Council will pass complaints received about such work to the appropriate authorities for investigation. The Local Authority advises that such work should be scheduled for the period 1 September - 28 February wherever possible. If this is not practicable, a search of the area should be made no more than 2 days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.

APPENDIX A: CONSULTEE RESPONSES

| Consultee | Comments |
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| <p>Environmental And Community Protection (DBC)</p> | <p>With reference to the above planning application, please be advised Environmental Health have no objections or concerns. However I would recommend the application is subject to construction working hours with Best Practical Means for dust.</p> <p>Construction Hours of Working - (Plant & Machinery) Informative</p> <p>In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: Monday - Friday 07.30am - 17:30pm, Saturdays 08:00am - 13:00pm, Sundays and Bank Holidays - no noisy works allowed.</p> <p>Construction Dust Informative</p> <p>Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.</p> <p>Noise on Construction/Demolition Sites Informative</p> <p>The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.</p> <p>Contamination</p> <p>Having reviewed the application documents, in particular the RSK Phase I Environmental Risk Assessment Report (Ref: 1921152-00 R01 I am able to confirm that there is no objection to the proposed development. However, it is judged that the recommendation for an intrusive land contamination investigation of the application site that is made in the above referenced report is appropriate. As such I am recommending the inclusion of the following condition in the event that permission is granted.</p> <p>Contaminated Land Conditions:</p> <p>Condition 1:</p> |

(a) 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.

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.

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| | <p>Informative:</p> <p>The above conditions are considered to be in line with paragraphs 170 (e) & (f) and 178 and 179 of the NPPF 2019.</p> <p>The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.dacorum.gov.uk by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.</p> |
| <p>Lead Local Flood Authority (HCC)</p> | <p>Thank you for consulting us on the above application for the demolition of 33 residential garages and construction of 3 no. dwelling houses.</p> <p>As it is a minor application the Lead Local Flood Authority is not a statutory consultee. However, we can offer advice to the Local Planning Authority to place them in a position to make their own decision regarding surface water and drainage. We have reviewed the following information submitted in support of the planning application;</p> <ul style="list-style-type: none"> - Flood Risk Assessment reference M03001-04_FR02 dated December 2020 prepared by McCloy Consulting - Drainage Strategy reference M03001-04_DG06 dated December 2020 prepared by McCloy Consulting <p>Following the review of the Environment Agency maps for surface water flood risk, the site lies in area indicated to be at risk from surface water. We note that two flow routes have been identified and to inform the suitability of the development a detailed model has been carried out. The model shows that no areas of the built residential dwellings are at risk from the flow path however flooding does encroach the application boundary which is currently hardstanding. We note that this area is to remain hardstanding with car parking proposed. Maximum flood depths of 0.57m have been predicted for this area for the 1 in 100 year event. At detailed design stage we will expect the applicant to provide a plan indicating this area of flooding. We note the site is unaffected for the 1 in 30 year.</p> <p>The drainage strategy states that the ground conditions may be suitable for infiltration however infiltration tests have not yet been carried out. We note that there are no watercourses within the vicinity of the site however there is a Thames Water surface water sewer located in Housewood End. A pre-development enquiry has been submitted to Thames Water and have agreed a discharge rate of 2l/s into their network.</p> |

The drainage strategy for new development comprises of unlined permeable paving for car parking areas with an outflow into the proposed network. The site will drain to below twin oversized pipes with discharge at 2l/s into the Thames sewer. We note surface water drainage calculations have been provided to support to scheme and ensure sufficient storage has been provided for the 1 in 100 year plus climate change event. Based on the information provided we can confirm that the site can be adequately drained and recommend the following condition to the LPA.

Condition 1

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 the Flood Risk Assessment reference M03001-04_FR04 dated December 2020 prepared by McCloy Consulting and Drainage Strategy reference M03001-04_DG04 dated December 2020 prepared by McCloy Consulting. The scheme shall also include:

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 surface Water sewer.
2. 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 event.
3. Implement drainage strategy to include permeable paving and attenuation tank.
4. 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, with a supporting contributing area plan.
5. Demonstrate appropriate SuDS management and treatment for the entire site including the access road. To include exploration of source control measures and to include above ground features such as permeable paving.
6. Exceedance routes and details of any informal flooding areas for all events over the 1 in 30 year rainfall event
7. Maintenance and management plan for the SuDS features

Reason

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

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| | <p>Informative to the LPA</p> <p>Please note if the LPA decide to grant planning permission, we wished to be notified for our records should there be any subsequent surface water flooding that we may be required to investigate as a result of the new development.</p> |
| <p>Herfordshire Building Control</p> | <p>No comment.</p> |
| <p>Affinity Water - Three Valleys Water PLC</p> | <p>Public Water Supply</p> <p>You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone 2 (SPZ2). This is an area of public water supply, comprising a number of chalk abstraction boreholes, operated by Affinity Water Ltd.</p> <p>The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.</p> <p>For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".</p> <p>Water efficiency</p> <p>Being within a water stressed area, we expect that the development will include water efficient fixtures and fittings.</p> <p>Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions in chalk stream catchments. Recent research (attached) suggests that rainwater harvesting is viable at most development scales, and greywater recycling for larger developments.</p> <p>Water efficiency measures minimise potable (drinking) water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking, and</p> |

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| | <p>will help in our efforts to get emissions down in the borough and beyond.</p> <p>Affinity Water Limited Registered Office: Tamblin Way, Hatfield, Hertfordshire, AL10 9EZ www.affinitywater.co.uk tel 01707 268111 fax 01707 277333</p> <p>Registered in England No. 2546950</p> <p>Infrastructure upgrades and diversions</p> <p>There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (https://affinitywater.custhelp.com/) or aw_developerservices@custhelp.com.</p> <p>In this location Affinity Water will supply drinking water to the development. To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (https://affinitywater.custhelp.com/) or aw_developerservices@custhelp.com. The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing maps@affinitywater.co.uk. Please note that charges may apply.</p> <p>We suggest the developer approach our Developer Services Team as soon as possible, to reduce any delays associated with any required upgrades.</p> <p>Thank you for your consideration.</p> |
| Thames Water | <p>Waste Comments</p> <p>With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services</p> <p>There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development</p> |

doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

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

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

Thames Water 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.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should 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

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| | <p>entering the sewer network.</p> <p>Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p>Water Comments</p> <p>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 https://www.gov.uk/government/publications/groundwater-protection-position-statements) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.</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>Advisory Notes</p> <p>I recommend inclusion of the following advisory note to ensure that any works within the highway are to be carried out in accordance with the provisions of the highway Act 1980.</p> <p>Storage of Materials</p> <p>AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website https://www.hertfordshire.gov.uk/services/highways-roads-and-pavem</p> |

ents/business-and-developer-information/business-licences/business-licences.aspx or by telephoning 0300 1234047.

Mud on Highway

AN4) 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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

Planning Application

Demolition of 33 residential garages and construction of 3 no. dwelling houses

Proposed Development

This is a full planning application for demolition of existing 33 domestic garages, originally serving existing nearby residential properties and construction of 3 no houses.

The Site

Garage Site is at Housewood End, Hemel Hempstead. The existing site contains 33 terraced garages. The garages are at present under utilised or empty. The site is located 1.5m from Hemel Hempstead Town centre. The access to the site is from Marlins Turn to Housewood End. The application site is situated in a residential neighbourhood. The houses along Marlins Turn are either semidetached or terraced properties.

Local Road Network

Marlin Turn is an unclassified local access road. A "U" shaped road linking Galley Hill is some 458m long serving a number of residential properties. Housewood End forms a "T" junction with Marlins Turn. Housewood End for 74m from Marlins Road junction and 10m on either side after 74m is maintainable by the Highway Authority. The Housewood End which serves the garages area is not adopted highway

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| | <p>and not maintainable by the highway authority.</p> <p>Accessibility</p> <p>The site is situated approximately 1.5m from Hemel Hempstead Town centre and is situated in a residential neighbourhood.</p> <p>Capacity and Safety</p> <p>Applicant proposal is to provide 6 car parking spaces for residential properties and 4 visitors parking spaces. This is a significant reduction of parking spaces compared to the potential use of the existing site. The level of traffic likely to be generated by the proposed development is unlikely to have any significant impact on the local road network. It is considered that there are no existing highways safety issues.</p> <p>Site Access and Parking</p> <p>The applicant's proposal is to retain the existing pedestrian and vehicular access to the site via Housewood End. As explained the section of the Housewood End serving the development is a private road.</p> <p>Applicant proposal is to provide 6 parking spaces for residential properties and 4 spaces for visitors parking. On-site parking is a matter for the planning authority.</p> <p>Refuse</p> <p>Arrangements to be made with Dacorum Borough Council.</p> <p>Fire Safety</p> <p>In terms of access to Fire Tender is direct access from Marlins Turn.</p> <p>Conclusion</p> <p>The Highway Authority does not wish to restrict the grant of consent subject to the above advisory notes.</p> |
| Trees & Woodlands | <p>According to the information submitted no trees of significant landscape value or amenity will be detrimentally affected by the development. Subsequently I have no objections to the application being approved in full.</p> |
| Hertfordshire Ecology | <p>Thank you for consulting Hertfordshire Ecology on the above. I am pleased to see two ecological reports have been submitted in support of</p> |

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| | <p>this application;</p> <ul style="list-style-type: none"> o Preliminary Ecological Appraisal and Preliminary Roost Assessment (Bernwood Ecology, 10 September 2020); o Bat Survey Report (Bernwood Ecology, 18 September 2020). <p>The site was visited on 13 August 2020 and comprises terraced garages on hardstanding with some amenity grassland and scrub. The site is adjacent to a broadleaved woodland, Warners End Wood, which is a Local Wildlife Site and in part is ancient semi-natural woodland.</p> <p>The two reports provide an adequate assessment of the impact of the proposals and are based on appropriate survey methods and effort. The likelihood of an adverse ecological impact is negligible-low, but the reports suggests reasonable precautionary measures to ensure that legally protected species (such as bats, hedgehogs and nesting birds) are not harmed.</p> <p>Several appropriate Recommendations have been made in the Preliminary Ecological Appraisal and Preliminary Roost Assessment, including retention of Warners End Wood LWS and Home Wood in their entirety with no loss or damage to the woodlands or individual trees within it (8.2); inclusion of a 15m buffer around the ancient woodland in Warners End Wood LWS (8.3); production of a CEMP (8.4); and no additional lighting of the woodland or habitats of ecological value (8.6).</p> <p>In addition, several appropriate biodiversity enhancements have been made including supplementary boundary planting, native and nectar rich planting, and integrated bat and bird boxes within the new buildings (8.5); and with these in place I consider the development will achieve net gain. All the proposals in section 8 are reasonable and should be followed (the exception is 8.7 in the PEA, which has already been completed).</p> <p>The Bat Survey Report expands on the Recommendation for integrated bat boxes (8.3), otherwise all Recommendations in this report are generally covered by those in the PEA.</p> |
| Herts & Middlesex Wildlife Trust | No comment. |

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

| Neighbour Consultations | Contributors | Neutral | Objections | Support |
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Neighbour Responses

| Address | Comments |
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| <p>13 Housewood End Hemel Hempstead Hertfordshire HP1 3LP</p> | <p>To who it may concern,</p> <p>I am very concern about the prospect of development on this garage site and have many objections.</p> <p>The size of the structures planned will have a direct effect on light access to the back of my property. It will cause a large shadow stoping much light. We will also go from a nice secluded location to one where we will be overlooked and loose privacy.</p> <p>Parking in the area is also bursting and people from near by streets have to park and use the garages you are suggesting get pulled down. If you build not only are you taking valuable parking spaces away but you are also adding more cars into the already limited parking are</p> <p>The process of building in this small area will cause many other issues, getting to the site alone for large vehicles will be hard due to the lack of parking already in the streets adjacent to the site makes access near to impossible for some large vehicles.</p> <p>The site is an area of beauty with woodland around, building a Structure three times the height of the building already in place will cause a visual intrusion. Not only this the Woodlands around the site are habitats for many different wildlife including those that are on the endangered list. Part of the woodland is ancient woodland. Where you are thinking of building you will have to dig down for foundations, this alone will cause damage to the woods , wildlife and to the habitats of many of the animals in the area including bats that are protected.</p> <p>This is far too big A building to be placed in this small spot, parking needs to be looked at for current residence before you even think of putting in extra buildings where parking is not in front of their own house like every other resident has to do. Taking the garages away will take away valuable parking space for people that use it to park their cars. Building next to ancient woodlands would damage habitats and the woods. This site really really needs to be looked at properly.</p> <p>It also is an area that floods regularly where you are looking at building. Drainage in the area has always been a problem and you are talking about adding more houses which will compound the problem. I am aware that you have to build so many houses by a certain date but this small site with its many problems surely could be used for something better that will not have so many effects on its current residence human, animal or plant.</p> <p>Please look over all the comments from the residents who actually know the area.</p> |
| <p>11 Housewood End</p> | <p>1. Ref 8.4 of the Ecological report: I am concerned that the CEcMP</p> |

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| <p>Hemel Hempstead Hertfordshire HP1 3LP</p> | <p>mentioned is recommended but not required.</p> <p>2. Ref 8.5 of the Ecological report: This says that there is an opportunity to enhance the surrounding area but what guarantee is there that this "enhancement" would happen. This is also picked up in the tree report at 05.10: "Any tree losses will be satisfactorily addressed by the proposed planting" but as far as I can see this is not guaranteed anywhere.</p> <p>3. The proposed development is very close to the existing properties on the end of Housewood End so much so that No7 in particular will have a 2 storey building approximately a metre from the boundary fence/gate of the property. This will infringe possibly on the natural light to no 7 but definitely upon the privacy, since there will be a window overlooking the back garden.</p> <p>4. The odd numbered properties from 3 to 13, have gates that back onto a narrow alleyway connecting Marlin's Turn to the end of Housewood End. This alleyway provides access to the wooded area for the general public and is also the means by which most of the residents, myself included, take their wheelie bins to be collected. As the houses are terraced, the area by the garages has been used as a place to leave bins on collection day. The report states that the "...current collection strategy will be able to continue as there is access to the bin storage at the rear of the gardens of surrounding properties". If I understand this correctly bins would have to be left in the alleyway for collection which would block all access to this public walkway as well as making the job of the binmen unnecessarily difficult.</p> <p>5. Ref 06.01 of the tree report: Much emphasis is put upon the need to consult with an arboriculturist at certain times but this is only a recommendation. Is there any guarantee that a supervisory role for such an expert would have to happen in order to prevent any damage to the local ecology?</p> <p>6. Both Housewood End and Marlin's Turn are very narrow roads and parking is at a premium; this scheme allows for few parking spaces in recompense and, although you state that building traffic is not up for consideration, access for emergency vehicles is already difficult and the addition of large lorries can only compound this and this is causing much anxiety amongst residents especially given the current situation.</p> <p>7. Most houses at the bottom of Housewood End have had a problem with sewage at some time and the drains are continually having to be flushed out. The current infrastructure can barely cope as it is and more housing at this end of the street can only add to this problem.</p> <p>8. I am somewhat confused by the letter on p25 of the drainage statement and cannot see the relevance of a pre-planning enquiry that mentions 7 flats. Is this from a previous application and why does the letter not mention anything about the impact of the 3 proposed houses?</p> |
| <p>4 Housewood End Hemel Hempstead Hertfordshire HP1 3LP</p> | <p>Parking has become a big issue with more and more residents from Marlin's Turn parking in Housewood End. Some parking bays are proposed but it will not be enough to ease the problem, especially if those who no longer have a garage need to park in the street.</p> <p>I see a space has been allocated for bin collection. What measures will be taken to prevent people parking here?</p> <p>As the parking situation has worsened residents have taken to parking at a 90° angle across the pavement at the bottom of the road. This has eased the problem somewhat but has led to significant disrepair of the</p> |

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| | <p>pavement. This area does not come under the proposed action but will be affected. Do you propose to improve this?</p> <p>Also, there is bound to be some disruption to parking and access during the building work. How will this be managed?</p> |
| <p>10 Housewood End Hemel Hempstead Hertfordshire HP1 3LP</p> | <p>Housewood End is a narrow road with very few parking spaces available. Residents from both Marlins Turn and Housewood end park their cars at the bottom of the road, by the woods. Those spaces will now be lost.</p> <p>There is also wildlife that will be negatively impacted. We have often seen foxes and bats in the surrounding area</p> <p>Also, the utility provision is quite poor/old. The sewage pipes are old and narrow and sewage overflowing incidents happen quite often. Connecting more households to an old network will only increase the risk of overflowing.</p> |
| <p>85 Marlins Turn Hemel Hempstead Hertfordshire HP1 3LL</p> | <p>The proposal directly backs on to the end of my property of which open space into the woodlands and natural light will be completely blocked out. The proximity of the property is extremely close, overlooking the garden, invading privacy into the back of my property.</p> <p>The height of the developments I would also challenge and believe they are too high.</p> <p>This route is used by many residents to access the surrounding woodlands area and this development would disrupt the natural path into the woods.</p> <p>My final objection is the restrictions on parking which is already a major challenge for residents on these roads. This development will mean there is less available parking for existing residents.</p> <p>I do not support this development being built.</p> |
| <p>81 Marlins Turn Hemel Hempstead Hertfordshire HP1 3LL</p> | <p>81 Marlins Turn, Hemel Hempstead, Herts HP1 3LL</p> <p>Parking: Parking in Marlins Turn and Housewood End is a serious issue for residents. New parking bays were put in at the top of Marlins Turn a few years ago to try and help this, but in many ways this has made parking worse. Cars in that parking area are regularly double-parked and the entrance blocked, making it impossible for delivery vehicles and emergency vehicles to get through. Vehicles are often parked across pavements in Marlins Turn, and towards the bottom of Marlins Turn, where a new house has been built, cars are always parked in a way that only allow the smallest of vehicles to pass. Cars from both Marlins Turn and Housewood End now make use of the pavement across the bottom of Housewood End to park their cars, and this has helped the situation. However, the planned development of the garages is going to make the parking situation so much worse. The garages that are proposed to be demolished are heavily used by residents and the removal of these will add even more vehicles to the road. We ourselves rent 3 of these garages, so we alone will be adding 3 more vehicles to the existing parking problem.</p> <p>Garages: It has been suggested that those of us who currently rent garages in the proposed demolition area will be given priority on garages at the other end of the Housewood End site. However the planning documents clearly show that these garages are also being</p> |

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| | <p>considered for redevelopment. What guarantee do we have that we will be offered one of these garages immediately, and that they will not be taken away from us over the coming months/years due to redevelopment?</p> <p>Access: Although in theory the vehicular access to the proposed development site is straightforward, using Marlins Turn and Housewood End, the reality is very different. With the huge number of vehicles constantly parked along these roads, and the number of dog walkers etc that use the garage entrance to the woods, the ability of large lorries to reach the site and then manoeuvre their vehicles will be impossible.</p> <p>Security: Our garden and those of our immediate neighbours have gated access into the garage area. I understand that this access will be maintained, but a garage currently forms the boundary of our garden and that of our next door neighbour - how will this be replaced - will suitable fencing be provided and how/when will this be erected? I have serious concerns about the security of the properties in Marlins Turn that back onto the proposed building site while the work is going on.</p> <p>Wildlife: We are lucky to have an abundance of wildlife in the area around the woods, including deer, owls, bats. Parakeets have made a home in a tree that backs onto the garages, and I am very concerned that these will be disturbed and will leave the area.</p> |
| <p>77 Marlins Turn Hemel Hempstead Hertfordshire HP1 3LL</p> | <p>1 - Housewood End and Marlins Turn suffers badly with insufficient parking already. Cars currently park at right angles to the pathways which eases the problem slightly but still not ideal. The weekends and evenings are noticeably worse.</p> <p>2 - I have huge concerns around the wildlife that are in the woodland surrounding Marlins turn. The many animals including Deers , Bats , Owls , Parakeets and Badgers would be unnecessarily disturbed with the building works resulting in habitats being damaged.</p> <p>3 - There are no plans that I can see for any garages to be retained or new ones built. This causes me major concern as we use two of the garages for the keeping of cars. These would not be able to be left outside in a bay for fear of vandalism or theft and would contribute to the parking dilemma that we already face. We have had the use of these garages for approximately 10 + years even with the increased rent.</p> <p>4 - The access to Housewood End is via Marlins Turn which already suffers with narrow parts of the road where cars are parked on one side. Emergency vehicles & dust carts struggle to get through with increased traffic from lorries & work vans etc. This is a major concern of mine.</p> <p>5 - The current drainage is not going to take an increase in waste from new households . We already face problems each year with the drains being blocked and having to be cleared. This is only going to contribute to the problem further.</p> <p>6 - With Marlins Turn having such a beautiful surrounding woodland it means that this is a attraction to many people living in and around Gadebridge. We notice an increase in people and cars during</p> |

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| | <p>weekends, school holidays and summer months where people park in Housewood End to enjoy the beautiful woodland. We feel as though the money could be spent more wisely with better garages for those who need them, increase parking bays where appropriate and improved street lighting for the safety of our residents.</p> |
| <p>75 Marlins Turn Hemel Hempstead Hertfordshire HP1 3LL</p> | <p>The 33 garages were originally built to provide parking facilities for the residents on Housewood End and Marlins Turn. Due to various management shortcomings, they have become unappealing and unaffordable for some of the residents. However, the need for parking remains. Every day, there are at least 20 cars parked by the garages, and these cars would have no other places to be parked, with both Housewood End and Marlins Turn street parking being full on a daily basis. Add to this number the cars that are actually using the garages, and you will get to a grim figure. Also, the site is by the entrance to the Warners End Forest, and dog walkers and other people from the town are parking in the same area. The Council recently proposed converting a green on Marlins Turn into parking space. This is extremely destructive to community spirit and health of the residents, and certainly not a solution to the parking problem, as the number of proposed spaces would be limited. Thankfully, that proposal was rejected. However, we are not against demolishing the 33 garages, should the Council decide to provide residential parking spaces in their place. But the current proposal of demolishing the garages and building 3 individual homes would simply explode the severity of the parking situation in the area and we are objecting it. The proposal simply does not deliver for the residents on Housewood End and Marlins Turn, nor does it for the people visiting the green belt/ Warners End forest. It is also affecting the character of the area and the natural habitat. By building 3 houses, the need for more parking will only increase. Even though these three houses would have some private parking, there will not be enough parking for those 30+ cars that are using the current site on a daily basis. The council will therefore create a problem instead of working alongside the residents to solve their problems. Another issue is the sewage system - various houses on Marlins Turn, including ours, have manholes in their gardens, which need access from the Warners End forest path. When we had a blocked manhole in our back garden and a Thames Water subcontractor came to clear the blockage, he was unable to bring in minimal equipment into our back garden, other than by carrying it on his person. Thames Water needs access to the properties on Marlins Turn, to be able to sort out such events. Also, the subcontractor was surprised of the diameter of the sewers and indicated that there is increased likelihood for future problems, as the pipes struggle to cope. By building three houses instead of the garages, there will not be adequate capacity and access to the current drains via the entrance to the forest through the back of the properties on Marlins Turn. Please work for us, not against us - that's why we voted for you.</p> |

Agenda Item 5d

ITEM NUMBER: 5d

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| 20/03819/FUL | Demolition of 31 residential garages and construction of 4 no. dwelling houses | |
| Site Address: | Garage Court Dione Road Hemel Hempstead Hertfordshire | |
| Applicant/Agent: | Mr Ian Johnson | Mr Ian Morrison |
| Case Officer: | Martin Stickley | |
| Parish/Ward: | Hemel Hempstead (No Parish) | Highfield |
| Referral to Committee: | The application is referred for the consideration of the Development Control Committee as the site is owned by the Borough Council. | |

1. RECOMMENDATION

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

2. SUMMARY

2.1 The application site is located within the residential area of Hemel Hempstead. It is not an allocated housing site and is a 'windfall site'. Dacorum's Core Strategy directs residential development to the towns and established residential areas (see Policy CS4 of the Dacorum Borough Core Strategy (2013)).

2.2 Four new dwellings are proposed to be located on land currently occupied by terraces of domestic garages, which originally served existing nearby residential properties. Over time, the garages have become either disused or underused, and this application offers the opportunity to create high quality affordable housing in their place, improving the local environment and security through new landscaping and increased natural surveillance.

2.3 The redevelopment of this site provides the Council, as a provider of housing, with the opportunity to complement the existing housing stock in the area and to meet its own objective of providing affordable housing. The Council's affordable housing studies have identified a strong need for new, family-sized homes for local people. As such, and given that the development would be located in a sustainable location (being near to local facilities and public transport linkages), the proposal is in accordance with Policies CS1, CS4, CS17 and saved Policy 10 of the Dacorum Borough Local Plan (2004).

3. SITE DESCRIPTION

3.1 The application site relates to several blocks of garages situated at Dione Road within the urban boundary of Hemel Hempstead and the residential area of Highfield (HCA20). The access road is between Nos. 99 and 101 Saturn Way. The site is an irregular shaped plot (L-shaped) with an area of approximately 0.21ha. The site is relatively flat but there is a slight decrease in level in the western section of the site, towards Hyperion Court. Beyond the northern boundary lies the Nicky Line, which is enclosed by a dense belt of trees that provides a significant green corridor. This area, to the north, is designated 'open land'.

3.2 The Highfield residential area is a large New Town neighbourhood comprised mainly of housing from the typical 1960's. However, there are also subsequent developments from later periods, for example, a similar garage redevelopment at Mimas Road around 75m to the west (approved in 2009). The area is characterised by its regular, angular spatial layout, which features a high incidence of amenity greens and landscaping. Design is varied throughout the Highfield area but parts do have distinct identity and character. In terms of the Heights (known as the 'Planets' area), the character is somewhat traditional with plain gabled, pitched roofing with typical stock brickwork.

4. PROPOSAL

4.1 Planning permission is sought for the demolition of 31 garages and the construction of four residential units (2 x 2-bedroom and 2 x 3-bedroom) with associated parking areas and gardens. The shape of the site limits the spatial layout and consequently the houses have been split into two blocks (pairs) of semi-detached houses. This application forms part of a Planning Performance Agreement (PPA) that encompasses seven garage sites.

5. PLANNING HISTORY

None

6. CONSTRAINTS

Ancient Woodland: Ancient & Semi-Natural Woodland

CIL Zone: CIL3

Former Land Use (Risk Zone):

Open Land: Highfield

Parish: Hemel Hempstead Non-Parish

RAF Halton and Chenies Zone: Green (15.2m)

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

Residential Character Area: HCA20

Smoke Control Order

Parking Standards: New Zone 3

Town: Hemel Hempstead

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

National Policy Guidance (2019)

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

Dacorum's Core Strategy (2006-2031)

NP1- Supporting Development

CS1 - Distribution of Development

CS2 - Selection of Development Sites

CS4 - The Towns and Large Villages

CS8 - Sustainable Transport

CS9 - Management of Roads

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

CS17- New Housing

CS18 - Mix of Housing

CS19 - Affordable Housing
CS26 - Green Infrastructure
CS29- Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Soil and Water Quality
CS35 - Infrastructure and Developer Contributions

Dacorum Borough Local Plan (Saved Policies) (1999-2011)

Policy 10 - Optimising the Use of Urban Land
Policy 18 - The Size of New Dwellings
Policy 21 - Density of Residential Development
Policy 51 - Development and Transport Impacts
Policy 57 - Provision and Management of Parking
Policy 58 - Private Parking Provision
Policy 99 - Preservation of Trees, Hedgerows and Woodlands
Policy 100 - Tree and Woodland Planting
Policy 111 - Height of Buildings
Policy 129 - Storage and Recycling of Waste on Development Sites
Appendix 1 - Sustainability Checklist
Appendix 3 – Layout and Design of Residential Areas

Supplementary Planning Guidance/Documents

Area Based Policies: HCA20 (Highfield) (May 2004)
Manual for Streets (2010)
Planning Obligations (April 2011)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)
Affordable Housing (January 2013)
Parking Standards (November 2020)

9. CONSIDERATIONS

Main Issues

9.1 The key considerations relating to this application include:

- The principle of development;
- The quality of residential development and living conditions of existing and future residents;
- Highway safety and car parking; and
- Any other material planning considerations.

The Principle of Development

9.2 The application site is located within the residential area of Hemel Hempstead. It is not an allocated housing site and is a 'windfall site'. Dacorum's Core Strategy directs residential development to the towns and established residential areas (see Policy CS4). The Area Based Policy HCA20 (Highfield) highlights that there is scope for the redevelopment of garage blocks, however, only if alternative provision is made for displaced vehicle parking.

9.3 The proposal would contribute to the Borough's housing stock (in accordance with Policy CS17). As such, and given that the development would be located in a sustainable location, the proposal is in accordance with Policies CS1, CS4 and CS17. Saved Policy 10 of the Local Plan, encourages the

effective and efficient use of urban land. Considering this, there is no compelling objection to the principle of the proposed development.

Quality of Residential Development / Living Conditions

9.4 The impact on the established residential amenity of neighbouring properties is a significant factor in determining whether the development is acceptable. Policy CS12 states that development should avoid visual intrusion, loss of light and loss of privacy to neighbours. Paragraph 127 (f) of the National Planning Policy Framework (henceforth referred to as the 'Framework') requires development to create safe, inclusive and accessible places that promote health and well-being and a high standard of amenity for existing and future users.

9.5 HCA20 identifies a number of development principles for the area. These include:

“Design: Should respect the characteristics and architectural themes of nearby and surrounding development. Alternative designs may be acceptable in cases where a clear distinction in design can be drawn from nearby and surrounding development, for example on sites clearly separated from other dwellings. Such alternative designs are unlikely to be acceptable on infill plots for single dwellings.

Type: All types of dwelling are acceptable.

Height: In most cases, should not exceed two storeys. Three-storey development may be permitted where adjacent to buildings of a similar or greater height, dependent on its impact on the character and appearance of the area.

Size: Small to medium sized dwellings are acceptable.

Layout: Development proposals are strongly encouraged to make use of the existing layout structure as a basis for new layouts. The feature of dwellings grouped around landscaped amenity greens is encouraged. Prevalent building lines should be followed. Spacing in the medium range (2 m to 5 m) is expected.”

Layout / Residential Amenity / Living Conditions

9.6 The proposed layout is considered acceptable. The gardens are adequately sized, averaging at around 12.5m in depth and 6.5m in width, complying with saved Appendix 3 of the Local Plan. The proposed spatial layout has regard for the existing units fronting on to Saturn Way and Hyperion Court in terms of avoiding amenity issues such as adverse privacy, sunlight and daylight implications. There is one first-floor flank window on Plot 4 that would give rise to overlooking. An obscure glazing condition would be imposed if this application is approved to counter this. No other windows would result in significant overlooking issues.

9.7 Plots 3 and 4 would be situated behind the rear gardens of 105 and 107 Saturn Way. The flank wall of Plot 4 would be clearly visible from the gardens and rear windows of these neighbouring properties. The proposed buildings have been set in from the site's boundary to provide a separation distance of approximately 21.5m. In terms of scale, the proposed buildings are not excessively tall or bulky. As such, there would be limited implications in terms of visual intrusion on these neighbouring properties.

9.8 The proposed new dwellings would not infringe upon the 25-degree line taken from any of the nearest ground-floor windows on neighbouring properties. It is considered that the roof form, height and siting of the new buildings would ensure that the development would not adversely affect daylight and sunlight from reaching neighbouring properties. The scheme complies with the Building Research Establishments 'Site layout planning for daylight and sunlight: a guide to good practice'.

9.9 The buildings are located to the north of Saturn Way. It is therefore unlikely that there would be severe loss of sunlight to these neighbouring gardens. Turning to the neighbours on Hyperion Court, the proposed structures would be some 50m away. The land level drops slightly as you move towards these neighbours, but the distance between the buildings would provide an acceptable buffer, mitigating impacts on residential amenity.

9.10 In terms of demolition and construction, if this application is approved, these are aspects that would be controlled by Environmental Health. Various informatives shall be added regarding construction hours, etc.

Quality of Design

9.11 The immediate area (i.e. Saturn Way and Hyperion Court) consists of 1960's housing with modest architectural detailing. The area is not located within an area of any special planning control in terms of design. Amendments to the architectural detailing have been introduced during the planning process such as façade treatment along the party walls. Additional elements, such as chimneys, have been included to add visual interest to the elevations and help the development assimilate with existing design features in the area. Overall, it is considered that the design approach respects the appropriate vernacular scale and design of the Highfield character area.

9.12 The proposed external materials comprise red brick, roof tiles, aluminium windows, timber doors and timber effect cladding. The drawings highlight that some of the materials are still to be confirmed e.g. the roof tiles. Therefore, it is necessary to condition details of materials if the application is approved.

9.13 The proposal would provide a high quality living environment for future occupiers and would not result in significant adverse impacts on the neighbouring properties. The quality of residential development and the impact on the living conditions is considered acceptable in accordance with the aforementioned policies.

Impact on Trees

9.14 There are a number of trees within close proximity to the site that must be considered. The submitted Arboricultural Report (ref: S231-J1-IA-1) identifies that no trees of significant landscape value or amenity would be detrimentally affected by the development. Dacorum's Trees and Woodlands Department have reviewed this document and raised no objections to the proposed works.

9.15 The drawings found in the Appendices of the Arboricultural Report illustrate the root protection areas of the trees and measures to protect them during the preparation, demolition, construction and landscaping phases (see S231-J1-P1 Rev 2, S231-J1-P2 Rev 2 and S231-J1-P3 Rev 2). These details would be conditioned if the application is approved.

9.16 Due to the location of the trees, it is unlikely that the proposed properties would be significantly overshadowed or suffer from unacceptable levels of daylight. Taking the above into account, it is concluded that there would be a limited impact on existing vegetation in accordance with saved Policy 99. Four new trees would be provided (see Proposed Site Plan) in accordance with Policy CS29. These trees would be secured by a landscaping condition.

Parking and Highway Safety

9.17 Policy CS12 seeks to ensure developments have sufficient parking provision. The Framework states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport, local car

ownership levels and the overall need to reduce the use of high emission vehicles. The Parking Standards Supplementary Planning Document (SPD) provides policy guidance for the amount of parking provision required for new developments. It highlights the following (per residential unit) in this area:

2 bedroom dwellings – 1.5 allocated spaces or 1.2 unallocated spaces
3 bedroom dwellings – 2.25 allocated spaces or 1.8 unallocated spaces

9.18 The proposed layout provides eight allocated spaces (two per unit) and two visitor spaces (total of ten). This meets the parking standards for allocated spaces and provides two additional spaces for visitor parking. The proposal is therefore deemed acceptable in this regard.

9.19 The SPD requires the provision of electric vehicle charging points. As these are not illustrated on the drawings, details will be conditioned if the application is approved.

9.20 Policies CS8, CS9 and saved Policy 51 seek to ensure developments have no detrimental impacts in terms of highway safety. Paragraph 109 of the Framework states, 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

9.21 Hertfordshire County Council as the Highway Authority have assessed the highway impacts and raised no objection to the proposals. They consider the existing access and proposed layout appropriate in terms of highway safety and manoeuvrability for larger vehicles e.g. fire tender and refuse vehicles.

9.22 In summary, the proposed parking and access arrangements are considered acceptable and policy compliant.

Other Considerations

Loss of Garages

9.23 HCA20 states that the redevelopment of garage blocks will only be acceptable if alternative provision is made for displaced vehicle parking. The widths of the existing garages are generally unsuitable for modern vehicles except motorcycles. Therefore, the only vehicles displaced would be those informally parked in the garage court area.

9.24 It appears a number of the residents at Hyperion Court park their cars at the ends of their gardens. These properties benefit from pedestrian access rights on to the garage block but do not have vehicular access rights. The area of hard standing to the rear of these properties would be retained but it is likely that it would be needed for the manoeuvring of vehicles.

9.25 Dacorum's Verge Hardening Team were contacted to determine whether there is scope to provide parking areas in the vicinity. They investigated this and highlighted concerns from Trees and Woodlands, who stated that providing parking bays in the surrounding area could affect root protection zones of existing trees. Other suggestions for parking areas were dismissed, as some of the bays would be very close to the corners of junctions, and could ultimately result in highway safety issues when exiting onto the carriageway.

9.26 It is considered that if any vehicles are displaced by the proposals, there would only be a limited number. There are no parking restrictions on many of the surrounding streets and although residents have highlighted parking difficulties, it is considered that on balance the redevelopment of the site and the provision of four affordable units would outweigh a slight increase in on-street parking.

Landscaping

9.27 The proposed site plan details planting at the fronts of the properties, which should help to soften the visual impact and create an attractive development. The boundary treatment (1.8m timber fencing) and surfacing materials (block paving and bound gravel) are considered acceptable. Full details of landscaping would be requested by condition if the application is approved.

Ecology

9.28 An Ecological Survey and Bat Report has been submitted to the Local Planning Authority as part of the application submission. No significant concerns are raised by the conclusions of the reports. They have highlighted that no further surveys are required but recommended that the late discovery protocol be followed should bats be discovered. This would be added as an informative if the application is approved. An informative relating to nesting birds shall also be added.

9.29 The report also highlights that any lighting as part of the development does not increase and negatively affect local bat populations, particularly along the woodland edge and the Disused Railway (Nickey) Line. Details of any external lighting would therefore be secured as part of the landscaping condition.

Refuse

9.30 Developers are expected to provide adequate space and facilities for the separation, storage, collection and recycling of waste (see Dacorum's 'Refuse Storage Guidance Note').

9.31 The site plan indicates where bin storage for the properties is located. These areas are proposed to the sides/rear of the properties and would be visually obscured from the surrounding area. The refuse collection point is located to the southeast of the site. No concerns are raised regards this.

Community Infrastructure Levy

9.32 Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. The Charging Schedule clarifies that the site is in Zone 2 within which a current charge of £197.24 per square metre is applicable to this development.

9.33 Depending on the tenure of any affordable housing units, these may be exempt from the payment of CIL. It is recommended that any exemption requirements are discussed with the CIL team prior to the submission of the proposals and that relevant paperwork is completed expediently upon any issue of planning permission.

Contamination

9.34 The Environmental and Community Protection Team have confirmed that they have no objection to the proposed development. However, it is judged that the recommendation for an intrusive land contamination investigation is made. It is recommended that two conditions be included in the event that permission is granted.

Drainage

9.35 The drainage strategy comprises of unlined permeable paving for car parking areas with an outflow into the proposed network. It is noted that surface water drainage calculations have been provided to support to scheme and ensure sufficient storage has been provided for the 1 in 100 year plus climate change event. Based on the information, the Lead Local Flood Authority have

confirmed that the site can be adequately drained, raising no objection subject to the inclusion of a final drainage scheme condition.

Response to Neighbour Comments

9.36 The majority of the concerns raised have been discussed previously in this report. However, there are several other points raised that will be discussed in turn below.

Car Crime

9.37 One of the neighbouring residents raised concerns over car crime in the garages. The area does not benefit from a great level of natural surveillance and is poorly lit. It is considered that the provision of new housing would introduce natural surveillance to this area. In turn, this should help to decrease car crime.

Inability to Provide Electric Charging Points

9.38 A resident on Hyperion Court has highlighted that they would be unable to charge an electric vehicle at the back of their property in the future. Dacorum Borough Council has declared a climate emergency and therefore this concern is of particular importance.

9.39 The Applicant was contacted regarding this issue. They highlighted that, *“there are a few privately owned properties that have access (pedestrian and / or vehicular) across the garage site but none have acquired the right to park their vehicles there. It would not be sensible to allow residents of Hyperion Court to park their vehicles informally in the new development as there would be an expectation that Council would resolve any blocked access routes.”*

9.40 To counter this problem, the Applicant suggested that the owners approach the Council's Estate's Team for an annual licence to access their back gardens via the new development site. This may allow residents to create parking areas at the ends of their gardens and charge electric vehicles there. It should be noted that this development would provide electric vehicle charging points to serve the development, as per the added condition.

Loss of View / Devalued Property

9.41 This is not a material planning consideration. A refusal on these grounds would be unjust.

Loss of Pedestrian Access to the Nickey Line

9.42 The Applicant was approached regarding this concern and they responded with the following: *“Although there is no public footpath through the existing garage site, the intention is to allow pedestrian access to continue across the new development.”* The pedestrian access is illustrated on the Proposed Site Plan. No concerns are raised with this.

10. CONCLUSION

10.1 The site is located within the residential area of Hemel Hempstead. Under Policies CS1, CS4, CS17 and Saved Policy 10, there is support for residential development in such locations. In particular, saved Policy 10 encourages effective and efficient reuse of urban land. The principle of development is therefore acceptable.

10.2 The scheme has undergone multiple revisions to limit the impacts on the surrounding built and natural environment. The current scheme raises no concerns with regards to the scale and design of the proposed dwellings. No significant adverse impacts are identified with regards to residential amenity. The impact on trees would be limited.

10.3 The redevelopment of this garage site would provide the Council, as a provider of housing, with the opportunity to complement the existing housing stock in the area and to meet its own objective of providing affordable housing. Therefore, the proposal is considered policy compliant.

11. RECOMMENDATION

11.1 It is recommended that planning permission be **GRANTED** subject to 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. **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 the Flood Risk Assessment and Drainage Strategy reference M03001-04_FR05 dated December 2020 prepared by McCloy Consulting. The scheme shall also include:**

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 surface Water sewer.**

2. **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 event.**

3. **Implement drainage strategy to include permeable paving and attenuation tank.**

4. **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, with a supporting contributing area plan.**

5. **Demonstrate appropriate SuDS management and treatment for the entire site including the access road. To include exploration of source control measures and to include above ground features such as permeable paving.**

6. **Exceedance routes and details of any informal flooding areas for all events over the 1 in 30 year rainfall event.**

7. **Maintenance and management plan for the SuDS features.**

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policy CS31 of the Dacorum Borough Core Strategy (2013) and Paragraphs 163 and 165 of the National Planning Policy Framework (2019).

3. (a) **The Local Planning Authority is of the opinion that the Preliminary Investigation Report submitted at the planning application stage (Document Reference: RSK Preliminary Risk Assessment 1921152-08(00) May 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.

(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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 178 and 180 of the National Planning Policy Framework (2019). The details are required before commencement to ensure that the construction of the development does not result in pollution to the environment.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 178 and 180 of the National Planning Policy Framework (2019). The details are required before commencement to ensure that the construction of the development does not result in pollution to the environment.

5. 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).

6. **Prior to occupation of the development hereby approved, full details of the layout and siting of Electric Vehicle Charging Points and any associated infrastructure shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until these measures have been provided and these measures shall thereafter be retained fully in accordance with the approved details.**

Reason: To ensure that adequate provision is made for the charging of electric vehicles in accordance with Policies CS8, CS12 and CS29 of the Dacorum Borough Core Strategy (2013) and the Car Parking Standards Supplementary Planning Document (2020).

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

- o any external lighting; and
- o soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;
- o minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.).

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 three years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a similar species, size and maturity.

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

8. **The window at first-floor level in the southern flank of Plot 4 shall be permanently fitted with obscured glass unless otherwise agreed in writing by the Local Planning Authority.**

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

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

DBC-IW-DIO-00-DR-A-0010
DBC-IW-DIO-00-DR-A-0100
DBC-IW-DIO-XX-DR-A-2203
DBC-IW-DIO-XX-DR-A-2204
S231-J1-IA-1
S231-J1-P1-v2
S231-J1-P2-v2

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

APPENDIX A: CONSULTEE RESPONSES

| Consultee | Comments |
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| Forestry Commission | <p>Many thanks for sending a reminder regarding Planning Application 20/03819/FUL - Garage Court, Dione Road. The Forestry Commission is a non-statutory consultee on developments in or within 500m of ancient woodland. As a Government department we neither support or object to planning applications but endeavour to supply the necessary information to Local Authorities to help inform their decisions. Ancient woodland is an irreplaceable habitat. National Planning Policy Framework paragraph 118 states:</p> <p>'planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss'</p> <p>It is noted that 20/03819/FUL is immediately adjacent to the south side of Yewtree Wood, which is ancient woodland. The impact on the woodland can be greatly reduced if there is a buffer zone between the building and hardstanding and the perimeter of the woodland. For the Government guidance on buffer zones please see attached.</p> <p>The Forestry Commission has prepared joint standing advice with Natural England on ancient woodland and veteran trees to which we refer you in the first instance. This:</p> <ul style="list-style-type: none"> o should be taken into account by planning authorities where relevant when determining planning applications; o provides links to Natural England's Ancient Woodland Inventory, assessment guides and other tools to assist you in assessing potential impacts. <p>In the majority of cases this will provide the advice you need to help you make your decision about a development proposal. If you need further bespoke advice from us please contact your local Forestry Commission Area office.</p> |
| Trees & Woodlands | <p>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</p> |

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| | application being approved in full. |
| Hertfordshire Ecology | <p>Thank you for consulting Hertfordshire Ecology on the above. I am pleased to see three ecological reports have been submitted in support of this application:</p> <ul style="list-style-type: none"> o Preliminary Ecological Appraisal and Preliminary Roost Assessment (Bernwood Ecology, 7 September 2020); o Bat Survey Report (Bernwood Ecology, 26 September 2020); o Badger Survey Report (Bernwood Ecology, 27 October 2020). <p>The site was visited on 13 August 2020 and comprises 31 garages on hardstanding adjacent to an ancient semi-natural woodland (ASNW). The site itself has negligible to low ecological value and the adjacent ASNW (Yewtree Wood) has high ecological value.</p> <p>The Preliminary Ecological Appraisal and Preliminary Roost Assessment (PEA) report suggests reasonable precautionary measures to ensure that legally protected species (such as bats, badger, nesting birds and hedgehogs) are not harmed. However I note that badger sett 2 is considered a main sett and that it is proposed to temporarily close this sett. Given the location of this site within urban environment with only fragmentary open spaces surrounding it, I am concerned that sett closure with no alternative outlier or subsidiary setts located could force the badgers to desert the area or subject them to increased potential harm in attempting to relocate elsewhere. However, the proposals do not leave a buffer for the ancient woodland as this would effectively remove the ability to develop the site. This would have avoided the need to close the sett. It is not clear as to how this is to be addressed. Nevertheless, the closure of a main set in this pressurised environment seems rather drastic and I would not be confident that the badgers would return. I suggest this approach is reconsidered if the ancient woodland buffer cannot be provided. Can sett infrastructure be further informed by non-destructive archaeological methods to further inform whether this is necessary? The key issue is whether the tunnel system is likely to be harmed by adjacent earthworks or heavy machinery.</p> <p>Although several appropriate recommendations have been made in the PEA, including retention of Yewtree Wood in its entirety with no loss or damage to the woodland or individual trees within it (8.2); production of a CEMP (8.4); and no additional lighting of the woodland or habitats of ecological value (8.6), the inclusion of a 15m buffer around the ancient woodland (8.3) is not possible given the proposed plans.</p> <p>In addition, whilst several biodiversity enhancements have been made including supplementary boundary and woodland planting,</p> |

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| | <p>management of the woodland, native and nectar rich planting and wildflower sowing, it is not clear where or how any of this can be achieved as there is no such areas available to provide this within the plans. Integrated bat and bird boxes can be provided within the new buildings (8.5).</p> <p>The adjacent woodland (including roots and overhanging branches) should be protected from damage and best practice is for a 15m undeveloped buffer zone around ancient woodlands. As outlined above, this cannot be achieved. The plans and Arboriculture Report indicate that no significant trees will be felled for this proposal. However, of note in the Bat Report is the comment that "The removal of mature and semi-mature oak and hornbeam trees in Yewtree Wood ASNW immediately adjacent to the site boundary has been proposed" (8.6). The Proposed Site Plan also indicates tree removal may be required. This conflicts somewhat with 8.2 in the Ecological Report, which states that "Yewtree Wood must be retained in its entirety, with no loss or damage to the wood or individual trees within it". The Construction Plan in the Arboriculture Report S231-J1-P3 v2 (4 Sept 2020) suggests there will be 'excess impact on ASNW to the North'.</p> <p>I suspect the boundary to the woodland is artificial and likely to have been modified, unless historic maps show this not to be the case; equally an ancient woodland boundary would confirm otherwise, but no evidence of this has been presented. Whilst the loss of a tree should be avoided, it may be possible to manage the existing canopy to avoid this damage. The site has already been damaged by the current development and if no further significant impacts were proposed, this would be acceptable. The main issue therefore relates to the continued developed edge to the wood and lack of any meaningful net gain as a result. This should be addressed prior to determination, as currently the proposals remain inconsistent with the existing standing advice on ancient woodland. Any loss of trees should be compensated and replaced by appropriate native species, in a suitable location, on a two-for-one basis, and this should be secured by condition.</p> <p>The initial inspection for the garages for roosting bats identified low potential. A follow-on dusk emergence survey on 21 September recorded bat flight activity across the site but no emergence from the structures. Roosting is not confirmed, and the proposal will not impact roosting bats. The Bat Survey Report expands on the Recommendation for integrated bat boxes (8.4), otherwise all Recommendations in this report are generally covered by those in the PEA & PRA.</p> <p>I trust these comments are of assistance.</p> |
| Herts & Middlesex | No comment. |

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| Wildlife Trust | |
| Environmental And Community Protection (DBC) | <p>No objection on noise or air quality grounds.</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 on land which has been previously developed 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.</p> <p>Contaminated Land Conditions:</p> <p>Condition 1:</p> <p>(a) The Local Planning Authority is of the opinion that the Preliminary Investigation Report submitted at the planning application stage (Document Reference: RSK Preliminary Risk Assessment 1921152-08(00) May 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> <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>(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.</p> <p>(c) 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 (b) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.</p> |

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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:</p> <p>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:</p> <p>The above conditions are considered to be in line with paragraphs 170 (e) & (f) and 178 and 179 of the NPPF 2019.</p> <p>The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.dacorum.gov.uk by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.</p> |
| Parks & Open Spaces (DBC) | No comment. |
| Hertfordshire Building Control | No comment. |
| Affinity Water - Three Valleys Water PLC | Due to limited resources, we only comment on application for 5 houses or more. |
| Thames Water | <p>Waste Comments</p> <p>Thames Water recognises this catchment is subject to high infiltration</p> |

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| | <p>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>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should 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>With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services</p> <p>Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p>Water Comments</p> <p>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> |
| Hertfordshire Highways (HCC) | <p>Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <p>CONDITIONS</p> <p>1. Prior to the first occupation / use of the development hereby permitted the proposed access /on-site car and cycle parking / servicing / loading, unloading / turning /waiting area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan</p> |

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).

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

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

COMMENTS

Demolition of 31 residential garages and construction of 4 no. dwelling houses The development site is located at the end of Dione Road which

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| | <p>is an unclassified local access roads with a speed limit of 30mph.</p> <p>ACCESS</p> <p>Current vehicle and pedestrian access to the site is from Dione Road. This access will remain unchanged.</p> <p>A pedestrian and cycle way through the site will be maintained.</p> <p>PARKING</p> <p>Allocated car parking provides 8 spaces, plus 2 visitor parking spaces. Secure cycle parking will be provided for each property.</p> <p>EMERGENCY VEHICLE ACCESS</p> <p>The proposed dwellings are within the recommended 45m distance from emergency vehicle access.</p> <p>REFUSE / WASTE COLLECTION</p> <p>Arrangements have been made for the storage and collection of waste.</p> <p>CONCLUSION</p> <p>Hertfordshire County Council as Highway Authority considers the proposal would not have a severe residual impact on the safety and operation of the adjoining highway, subject to the conditions and informative notes above.</p> |
| <p>Lead Local Flood Authority (HCC)</p> | <p>Thank you for consulting us on the above application for the demolition of 31 residential garages and construction of 4 no. dwelling houses.</p> <p>As it is a minor application the Lead Local Flood Authority is not a statutory consultee. However, we can offer advice to the Local Planning Authority to place them in a position to make their own decision regarding surface water and drainage. We have reviewed the following documents submitted in support of the above application;</p> <ul style="list-style-type: none"> - Flood Risk Assessment reference M03001-04_FR05 dated December 2020 prepared by McCloy Consulting - Drainage Strategy reference M03001-04_DG05 dated December 2020 prepared by McCloy Consulting <p>Following the review of the Environment Agency maps for surface water flood risk, the proposed development is at a predicted low risk of flooding from surface water and we do not have any records of flooding</p> |

in this location. However, it is noted that the site is within the hotspot catchment area as identified within the Dacorum Borough Council Surface Water Management Plan.

The drainage strategy states that the ground conditions may be suitable for infiltration however no testing has been carried out. We note that there are no watercourses within the vicinity of the site however there is Thames Water surface water sewer located in Dione Road. A pre-development enquiry has been submitted to Thames Water and have agreed a discharge rate of 2l/s into their network.

The drainage strategy for new development comprises of unlined permeable paving for car parking areas with an outflow into the proposed network. The site will drain to below ground attenuation tank with discharge at 2l/s into the Thames sewer. A filter drain has also been proposed to treat run-off from the access prior to discharge. We note surface water drainage calculations have been provided to support to scheme and ensure sufficient storage has been provided for the 1 in 100 year plus climate change event.

Based on the information provided we can confirm that the site can be adequately drained and recommend the following condition to the LPA.

Condition 1

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 the Flood Risk Assessment reference M03001-04_FR05 dated December 2020 prepared by McCloy Consulting and Drainage Strategy reference M03001-04_DG05 dated December 2020 prepared by McCloy Consulting. The scheme shall also include:

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 surface Water sewer.
2. 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 event.
3. Implement drainage strategy to include permeable paving, filter drain and attenuation tank.
4. Where infiltration is proposed infiltration testing in accordance with BRE Digest 365 at the proposed depth and location of the proposed SuDS feature
5. 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

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| | <p>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, with a supporting contributing area plan.</p> <p>6. Demonstrate appropriate SuDS management and treatment for the entire site including the access road. To include exploration of source control measures and to include above ground features such as permeable paving.</p> <p>7. Maintenance and management plan for the SuDS features</p> <p>Reason: 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>Please note if the LPA decide to grant planning permission, we wished to be notified for our records should there be any subsequent surface water flooding that we may be required to investigate as a result of the new development.</p> |
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

| Neighbour Consultations | Contributors | Neutral | Objections | Support |
|-------------------------|--------------|---------|------------|---------|
| 36 | 9 | 0 | 8 | 0 |

Neighbour Responses

| Address | Comments |
|---|---|
| | <p>Thank you for sending me the proposed plan for the development of Dione road, I can see by the plan that there indeed seems to be some work to be carried out which will involve felling trees in Yew tree woods, on the plan it shows car parking bays yet there are bays already clearly shown? Yew tree wood is home to hundreds of different kinds of wildlife so to cut into the woods as is shown to make unnecessary bays seems completely wrong, Also these bays are directly in front of privately owned garages?</p> |
| <p>141 Saturn Way Hemel Hempstead Hertfordshire HP2 5PE</p> | <p>I wish to object to the proposed development of houses in Dione road Planning number 20/03189/FUL.</p> <p>My main concern is the wildlife who's homes will be destroyed unnecessarily to make way for car parking bays, These woods (Yew tree woods) are hundreds of years old and are enjoyed each and every day rain hail sleet or snow there are people who walk dogs people take children to play here and also this woods is home to some of the most rare trees, protected trees protected bluebells etc etc, It is also home to</p> |

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| | <p>pheasants,Badgers, foxes squirrels etc Surely this has to mean That the development can be looked at again and more care can be given to the consequences before the bulldozers move in ? It may only be part of the wood that would be affected but it would be devastating for the wildlife whose homes it is</p> |
| <p>115 Saturn Way Hemel Hempstead Hertfordshire HP2 5PD</p> | <p>Our house backs onto Yew tree wood. We have access via Dione Road and have a garage which is on our property. This development will affect access. The road width is to be reduced with a dog leg in it, I work from home and have a company based at this address and have deliveries to the back of the premises that may no longer be possible affecting access to mt garage and my business.</p> <p>Security is also an issue. At present we are in the cul de sac of Dione Road, with no reason for people to come to our end of the Road other than the residents of 117,115,113. In measure this gives some security and certainly privacy. The planning indicated the you want to build a parking bay at the bottom of my garden for 4 cars and 3 visitors. this would be a higher security risk to my home and business. This bay will be cut into the wood.</p> <p>There is restricted access now to my garage, the turning is very sharp and although the new parking bay is to be cut into the wood somewhat,i will no longer be able to park my car at the bottom of my property with out obstructing other cars, it was my intention to have installed a charging point in the future for an electric car, but this would be impossible as using it would block access to the parking bays.</p> <p>From the plans it looks as if you will have to remove trees for the parking bays, one of which is a 185 year old oak (approximate age measurement of the trunk) any cars parked here will be constantly covered in bird droppings, leaves and at risk of damage from falling dead wood. we have had several large branches fall in the last few years. it will also be a danger to the local wild life which is held in high regard by local residents.</p> <p>I rent 3 garages in the block to be demolished i have rented these for over 20 years. I have a car in one a motorcycle in another and one i use for storage. I can see these from my house and that gives me great peace of mind. One of these was burgled in early 2020. it was only due to the fact that we could see the garage that we were able to notify the police so early.</p> <p>There are 31 garages in this block and 16 of them at least are in constant use. We have a massive parking problem in this area Saturn way/ Martian Ave and this will only make it worse. People are parking on road verges and pavements and causing a danger to motorist, pedestrians and access for emergency vehicles, This development will make all that even worse, Many people park in the proposed development area, although not all use the garages.</p> <p>In summery i find it difficult to understand that it is reasonable to consider developing this area with the benefit of only 4 house. The disruption to those who currently rent garages and the problems that the loss of parking space will cause to an area already under pressure</p> |

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| | !! |
| 103 Saturn Way Hemel Hempstead Hertfordshire HP2 5PD | <p>The view from my house looking out towards a 30 foot wall?</p> <p>The sewage will this be piped into any of my existing pipework, which is of a considerable age.</p> <p>Security to the rear of my property once the garage walls have been removed and the rear entrances to all the properties more open.</p> |
| 12 Hyperion Court Hemel Hempstead Hertfordshire HP2 5PB | <p>Please find below the points of very high concern to us:</p> <p>We currently rent a garage that is positioned 10 feet away from our back gate from the council in the block for guaranteed parking and security of the car. We live in an area of high car crime and have had our vehicle broken into previously.</p> <p>There would be no parking available close to the property. Parking bays in Hyperion Court are very limited and always full.</p> <p>We are looking to purchase an electric car in the near future (in line with the government legislation to reduce the UK's net emissions of greenhouse gases) and was planning to position the charging unit at back of the house. If we can't park the car at the back of the house, we would have no other means of charging the car at home.</p> <p>The impact of our view from the back of the house. We bought the house in the first place because it backed onto woodlands (nice and quiet) and the scenery from our back garden. I suffer from stress/depression (mental health issues) and use the outlook of the garden as a soothing escapism.</p> <p>Will this development devalue our property price? With the disturbed view from our back garden and lack of vehicle parking available will make the house less of selling point.</p> <p>The disturbance of the natural environment and wildlife to which turn the council said they would not cut down trees. At the moment we have a number of birds, frogs, foxes, pheasants, squirrels etc - what impact would this have ?</p> <p>1 - There would be no parking available close to the property. Parking bays in Hyperion Court are very limited and always full. Street parking is very limited as residents tend to park outside their own houses or have drives. We live in a court of 16 houses with only 7-8 parking spaces available within the court. I find this very unfair that you are proposing new housing development with allocated parking in the meantime taking our parking availability away. Please see pictures 1 to 3.</p> <p>2 - We are looking to purchase an electric car in the near future (in line with the government legislation to reduce the UK's net emissions of greenhouse gases) and was planning to position the charging unit at back of the house. We can't charge the car at the front of the house as we live in a court. And if we can't park the car at the back of the house,</p> |

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| | <p>we would have no other means of charging the car at home. Please see picture 4 to 6.</p> <p>3 - The impact of our view from the back of the house. We brought the house in the first place because it backed onto woodlands (nice and quiet) and the scenery from our back garden. I suffer from stress/depression (mental health issues) and use the outlook of the garden as a soothing escapism. The view is from conservatory and back garden, please find attached pictures 7 and 8 I need to send on a separate email as the email content it too large.</p> |
| <p>10 Hyperion Court Hemel Hempstead Hertfordshire HP2 5PB</p> | <p>The parking at Hyperion court is a joke, There is 7 parking spaces in our court for 16 houses, Since the houses opposite had the same as we're going to have (private road) out the back the parking it already Limited here for the Hyperion court residents. Not only that by demolishing 31 garages there will be absolutely nowhere to park as Martian Avenue the road surrounding is already overcrowded with cars and vans. This will course a lot of problems as theres not a lot of parking on that road already as most people have dropped curbs. I think the parking issue needs to be addressed before adding to it. It looks good on paper as there is a lot of crime and fly tipping round the back but for the sake of (four houses with private parking) this seriously needs looking at before hand. Thanks number 10</p> |
| <p>113 Saturn Way Hemel Hempstead Hertfordshire HP2 5PD</p> | <p>I am most worried about the effect this will have on the woodland area which my home back onto. This is an area in which you can shortcut to the Nickey Line and walk over to the adjacent fields and shops (Aldi) - the new houses will block this shortcut. Many people use this area to walk and cycle through. I feel that this development will make the area proposed in the plan overcrowded and my neighbours and I will lose our privacy. The proposal of 4 new properties will have an effect on parking space which many homes, including myself, directly rely on. Saturn Way road is already a difficult road to find parking and turn cars around on and I fear that this proposal will make the situation worse.</p> |
| <p>16 Hyperion Court Hemel Hempstead Hertfordshire HP2 5PB</p> | <p>We have two cars which we park outside our gate . We own our house and when buying it, it stated that we had parking outside our gate. If we lose our parking spots there is not many place to park round here at the best of times. Main concern is where we are going to park.</p> |
| <p>13 Hyperion Court Hemel Hempstead Hertfordshire HP2 5PB</p> | <p>My main concern would be lack of parking and the general access to my back gate. I suffer from arthritis in both my hands so I park my vehicle at the back gate to carry my shopping through to make the journey as easy as possible. We have limited parking spaces in the front of the court, which are always busy/full, hard to park spaces.</p> <p>I have been a resident for 30 years and for parking to be taken away when the new housing development comes with allocated parking bays is an outrage.</p> |

Agenda Item 5e

ITEM NUMBER: 5e

| | | |
|------------------------|---|---------|
| 20/03753/FUL | Construction of five dwellings, access road, landscaping and ancillary works. | |
| Site Address: | Land at Green End Gardens, Hemel Hempstead | |
| Applicant/Agent: | Matthew Homes Ltd and Charles Gallagher Ltd | |
| Case Officer: | Robert Freeman | |
| Parish/Ward: | Hemel Hempstead | Boxmoor |
| Referral to Committee: | The application is referred to committee at the request of Councillor Hobson | |

1. RECOMMENDATION

That planning permission be **GRANTED**

2. SUMMARY

- 2.1 The proposed development is located in the town of Hemel Hempstead where appropriate residential development is acceptable under Policies CS1 and CS4 of the Core Strategy.
- 2.2 The proposals would result in a high quality development in accordance with Policies CS11, CS12 and CS13 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011. The proposals would not be detrimental to the amenities of neighbouring properties nor harmful to matters of highway safety in accordance with Policies CS8 and CS12 of the Core Strategy, Saved Appendix 3 of the Local Plan 1991-2011 and the Car Parking Standards SPD (November 2020)

3. SITE DESCRIPTION

- 3.1 The site is located to the west of Latchford Place and comprises a rectangle of land to the rear of 19-25 Gravel Hill Terrace. The site would be accessible from Green End Gardens, a modest residential cul-de-sac containing 15 residential units. Boxmoor Primary School adjoins the site. There are a number of mature trees beyond the southern site boundary, but the site itself has been cleared of a number of trees and scrub vegetation prior to submission of these proposals.

4. PROPOSAL

- 4.1 The proposals involve the construction of a five x four bedroom detached dwellings, traditional in appearance and fronting a new access road off Green End Gardens. A priority junction and access road would replace the existing private drive to 4 Green End Gardens.
- 4.2. The principal elevations to the new residential units would front onto the newly created access road with off-street parking provided to the frontage of the units and within integral and detached garages.

5 PLANNING HISTORY

- 5.1 The application was subject to pre-application advice. This was generally supportive of residential development in the area with officers raising some minor concerns with the

design of individual units. The proposed scheme builds upon this advice and has been refined through the submission of amended plans within the application period.

6. PLANNING POLICIES

6.1 National Policy

National Planning Policy Framework (February 2019) (NPPF)
National Planning Policy Guidance (NPPG)

6.2 Dacorum Borough Core Strategy 2006-2031

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
CS26 – Green Infrastructure
CS29 - Sustainable Design and Construction
CS31 – Water Management
CS32 – Air, Soil and Water Quality
CS35 – Infrastructure and Developer Contributions

6.3 Saved Policies of the Dacorum Borough Local Plan 1991-2011

Policies 13, 51, 54, 55, 58 and 99.
Appendices 3, 5 and 7

6.4 Supplementary Planning Guidance/Documents:

Car Parking Standards (2020)
Planning Obligations (2011)
Residential Character Appraisals
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

7. REPRESENTATIONS

7.1 Consultation responses

These are reproduced in full at Appendix A.

7.2 Neighbour notification/site notice responses

There were no comments received from neighbouring parties.

8. CONSIDERATIONS

Policy and Principle

- 8.1 The application site comprises vacant land within the main town of Hemel Hempstead where new residential development would be encouraged in accordance with Policies NP1, CS1 and CS4 of the Core Strategy.
- 8.2 Policy CS8 of the Core Strategy would encourage such developments to make appropriate arrangements to ensure that they are accessible and in particular that new residential development should provide safe, sufficient and convenient parking based on car parking standards within the Car Parking Standards SPD (November 2020).
- 8.3 All developments are expected to be well designed in the context of the site and surrounding land in accordance with Policies CS10, CS11, CS12 and CS13. This supports the government's objectives for a high standard of design, delivered at optimum densities and in the right locations.
- 8.4 The proposal would make a small contribution towards the delivery of the housing target of 430 new homes per annum over the plan period under Policy CS17 of the Core Strategy. The housing target in Policy CS17 sets a level of housing which the Council expects to achieve and exceed of the Core Strategy. It is important to optimise the use of housing sites in accordance with 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.
- 8.5 Members should also be mindful that the Council does not have a five year housing land supply and as such are bound to apply the planning balance under paragraph 11 of the NPPF. Members should support the provision of residential development unless there is clear identifiable harm under the NPPF.
- 8.6 The development of residential properties should not be at the cost of significant landscaping and green infrastructure in accordance with Policies CS12 and CS26 of the Core Strategy and Saved Policy 99 of the Local Plan.
- 8.7 Sustainable design and construction is also an essential part of the Council's response to challenges of climate change, natural resource depletion, habitat loss and wider environmental and social issues. Accordingly the proposed dwelling has been assessed against the requirements of Policies CS28, CS29, CS31 and CS32 of the Core Strategy.

Layout, Scale and Design

- 8.8 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.
- 8.9 The proposed development is considered to be appropriate in terms of its design, bulk, scale, height, site coverage and use of materials in accordance with Policy CS12 of the Core Strategy. These dwellings would use a simple palette of materials and design details and would be similar in appearance to those located in Green End Gardens. They would form a natural extension to the character and appearance of this road.
- 8.10 The proposals have been amended to incorporate the comments of the design officer and to reduce the impact on 2 Green End Gardens through the processing of the application. These alterations extend to the provision of chimneys and a reduction in the pitch to the roof of plot 1 to the development.

Impact on Residential Amenity

- 8.11 The proposed development will not result in any significant harm to the residential amenities of neighbouring properties in accordance with Policy CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan.
- 8.12 Residential properties have been carefully aligned so as not to project significantly to the front or rear of existing dwellings in either Green End Gardens or Latchford Place. The new dwellings would not breach a 45 degree angle to the windows serving main habitable rooms at 4 Green End Gardens, 4 and 5 Latchford Place. On this basis any loss in daylight and sunlight to these properties is likely to be insignificant. Furthermore it is likely that such light levels have been significantly improved in the last year as a result of the removal of vegetation upon the application site. There would be no overlooking of neighbouring land as a result of this development.
- 8.13 The main impact would be on the amenities of 2 Green End Garden whose rear elevation would face onto the flank elevation to plot 1. The angle of the roof to Plot 1 has been reduced and a hipped roof is introduced to minimise the impact on this property. This flank elevation would be located approximately 12.6m from the rear elevation. Drawing CSE.01 Revision D demonstrates that the flank elevation to this property would not obstruct a 25 degree angle to the windows in the rear elevation to this property and as such one is satisfied that there is no significant loss in either daylight or sunlight thereto.

Impact on Highway Safety and Parking

- 8.14 The proposed access road is considered to be appropriate and functional for a development of this scale. There are no objections from the highway authority who consider its design would result in no significant harm to matters of highways safety.
- 8.15 Three parking spaces would be provided for each 4 bed dwelling. This would be in accordance with the Car Parking Standards SPD (November 2020). Each property has a garage which may be provided with EV charging infrastructure. This may be secured by condition.

Other Material Planning Considerations

Contamination

- 8.16 There is a potential risk that the site may be contaminated as a result of historic land uses. If the site is contaminated, any contamination will need to be remediated in accordance with the comments of the Environmental Health team. Further investigations and remediation works have been conditioned.

Drainage Strategy

- 8.17 The site is located within Flood Zone 1 (Low Risk) and as such a Flood Risk Assessment is not required in relation to the proposals. It is also minor in scale and as such does not require assessment by the Lead Local Flood Authority nor trigger a requirement for the submission of a drainage strategy.
- 8.18 A drainage strategy has however been prepared to support the proposals and this demonstrates that the development of the site should not pose any flood risk either to the site or neighbouring land. The drainage report also follows the hierarchy for sustainable surface water disposal providing a number of viable drainage options for the site, whilst discussions with Thames Water have identified that suitable foul drainage measures are

agreed in principle. On this basis there should be no grounds to withhold the grant of planning permission.

Ecology and Biodiversity

- 8.19 It is clear from the submitted Preliminary Ecological Appraisal (PEA), that much of the ecological value of the site was stripped from the site following the destruction of woodland upon the site around February 2019. The exact species composition and structure of the original woodland is unknown, however it is likely that the woodland habitat was exploited by foraging and nesting birds and foraging and roosting bats prior to its felling.
- 8.20 The PEA recommends that each dwelling is provided with bat and bird boxes as compensatory measures and in addition a landscaping scheme is developed to encourage wildlife friendly planting within the development. This should deliver biodiversity net gains against baseline data as required under the NPPF, although it is difficult to see how such works might deliver the biodiversity net gains likely to emerge as a result of the Environment Bill (10%). These measures will be secured by a landscaping condition, which should include a minimum of a single tree planted per dwelling and an assessment using a Biodiversity Impact Calculator to ensure that woodland loss is fully accounted for in accordance with Policies CS12, CS26 and CS29 of the Core Strategy.

Sustainability

- 8.21 The submitted Sustainability Statement is considered to be acceptable in accordance with Policies CS29 and CS31 of the Core Strategy.

Response to Neighbour Comments

Process

- 8.22 The Council has fully complied with its legislative requirements in terms of public consultation and has made appropriate information available through its website in relation to these proposals. This does not extend to personal information such as that contained within the application form and covered by Data Protection policies.
- 8.23 Notwithstanding the current COVID-19 pandemic, it is not necessary or appropriate for such processes to be amended. Furthermore significant time has elapsed since the end of this statutory consultation period and its consideration by the Development Management Committee, such that it is considered that the consideration of the application has not prejudiced residents of neighbouring land from expressing a view.

Tree Felling

- 8.24 The neighbours to the site have identified that the site was heavily treed prior to works being undertaken over a sustained period in February 2019. This occurred before the applicants engaged in pre-application discussions in May 2019. It is quite clear from an examination of historic and aerial photos of the site that these trees covered a substantial area of the site, however it is not clear why these trees were removed nor do they appear to have been subject to any protection under the planning system. The removal of these trees, whilst unfortunate, does not provide any appropriate basis to withhold planning permission in this case.

9 CONCLUSION

9.1 The proposals will result in a high quality residential scheme and more efficient use of garden land within the settlement of Hemel Hempstead. It would allow for the provision of five new properties supporting the objectives of Policy CS17 of the Core Strategy without harming the amenities of neighbouring units nor undermining highways safety.

10. RECOMMENDATION

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

Conditions

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

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

2. No development of the superstructure shall take place until samples of the materials to be used upon the external surfaces of the development hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

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

PLANS

BDML.01 Revision D (Material Layout)
CSE.01 Revision D (Coloured Street Elevations)
GAR.01.pe Revision C (Double Garage Plans)
HT.1335-1.e Revision C (House Type 1335 Elevations Option 1)
HT.1335-2.e Revision B (House Type 1335 Elevations Option 2)
HT.1335-p Revision B (House Type 1335 Floor Plans)
HT.1557.e Revision D (House Type 1557 Elevations)
LP.01 Revision C (Location Plan)
SL.01 Revision E (Site Layout)
18527-HEME-5-100 Revision G (Site Access Plan)
18527-HEME-5-102 Revision D (Site Access Fire Vehicle Tracking)

DOCUMENTS

Preliminary Ecological Appraisal by ACD Environmental (MAT22683PEA A)
Sustainability Statement by Thrive Architects (MATT190214) (April 2020)
Transport Statement Revision A by Woods Hardwick (August 2020)

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

4. Prior to the first occupation / use hereby permitted the vehicular access (indicated for improvement on drawing number 18527-HEME-5-100 rev G) shall be upgraded / widened to a minimum width of 4.8 metres in accordance with the Hertfordshire County Council residential /industrial access construction specification.

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. Prior to the first occupation / use of the development hereby permitted a visibility splay measuring 2.4m x 34m metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

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).

6. Prior to the first occupation / use of the development hereby permitted 0.65 metre x 0.65 metre pedestrian visibility splays shall be provided and permanently maintained each side of the access. They shall be measured from the point where the edges of the access way cross the highway boundary, 0.65 metres into the site and 0.65 metres along the highway boundary therefore forming a triangular visibility splay. Within which, there shall be no obstruction to visibility between 0.6 metres and 2.0 metres above the carriageway.

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).

7. Prior to the first occupation the development hereby permitted the proposed access, on-site car and cycle parking, servicing, loading and turning areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with 18527-HEME-5-100 rev G 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)

8. 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:

- means of enclosure, including the materials and/or hedging plants to be used for any enclosures, together with the location of any hedgehog gates;
- soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;
- An assessment of the proposed landscaping using a Biodiversity Impact Calculator
- finished levels and contours in relation to existing site levels, eaves and ridge heights of neighbouring properties;
- any exterior lighting works and
- the siting and design of any bird boxes, bat boxes and other habitat creation as outlined within the submitted Preliminary Ecological Report.

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.

9. 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.

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.

10. If the Local Planning Authority is of the opinion that the report which discharges condition 9, above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

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

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.

11. 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 10, 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.

12. 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 16 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.

13 The development, hereby approved, shall not be occupied until full details of the Electric Vehicle Charging Points including the type of charger, power supply and a scheme for the

maintenance and management of charging points has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to occupation and shall thereafter be retained.

Reason: In the interests of access and highways safety in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD.

APPENDIX A: CONSULTEE RESPONSES

| Consultee | Comments |
|--|---|
| Hertfordshire County Council – Highway Authority | <p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <p>CONDITIONS</p> <p>1. Prior to the first occupation / use hereby permitted the vehicular access (indicated for improvement on drawing number 18527-HEME-5-100 rev G) shall be upgraded / widened to a minimum width of 4.8 metres in accordance with the Hertfordshire County Council residential /industrial access construction specification. Prior to use arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.</p> <p>Reason: To ensure construction of a satisfactory access and in the interests of highway safety, traffic movement and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <p>2. Prior to the first occupation / use of the development hereby permitted a visibility splay measuring 2.4m x 34m metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.</p> <p>Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <p>3. Prior to the first occupation / use of the development hereby permitted 0.65 metre x 0.65 metre pedestrian visibility splays shall be provided and permanently maintained each side of the access. They shall be measured from the point where the edges of the access way cross the highway boundary, 0.65 metres into the site and 0.65 metres along the highway boundary therefore forming a triangular visibility splay. Within which, there shall be no obstruction to visibility between</p> |

0.6 metres and 2.0 metres above the carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway pedestrian safety in accordance with Policies 5 and 7 of Hertfordshire's Local Transport Plan (adopted 2018).

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

Reason: To ensure 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).

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.

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.

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.

4) Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the

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|----------------------|---|
| | <p>public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration.</p> <p>Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf.</p> <p>COMMENTS This application is for construction of five dwellings, the creation of a new priority junction and access road, associated landscaping and ancillary works. The site is located on Green End Gardens, which is an unclassified local access road and a cul-de-sac.</p> <p>ACCESS Access into the proposed development will be achieved via the creation of a new priority junction and access road off Green End Gardens that follows the approximate alignment of the current private driveway associated with 4 Green End Gardens.</p> <p>Repositioning of the existing lamp post will need to be at the applicant's expense.</p> <p>PARKING Each proposed new dwelling will have one garage and one off street parking space.</p> <p>COLLECTION AND STORAGE OF WASTE Arrangements have been made for the collection and storage of waste</p> <p>EMERGENCY ACCESS The swept path diagram in drawing no 18527-HEME-5-102 rev D demonstrates that fire service vehicles are able to enter and leave the site in forward gear.</p> <p>CONCLUSION The proposals are not considered to result in a severe residual impact on the public highway and are considered acceptable to the Highway Authority, subject to the conditions and informative notes above.</p> |
| Environmental Health | <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> |

This is considered necessary because the application site has an unknown former land use, and as such the possibility of ground contamination cannot be ruled out at this stage. This combined with the vulnerability of the proposed residential end use to the presence of any contamination means that the following planning conditions should be included if permission is granted.

Contaminated Land Conditions:

Condition 1:

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

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

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

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

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

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

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

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

| | |
|----------------------|--|
| | <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Condition 2: Any contamination, other than that reported by virtue of Condition 1 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Informative: The above conditions are considered to be in line with paragraphs 170 (e) & (f) and 178 and 179 of the NPPF 2019.</p> <p>The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.dacorum.gov.uk by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.</p> |
| Conservation Officer | The layout and design are acceptable, but I would ask for chimneys to be added to the five new dwellings. |

APPENDIX B: NEIGHBOUR RESPONSES

| Address | Comments |
|---------------------|--|
| 2 Green End Gardens | <p>Please note that due to the short time scale allocated for public consultation it is only possible to set out our reasons together with some questions in summary form:</p> <p>1. The Consultation</p> <p>1.1. We note that the Application Form included as one of the documents on the Planning Portal has been redacted. This suggests that the Application submitted is NOT COMPLETE. Can you please confirm this is the case? In any event a valid Application Form is not</p> |

available for the public to view.

1.2. The Public Consultation period would appear to be a fixed period of 21 days. In view of the current restrictions due to Covid and the fact that the last day for consultation is Christmas Day, we consider this to be totally unreasonable.

2. Sustainability, The Environment and Ecology

2.1. The following is extracted from the Ecological Statement included in the Planning Application Documents:

In October 2019, ACD Environmental Ltd carried out a Preliminary Ecological Appraisal (PEA) of a parcel of land at Green End Gardens, Hemel Hempstead, HP1 1SN hereafter referred to as the 'Application Site'.

The PEA comprised a desk study and an Extended Phase 1 Habitat Survey combined with a visual survey for badger and identifying potential for protected species to be present.

The Application Site comprises of 0.2 hectares of recently felled woodland with a small stretch of semi-improved grassland. Tree species from early successional regrowth were recorded in order to compile a list of tree species likely to have been present prior to felling. However, the exact species composition and structure for the original woodland are unknown. Numerous log piles and chippings piles are at the centre of the Application Site and a small stretch of semi-improved grassland is also present which appears to have previously been kept as a lawn.

The Application Site comprises approximately 0.2 hectares of land, which was until recently broadleaved woodland, which has since been felled. (Image 1).

Image 1 referred to above is an overhead image of the site before the trees were felled. We witnessed the felling of these trees, carried out in February 2019 over a fortnight without any warning. We have got videos of the tree felling which can be made available on request. The impression we got at the time was that these trees were felled without any consideration for the ecology on the site, the neighbours or environmental legislation. It smacked of a "hurried undercover operation". We ask that the appropriate officers in the council comment on the legality of this operation, which smacks of ecological vandalism, and why the perpetrators have not been challenged to explain their actions. We await your comments.

The neighbours are calling for a thorough investigation into the felling of these trees and for your findings to be made known together with any further actions you propose to take.

This investigation should also explore any links between the felling of these trees and this Planning Application.

It is indisputable that the felling of these trees, which form a well-

established woodland in the area has caused significant damage to the habitat and the species associated with it including protected species.

It is ironic therefore that the Environmental Statement is based on the site after the precious ecology of the site had been vandalized and that the mitigation measures for protected species for bats for example is based on the vandalized site, and not on the habitat that existed previously. The trees have been missing for nearly eighteen months. Comments from your Environmental and Ecological Protection teams are eagerly awaited.

2.2 The Environmental surveys were commissioned and carried out in October 2019. These surveys were therefore carried out, at best, in sub-optimal times of the year. There are no details of the survey results available and no evidence of any repeat surveys which for many species are, as far as we understand a legal requirement. In any case with reference to para 2.1 above, the surveys should have been carried out when the woodland was intact.

2.3. It is somewhat galling to read in para 2.10 of the Sustainability Statement that the developer proposes to "minimise impacts on biodiversity and incorporate positive measures to support wildlife".

3. Access Road

3.1 We consider the access to the site via a new junction off Green End Gardens to be totally unsuitable as it will cause significant disruption to neighbours in Nos 4 & 6 in particular during construction and loss of amenity to Nos 2, 4 and 6 in particular if the development proceeds.

This will be a detrimental change to 'streetscape' as well as loss of amenity to the entire cul-de-sac?

The Design and Access Statement does identify the "sensitive relationship" of the new houses on adjacent properties but does not mention the effect the new road will have.

The Design and Access Statement does not even mention the possibility of entering the site via Latchford Place. This access is far more suitable and does not involve any reconstruction or new construction outside existing properties.

4. Drainage Strategy

4.1. The drainage Strategy is referenced in several documents included within the application and includes confusing and at times contradictory statements.

It would appear that the suitability of the site to accept shallow or deep soakaways is very much in question, and far from proven in the documents provided.

The alternative of out-falling the surface water to a surface water or

foul sewer has not been examined sufficiently to demonstrate that it can be achieved.

With regards to foul water, a suitable connection point has not been established and any obligation on the utility provider to upgrade their sewers could result in severe disruption to residents in Green End Gardens.

The alternative of connecting to sewers situated in Latchford Place, where it may be possible to achieve gravity connections, has not been explored.

We conclude that in terms of providing drainage to this new development, it is totally unreasonable to carry out significant works in a housing estate that was completed over 25 years ago.

Will the planning application be determined by the officer or will it go to the planning committee?

We trust you will not approve this planning application because it will set a precedent whereby an ecological habitat can be destroyed prior to a planning application being submitted.

In the meantime we will be consulting with our local councillor, local MP and taking legal advice.

Yours sincerely

Fred Parry No 2
Siân Parry No 2
Leah Parry No 2
Ruth Parry No 2
Chris Ward No 6
Jane Ward No 6
Ellie Ward No 6
Amy Beardsworth No 10
Elliot Beardsworth No 10
Lewis Beardsworth No 10
Matthew Durrant No 5
Sarah Durrant No 5
Luke Durrant No 5
Ben Jolly No 3
Vikki Jolly No 3
Adam Jolly No 3
Ben Jolly No 3
Hitesh Mistry No 14
Kirti Mistry No 14
Anya Mistry No 14
Chris Hill No 9
Seema Hill No 9
Andy Piper No 12
Moya Piper No 12
Dean Watkins No 8
Debs Watkins No 8
Louise Cornock No 7

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|--------------------------|---|
| | James Fee No 7 Charlotte Hopwood No 1 Paul Hopwood No 1 |
| 2A Green End Gardens | <p>The proposed properties on plots 1 and 2 will be very close to existing properties in Green End Gardens and Latchford Place. The house on Plot 1 which is my direct concern will overlook my house 2a GEG. This plan could be improved by relocating the planned location of the garages for plots 1 and 2 to the outer side of the respective plots next to the boundary fences in both cases. This will mean that the houses on Plots 1 and 2 could be moved more centrally at least 3 metres more away from existing properties in each case. This seems to be a reasonable request. Please could this change be incorporated into the proposed plan</p> <p>The second point is related to the Water and Sewage disposal plan which is still to be determined</p> <p>For these reasons I object to this development</p> |
| 4 Green End Gardens (x2) | <p>1. Planned building poses risk of flooding to No. 4 Green End Gardens, namely via:-</p> <p>a) Heavy surface H₂O flow coming down Green End Gardens being able to flow down new access road and down driveway of No. 4 Green End Gardens.</p> <p>b) Planning drawing of drainage not complete - final connections not shown.</p> <p>c) The raised cobbled path at the entrance of the new access road should stay in place. This will ensure that the H₂O flow will continue to flow down Green End Gardens as it does now and prevent flood risk to No. 4 & 6 Green End Gardens.</p> <p>d) Should the (possible) geo-cellular storage crates outside the 5 plots be extended to also be outside No 4 Green End Gardens?</p> <p>2. Plots 3, 4 & 5 are very deep. Plot 5 appears to be at the maximum permitted 45 degree angle. This will cause a loss of light at No 4 Green End Gardens. Can the properties not be built further forward? Will this 45 degree ruling be checked prior and during construction?</p> <p>3. The new access road creates a dangerous junction. Traffic calming measures are already in place on Green End Gardens. The new access road should also contain at least one speed bump etc.</p> |
| 4 Latchford Place | I would like to raise a concern over the position of the house planned in Plot 2. It will take daylight from my bathroom, utility room, kitchen, lounge, and 3 rear bedrooms. It will also cast shadows over my garden. |

ITEM NUMBER: 5f

| | | |
|-------------------------------|---|-------------------------|
| 20/03089/ROC | Variation of condition 3 (Opening hours) attached to planning permission 4/00868/14/FUL (Change of use from retail (A1) to fast food outlet (A5), opening hours 11am-11 pm and installation of an external flue pipe). Allowed on appeal ref APP/A1910A/14/2227697 | |
| Site Address: | Entreat 59B Gossoms End Berkhamsted Hertfordshire HP4 1DF | |
| Applicant/Agent: | Mr Ased Shfaq | |
| Case Officer: | Andrew Parrish | |
| Parish/Ward: | Berkhamsted Town Council | Berkhamsted West |
| Referral to Committee: | Contrary views of Berkhamsted Town Council. | |

1. RECOMMENDATION

That planning permission be GRANTED.

2. SUMMARY

2.1 The application is recommended for approval. The non-residential use as a hot food takeaway is already established following an appeal allowed in 2015. The proposal is to extend trading hours for deliveries only to 1 am. Subject to a condition seeking details of the delivery vehicle / parking arrangements, and limiting the hours to deliveries only, the proposed extended hours of use would not result in any material detriment to residential amenity through noise, disturbance, litter, parking or traffic congestion. Permission is recommended on a temporary basis of 18 months given the reason for extending hours is to cope with the Covid-19 situation. This would also give the opportunity to monitor the impact on residential amenities and review the permission at the end of the period.

3. SITE DESCRIPTION

3.1 No. 59B is an end of terrace ground floor double fronted shop unit located within a small shopping parade fronting onto and on the north eastern side of London Road/ A41. It is trading as an A5 takeaway restaurant following an allowed appeal in 2015.

3.2 The parade features a convenience store, art shop, sign company and another takeaway restaurant. There are residential properties above the retail units and dwellings to both sides of the parade, a sheltered housing scheme at Gossoms Ryde opposite, and housing off Stag Lane to the rear.

3.3 The parade has a parking layby to the frontage and to the rear of the parade features servicing /parking and amenity area for the respective units and residential uses with a narrow access between the application property and the adjoining Grade II listed Gossoms Cottage.

4. PROPOSAL

4.1 The applicant is seeking longer opening hours to allow home deliveries to carry on until 00.00 on Sundays to Wednesdays and until 01.00 on Thursdays to Saturdays. Shop opening hours to visiting customers are to remain as approved, 11.00 to 23.00.

4.2 The applicant argues in his application form that the business is struggling and needs to be open for longer hours to stop struggling. In particular, the restrictions in COVID-19 especially closing

doors at 22.00 is a real struggle as well as not being able to open during the day due to people working from home.

5. PLANNING HISTORY

Planning Applications

4/02302/02 - Historic File Check DMS for Documents and Further Details
DET - 20th December 2002

4/01657/15/DRC - Details of installation of equipment to control emission of fumes, sound insulation, plant and machinery to be installed, disposal of waste and litter and external lighting as required by conditions 4, 5, 6, 7 and 9 of appeal decision app/a1910/a/14/22276
GRA - 29th July 2015

4/03091/14/FUL - Change of use from a1 to a5 use class with opening hours monday to saturday 11am - 11pm and sundays and bank holidays 11am - 10pm. installation of an external extraction flue
REF - 17th February 2015

4/00868/14/FUL - Change of use from retail (a1) to fast food outlet (a5), opening hours 11am-11 pm and installation of an external flue pipe
REF - 15th August 2014

4/00906/10/FUL - Change of use of ground floor shop from a1 to a1/sui generis, widening of front door and new bicycle rack
WDN - 19th July 2010

4/00975/06/FHA - Two storey rear extension
GRA - 28th June 2006

Appeals

4/00868/14/FUL
Appeal allowed - *23rd March 2015*

6. CONSTRAINTS

Area of Archaeological Significance: 21
Canal Buffer Zone: Major
CIL Zone: CIL1
Former Land Use (Risk Zone):
Parish: Berkhamsted CP
RAF Halton and Chenies Zone: Yellow (45.7m)
RAF Halton and Chenies Zone: RAF HALTON: DOTTED BLACK ZONE
Residential Area (Town/Village): Residential Area in Town Village (Berkhamsted)
Residential Character Area: BCA6
SPD Zone 3
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)

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
CS13 – Quality of Public Realm
CS27 – Quality of the Historic Environment
CS29 - Sustainable Design and Construction

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

Policy 13 - Planning Conditions and Planning Obligations
Policy 99 – Preservation of Trees, Hedgerows and Woodlands
Policy 100 – Tree and Woodland Planting
Policy 119 – Development affecting Listed Buildings
Appendix 3 - Layout and Design of Residential Areas

Supplementary Planning Guidance/Documents:

Environmental Guidelines
Parking Standards SPD (Nov 2020)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

Policy and Principle;
The impact on residential amenity; and
The impact on highway safety and car parking.

Policy and Principle

9.2 Under the saved Dacorum Borough Local Plan (DBLP) Gossoms End Parade is within an established residential area. It does not form part the defined Berkhamsted Town Centre and is well separated from Northchurch Local Centre. In residential areas non-residential development for

small-scale social, community, leisure and business purposes is encouraged, provided it is compatible with its surroundings. The non-residential use as a hot food takeaway is already established following an appeal allowed in 2015. The use is therefore acceptable in principle and the only key consideration relates to the impact of extended trading hours on adjoining residential amenities and the impact on car parking and highway safety.

Impact on Residential Amenity

9.3 The Town Council object to the application as it could lead to undesirable anti-social behaviour and want to avoid unnecessary disturbance to neighbours at night.

9.4 No. 63 Gossoms End objects on grounds that the restaurant has become a centre for anti-social behaviour; that youths hang around and the level of noise and litter is totally unacceptable, and that extended opening hours would exacerbate the nuisance to elderly residents.

9.5 The neighbour also objects on grounds that given the narrow road, and parked cars that effectively reduce the road down to one running lane at this point, and which causes vehicles to have to accelerate from a standstill, would cause increased traffic noise, even just for extended deliveries.

9.6 The immediate neighbour at Gossoms Cottage also objects on grounds of noise and disturbance from the extraction unit, and the increase in customers since 2015, even during the pandemic. He has also raised the issue of litter which despite assurances from the applicant, has allegedly rarely been picked up. He requests that if approval is granted it should lapse at the end of the pandemic.

9.6 The Environmental Health Officer has commented on the application and notes that the extended sales hours will be made by delivery, suggesting a low impact due to noise and disturbance as the premises will close to the public in accordance with the existing permitted trading hours (11.00 to 23.00).

9.7 The EHO notes that this would avoid issues that might be associated with late night trade due to customer noise. He also notes that he is not aware of any history of complaints re noise or odour that suggests that plant / equipment associated with the site would lead to any problems. He recommends that the noise from people congregating can be dealt with by way of a condition to restrict extended hours to delivery only after normal closure. On the matter of nuisance from equipment, he notes from the objector's additional clarification that there is very limited suggestion of problems from extended opening hours, and that problems with odour/noise in the outdoor environment will be from the existing operation.

9.8 Given the extended hours requested relate to deliveries only, and not to visiting customers, it is not considered that there would be any material detriment to residential amenities through additional noise and disturbance. The only disturbance would be from delivery vehicles that pick up and return, which we consider is likely to be on an occasional rather than a continual, non-stop, basis.

9.9 We do not consider that the constricted condition of the road would result in any additional noise from extended hours, especially given limited traffic at those times.

9.10 Litter dropping is unlikely to be an additional problem during these extended hours and as noted by the EHO, noise from extended operation of extraction equipment would not be a significant issue.

9.11 We have requested information from the applicant to understand how deliveries would operate, what vehicles are proposed and where they would park (to rear or front), but have not received a response despite follow up emails and telephone calls.

9.12 Subject to a condition as recommended by the EHO to restrict the extended hours to delivery only, and to a condition requesting details of the arrangements for delivery vehicles that will be put in place, there would be no material detriment to residential amenities and the proposal would therefore accord with Policy CS12.

9.13 Given the reason given for extending hours is due to the Covid 19 situation, it would be recommended that any permission be given on a temporary basis and that the hours should revert to those of the extant permission following its expiry. A period of 18 months is considered reasonable. This would also give the opportunity to monitor the impact on residential amenities and review the permission at the end of the period.

Impact on Highway Safety and Parking

9.13 Concerns have been raised by a neighbour that the frequent parking of delivery vehicles usually/often results in “one way” traffic in the main road and that parking is seldom enough and results in yellow line parking that isn’t enforced, with an overall danger to the elderly, handicapped and children.

9.14 The concerns are noted but the impact of extended delivery hours, especially considering these are at a time when the roads are generally quiet, is not considered likely to result in any material increase in danger that would justify a reason for refusal.

9.15 The Highway Authority has raised no objection to the application in terms of highway safety.

9.16 In terms of car parking, there is a layby to the frontage and if this reaches capacity there is allocated car parking to the rear which is intended to provide 3 staff parking spaces and 2 visitor spaces, including one disabled parking space. However, the proposed extended hours for deliveries will occur at a time when there should be capacity in the layby for delivery vehicle/s. Nevertheless, the arrangements for delivery vehicles are unknown, and therefore should be agreed as part of the suggested condition on delivery vehicles.

Other Material Planning Considerations

9.16 Concerns have been raised by the neighbour to the poor access to, and functionality of, the parking to the rear of the premises to serve the premises, with abandoned vehicles, litter and rubbish confronting anyone wishing to use the area.

9.17 This is noted, and whilst we have queried this with the applicant but not received a reply, this is an existing situation, and not made worse per se by the application to extend hours. Nevertheless it is related to the arrangements for delivery vehicles and where they park and would be covered by the suggested condition seeking further information.

9.18 The Scientific Officer raises no objection in relation to land contamination.

Response to Neighbour Comments

9.19 These points have been addressed above.

Community Infrastructure Levy (CIL)

9.20 The proposal is not CIL liable as it creates no additional floorspace.

10. CONCLUSION

10.1 To conclude, the use is acceptable in this location provided it would be compatible with the surroundings. There would be no material detriment to residential amenity through noise, disturbance, litter, traffic or car parking issues. The EHO raises no objection subject to a condition. The Highway Authority raises no objection on highway safety grounds.

11. RECOMMENDATION

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

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

drawings numbered 980/1A and 980/2G and the Sustainable Design and Construction Statement submitted to the Council by email dated 11 June 2014.

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

- 2. The use shall not take place other than between the hours of:**

**11.00 to 23.00 Mondays to Saturdays and
11.00 to 23.00 Sundays**

with the exception of use of the premises in connection with deliveries only which are permitted for a temporary period ending 1st September 2022, to take place between the hours of:

**11.00 to 00.00 Sundays to Wednesdays and
11.00 to 01.00 Thursdays to Saturdays**

Reason: To protect the residential amenities of the locality in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 127 (f) of the National Planning Policy Framework (2019). A temporary period of extended hours is considered appropriate to allow the authority to review the impact on residential amenities at the end of the period given the extended hours would not normally be permitted in this location but regard has been had to the particular circumstances relating to the pandemic.

- 3. The details of equipment to control the emission of fumes and smell from the premises approved under application ref: 4/01657/15/DRC on 29.07.2015 shall be installed, operated and maintained in accordance with those details and the manufacturers instructions.**

Reason: To avoid odour ingress, noise/vibration nuisance and loss of amenity to surrounding properties/premises in accordance with Policy CS12 and CS32 of the Dacorum Borough Core Strategy (2013) and Paragraph 127 (f) of the National Planning Policy Framework (2019).

- 4. The details of measures to improve sound insulation between the unit and the existing first floor flat as approved under application ref: 4/01657/15/DRC on 29.07.2015 shall be installed and maintained in accordance with the approved details and the manufacturer's instructions.**

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

5. **The details of plant and machinery and its operation agreed under application ref: 4/01657/15/DRC on 29.07.2015 shall be installed and maintained in accordance with the approved details and the manufacturer's instructions.**

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

6. **The facilities for the disposal of waste and litter approved under application ref: 4/01657/15/DRC on 29.07.2015 shall be installed and maintained in accordance with the approved details.**

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

7. **Prior to this permission being implemented the parking spaces shown on drawing 980/G shall be laid out within the site and shall be permanently kept available in a clean and tidy condition to serve the A5 use.**

Reason: In accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and Section 9 of the National Planning Policy Framework (2019).

8. **The approved scheme of external lighting under application ref: 4/01657/15/DRC on 29.07.2015 shall be installed before the use hereby permitted begins and thereafter it shall be retained and maintained in full in accordance with the approved details.**

Reason: To ensure that the lighting is designed to minimise problems of glare, protect residential amenity, to minimise impacts on biodiversity and avoid unnecessary light pollution in accordance with Policy 113 of the Dacorum Borough Local Plan 1991-2011 and Para 180 of the National Planning Policy Framework (2019).

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 | Objection |

| | |
|--|--|
| | <p>The Committee noted an objection received from a neighbour regarding potential noise and anti-social behaviour if the application were to be approved.</p> <p>The Committee objected to the application as it could lead to undesirable anti-social behaviour. The Town Council want to avoid unnecessary disturbance to neighbours late at night and to keep them safe.</p> |
| Environmental And Community Protection (DBC) | <p>5/01/20</p> <p>Reading back the comments I would advise condition which restricts the operation of the business to delivery only after 22:00. This removes the issue of customers calling at the premises or issues with youths congregating outside. This reflects the nature of the application made to allow late night delivery.</p> <p>There is very limited suggestion of problems from extended opening hours, and problems with odour / noise in the outdoor environment will be from existing operation.</p> <p>29/12/20</p> <p>The detail submitted by the applicant is of a very low standard in terms of plans. However the application suggests the premises will remain closed to the public at 22:00 but is seeking to be allowed to trade until 00:00 Sun - Thu, and 01:00 Fri - Sat.</p> <p>All sales between these times will be made by delivery, suggesting a low impact due to noise, i.e. no customers at the premises or congregating. This would avoid issues that might be associated with late night trade due to customer noise. I am not aware of any history of complaints re noise or odour that suggest plant / equipment associated with the site would lead to any problems. Have the objections from neighbours / town council suggested otherwise that we should be requesting a further survey? If not, then no objection, but condition to restrict to sale by delivery only, or no customers admitted to store after 22:00.</p> |
| Food, Health & Safety (DBC) | <p>Having reviewed the application submission and the ECP Team records I am able to confirm that there is no objection to the variation of condition 3 (opening hours) in relation to contaminated land.</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</p> |

| | |
|--|---|
| | as Highway Authority does not wish to restrict the grant of permission. No objection from HCC as Highway Authority |
|--|---|

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

| Neighbour Consultations | Contributors | Neutral | Objections | Support |
|-------------------------|--------------|---------|------------|---------|
| 44 | 2 | 0 | 2 | 0 |

Neighbour Responses

| Address | Comments |
|---|---|
| 62 Gossoms End Berkhamsted Hertfordshire HP4 1DJ | <p>since opening the restaurant has become a centre for anti social behaviour. Youths use it hang around as long as it is open, and the level of noise (and litter) is totally unacceptable. it is situated in a residential area where the neighbourhood is predominantly elderly and extending the open hours will only exacerbate these intrusions.</p> <p>The road narrows at this part of the road, so there is insufficient width for cars to pass vehicles parked outside the shop, so they have to stop and wait, then accelerating causing increase to existing traffic noise. Extending opening hours, even just for deliveries, will make an already truly awful situation far worse.</p> |
| Gossoms Cottage Gossoms End Berkhamsted Herts HP4 1DF | <p>I have received notice of the above application and must register my objection as the immediate neighbour to "Entreat, 59B Gossoms End.</p> <p>The reasons for my objection are:</p> <p>Noise and disturbance. Since granted in 2015 the noise from both the extraction unit and the customers has increased significantly. Principally of evenings when youngsters congregate even during the pandemic</p> <p>Litter. Assurances were given by the applicant that litter would be collected on a frequent and regular basis. Other than the occasional litter collection vehicle I have never seen anyone clearing the discarded packaging or tin cans. I make it my business to collect from my frontage and a little further east but not in front of number 59B ! I have continually to collect rubbish from my hedge and indeed front garden.</p> <p>Opening hours and Home Deliveries. It is not clear what hours are being sought but 1am is too late!</p> <p>Parking. Gossoms End is certainly the narrowest part of Berkhamsted's extended High Street. The frequent parking of delivery vehicles</p> |

usually/often results in "one way" traffic in the main road. There is limited space for parking but seldom enough for vans, lorries and customers. Yellow Line parking is rarely enforced. Overall the danger to the old, handicapped and above all children is very real and I pray there will not be an accident.

Parking. It was claimed that parking was available behind the shop and the parade of shops. Very difficult access and, once in the area one would be confronted by abandoned vehicles, litter, rubbish and a filthy mess.

I have, further more, heard that fines? have been imposed on the cafe by H&C. Hearsay or rumour? I don't know but I would be very unhappy if the application is approved and I would suggest that, in view of the statement that the COVID 19 restrictions are causing the business to struggle, if indeed approval is granted, the permission should lapse at the end of the pandemic, whenever that may be.

I might add that since October a certain amount of work has been undertaken behind the property in question. The "garden" has been fenced but to the rear the public? space remains a mess and a health hazard in as much as I have seen the occasional rat "trespassing" in my garden!

You will gather that the fact of having a take away establishment in Gossoms End has resulted in a real increase in parking particularly in front of my house and driveway.

ITEM NUMBER: 5g

| | | |
|-------------------------------|--|--|
| 21/00090/RET | Use and extend the original walls, and use the original foundation slab, of the former garage and car port to create on the same site a two storey hipped roofed end of terrace dwelling; change of use from agriculture to front hardstanding and rear garden. | |
| Site Address: | Gable End 1 Threefields Sheethanger Lane Felden Hemel Hempstead Hertfordshire | |
| Applicant/Agent: | Mr & Mrs Craig Pitblado | Mr Roger Tym |
| Case Officer: | | |
| Parish/Ward: | Hemel Hempstead (No Parish) | Bovingdon/ Flaunden/ Chipperfield |
| Referral to Committee: | | |

1. RECOMMENDATION

That planning permission be **GRANTED**.

2. SUMMARY

2.1 The creation of a new independent dwelling in the Green Belt is inappropriate development in the Green Belt. According to paragraph 143 of the NPPF inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

2.2 There are no other harms arising from this development. There is no impact on the residential amenities of neighbouring properties or the character of the Threefields terrace or the wider area. The proposal provides sufficient parking and rear garden space for the occupiers of the dwelling.

2.3 There exist a number of very special circumstances connected with this development. These include the very real practical difficulties of complying with the Enforcement Notice, recent development in surrounding sites, and the introduction of a more liberal permitted development regime, particularly in respect of upward extensions.

2.4 It is considered that these very special circumstances are important material considerations, could not be easily replicated across other sites, and, in their totality, clearly outweigh the harms to the Green Belt to allow this development to be granted.

3. SITE DESCRIPTION

3.1 The application site comprises a two storey end of terrace property located off Sheethanger Lane, within the Green Belt. The two-storey property has a gable end roof and is clad in dark-stained timber boarding. The property currently benefits from a block-paved parking area at the front and a large rear garden.

3.2 Gable End forms part of the 'Threefields' terrace, which comprises in total four dwellings. The original Threefields terrace formed part of the curtilage of the main Threefields house, which is situated to the south-east of the site.

3.3 To the north of the Threefields terrace is a telecommunications tower and a building formerly known as The Old Hen House (currently being developed), to the west an open field separating the site from the urban / residential area of Felden, to the south the grounds of Threefields house, and to the east a belt of trees and some pasture leading to the A41 dual-carriageway.

3.3 The site has been subject to ongoing planning enforcement action, seeking the demolition of the dwelling and the return of the front parking and rear garden areas to their original agricultural use.

4. PROPOSAL

4.1 This application seeks planning permission for the retention of an independent, separate four-bedroom dwelling on the site, together with frontage parking and a rear garden area.

4.2 It is proposed to use and extend the original walls, and use the original foundation slab, of the former garage and car port to create on the same site a two storey end of terrace dwelling. In relation to the currently existing (and unauthorised) dwelling on the site, it is proposed to change the roof of the building from a gable end to a hip and to colour the white door and window frames black.

4.3 At the front and rear of the site the proposal is to change the original use from agriculture to front hardstanding to provide off-street parking and a rear garden. In relation to the current unauthorised uses, this would see the introduction of further soft landscaping in the site frontage (but still providing three parking spaces) and a shortening of the rear garden to a depth of 12.5m, which would then be separated from the rest of the land in the applicants' ownership by a 1.2m high post and rail fence.

5. PLANNING HISTORY

See Appendix A for a detailed planning history of the site.

4/02473/17/FUL - Use and extend the original walls, and use the original foundation slab, of the former garage and car port to create on the same site a two storey dwelling; change of use from agriculture to front hardstanding and rear Garden'.

Refused - 19th January 2018

Appeal against this decision was withdrawn.

6. CONSTRAINTS

Special Control for Advertisements: Advert Spec Contr

CIL Zone: CIL2

CIL Zone: CIL3

Green Belt: Policy: CS5

Heathrow Safeguarding Zone: 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)

Residential Character Area: HCA5

Parking Standards: New Zone 3

EA Source Protection Zone: 3

Town: Hemel Hempstead

Tree Preservation Order: 461, Details of Trees: A1 All trees of whatever species

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
CS5 - Green Belt
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS29 - Sustainable Design and Construction

Supplementary Planning Guidance/Documents:

Car Parking Standards (2020)
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

9.1 Main Issues

9.1.1 The main issues to consider are:

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

9.2 Principle of Development

9.2.1 Paragraph 143 of the NPPF states that, "*Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*".

9.2.2 Paragraph 145 of the NPPF states, "*A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:*

- a) buildings for agriculture and forestry;*
- b) provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and does not conflict with the purposes of including land within it;*
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*

- e) *limited infilling in villages;*
- f) *limited affordable housing for community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) *limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would reUse previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority”.*

9.2.3 Paragraph 146 of the NPPF states, “*Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it*”. Para.146 then lists six forms of development of which (e) is the only one of relevance for this application:

“e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds)”.

9.2.4 The key question is therefore whether the proposed development falls within the closed lists of development not considered to be inappropriate development in the Green Belt in paragraphs 145 and 146 of the NPPF. To answer this question, it is also necessary to consider the dwelling and the change of use of the front and rear areas separately.

Dwelling

9.2.5 The applicant’s Planning Statement makes the argument that the proposed development is not inappropriate development by virtue of paragraph 145(c), putting forward that the development does not result in disproportionate additions over and above the size of the original building.

9.2.6 In addition, whilst this is not an argument put forward by the application, it should be recognised that in the 2017 planning application the Council considered the site of the dwelling itself to be previously developed land, i.e. paragraph 145(g). The test here, however, is different, in that the question is whether the development would have a greater impact on the openness of the Green Belt than the existing development.

9.2.7 In order to make the comparisons required by paragraph 145 (c) and (g) it is necessary to discuss what is meant by ‘original building’ or ‘existing development’ for the purposes of this application.

9.2.8 The applicant’s Planning Statement states that, “*For the purposes of this application, the ‘original building’ will be assumed to be the garage and car port. However, were this not to be the case, and the ‘original building’ should be regarded as the walls and foundation*”. The applicant’s reasoning for this assertion is that the garage and car port existed previously and were part of a uninterrupted process in the redevelopment of the terrace to create the development we see today. In other words the sections of the garage and car port that were not demolished “*were at no time permanent structures – they were reduced to their present state and existed in their present state for a very short time prior to the commencement of the building works carried out in the reconstruction of Gable End*”.

9.2.9 The applicant, earlier in his Planning Statement, makes reference to the Enforcement Notice, but considers that this Notice is ‘*flawed*’, as “*it was imposed on the premise that*

- a) *Gable End was built on a cleared site in agricultural use;*
- b) *that there was no extant planning permission for it or any part of it.*
- c) *that there was no history of the site that could have indicated to the contrary”.*

9.2.10 During the appeals against the Enforcement Notices served on all the properties in the Threefields terrace, it was revealed that the middle three properties had not, in fact, been demolished and rebuilt, but had been extended upwards. These Enforcement Notices were therefore quashed, though the Council later served (and successfully defended on appeal) a further Enforcement Notice on these properties, requiring them to be lowered back to their original height. It remains wholly unexplained why the applicant during the same initial appeal (or at the following High Court challenge) failed to mention that Gable End also was not a brand new construction, but had retained most of the walls of the garage / car port, as well as the concrete slab base.

9.2.11 However, the fact remains that the Enforcement Notice was correctly served, was appealed (where there was exactly the opportunity to argue that the breach as alleged on the Notice had not occurred as a matter of fact), and remains in force and extant. Furthermore, even if the existence of the walls and the slab are taken into account, this does not make the Enforcement Notice 'flawed' because the Notice alleges the construction of a new dwelling. There can be no doubt that a new independent dwelling exists, where previously there was none.

9.2.12 As such, the situation as required by the Enforcement Notice represents the lawful position on the ground. The Notice requires the full demolition of Gable End, and therefore, this should be the starting point for any comparisons.

9.2.13 It is considered that the proposed development would plainly have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development since, once the enforcement notice is complied with, there will be no development on the land at all. Whilst, the proposal would sit alongside the other three dwellings at the point of compliance with the terms of their enforcement notice, it is still considered that by virtue of the additional built form and intensification of the use through a fourth dwelling, there would be a significant loss of openness. In respect of the previously developed land test, it is not considered that this would apply in this case, as it would not be possible to have a proportionate or disproportionate addition to a cleared site.

9.2.14 As such it is considered that, this would comprise inappropriate development in the Green Belt.

9.2.14 For the sake of completeness, two further comparisons, using the applicant's stated starting points, are assessed below. (Though it must be emphasised that the Council does not consider these to be the starting point for the reasons set out above).

9.2.15 Firstly, the applicant states that, as the original walls of the garage and the slab have remained in situ, then these should be considered the 'original' or 'existing' starting points. Effectively, this results in a comparison between the amount of structure left to the garage / car port at the end of the demolition phase of the redevelopment with the development now proposed. The original garage / car port was left as a single storey shell, with no physical windows and doors (just openings) and with some brick courses missing along sections of the structure. The proposed house is two storey in height with a hipped roof. Consequently, the proposed development would still amount to a development which can be considered both a disproportionate addition to the original dwelling, and one with a materially more significant impact on the openness of the Green Belt. Therefore, there is no change to the previous conclusion when making this comparison – the proposed dwelling constitutes inappropriate development in the Green Belt.

9.2.16 Secondly, the applicant goes further and states that the proposed dwelling should be compared to the garage and car port as this was the original built form. As stated earlier in this report the applicant is relying on paragraph 145(c) of the NPPF in that the new dwelling is not a disproportionate addition to the original garage and car port.

9.2.17 Photographs show that the site comprised a garage and a car port. No exact measurements of this structure can be found however the agent estimates the overall size and the plans submitted are reasonable to accept. The applicant's Planning Statement describes the difference as follows:

"The roof of Gable End is believed to be slightly more than one third higher than the roof of the garage and car port and its bulk of a similar ratio though the walls of Gable End are higher than the original walls by two brick levels".

9.2.18 On a floor space comparison the proposed development would see the creation of a new first floor, thereby constituting a 50% increase in the size of the building. There is also a new second floor within the roof space. However, this should not be including in a floor area calculation as this is of insufficient headroom to be used for habitable purposes – this is demonstrated by the first floor continuing above the eaves level of the house.

9.2.19 On a volumetric analysis it is noted that the footprint of the dwelling remains the same, and the current proposal would see the re-instatement of the original hipped roof design. Therefore, the increase in volume to the building is a result of its upward extension.

9.2.20 As justification that such an increase should not be considered inappropriate development in the Green Belt, the applicant draws attention to two developments in very close proximity to the site.

9.2.21 Firstly, planning application 19/03007/FUL was granted for the 'Development of one new dwelling and demolition of existing building' at a site located next to the Threefields terrace to the north-east. The existing building in that case was primarily a very long sunken single storey structure, which increased in height by three metres for a small section at the northern end. By consolidated the built form centrally across two floors, it was able to achieve a new dwelling with a 55% decrease in footprint, a 21% decrease in floor area and volume. The new first floor element was no higher than the existing northern section, and overall the new dwelling was set considerably lower than the Threefields terrace, thereby having far less impact in its visual impact than the Threefields terrace. Nevertheless, it is noted that a 3m increase in height was accepted across the area where the new house was centrally located within the original built form.

9.2.22 Secondly, planning application 4/04104/15/FUL granted planning permission for a replacement to the main Threefields house, to the south of Gable End. This created a larger house than the previous one, though the potential of a permitted development fallback position was also taken into account. The new dwelling has a lower footprint than the original house, due to its more compact form, whilst its height increased by 0.7 metres.

9.2.23 The applicant has drawn these permissions to attention because, whilst accepting that planning applications must be considered on their original merits, it is also incumbent on Planning Authorities to be consistent in their decision making. However, as can be seen from the descriptions of these developments above, the new buildings resulted in reductions to their spread across the site, whilst any increase in height was either small, or contained within the maximum height of the original structure. There are also contextual differences (such as Threefields being historically the main house of this area, and the much lower land level of the development to the north) that make direct comparisons very difficult.

9.2.24 It is noted that the previous application to retain a dwelling at this site concluded that, even compared to the 'as was built' scenario, the proposal is still larger in size than what was there and as such was considered to result in a greater harm to the openness of the Green Belt. The recent planning permissions around the site does not change this analysis when considering Gable End. Furthermore, a doubling of the floor area (compared to the garage / car port) and an increase in height of at least one third across the entire width of the dwelling. These increases are considered to be significant in the context of the site and its surroundings, and represent a disproportionate addition over and above the size of the original building.

As such it is considered that the scheme comprises inappropriate development in the Green Belt and very special circumstances would be necessary to overcome the harm.

Change of Use of Land

9.2.26 The change of use of land from agriculture to garden and front parking area is considered as part of this application. It is noted from the proposals that a 12.5m deep rear garden is proposed, i.e. not the full extent of the land in the applicants' ownership, whilst additional planting is proposed within the site frontage.

9.2.27 At the time of the previous application in 2017 the NPPF did not include material changes of use of land in the list of development not considered to be inappropriate development in the Green Belt. The current version of the NPPF, however, has introduced this in paragraph 146 (e).

9.2.28 It is noted that a condition requiring the removal of Class E permitted development rights is to be conditioned. This would ensure that the Local Planning Authority maintains control over future built development within this area, ensuring a level of protection over its openness. As a rear garden it is not considered to have a significant impact on the openness of the Green Belt. Furthermore, whilst this proposal does represent an increase in residential area, this is not considered to conflict, in this instance, with any of the purposes of including land within the Green Belt. In particular, it is noted that this section of the countryside, i.e. the field that separates the Threefields terrace from Sheethanger Lane is already crossed by the fencing and access road associated with the telecommunications mast to the north-west of the site.

9.2.29 Similarly, the area at the site's frontage to be used as parking, whilst constituting an increase in residential area, would be seen in the context of the original access road and is contained by the belt of trees immediately to the east. The parking area has taken up an area of land that was too small to be put to any productive agricultural use and overall, has preserved the openness of the Green Belt.

9.2.30 Therefore, in respect of the change of use sought by this application, there is no objection in principle to this part of the proposals.

9.3 The impact of the development on the Green Belt

9.3.1 As noted above the construction of a new dwelling in this locality is considered to be inappropriate development, and is therefore harmful by definition. However, it is also considered that when assessed against the five purposes of the Green Belt in paragraph 134 of the NPPF, the proposed development does not cause any harm.

9.3.2 The proposed development would only have a slight impact when considering paragraph 134(c), i.e. "to assist in safeguarding the countryside from encroachment". However, it must be noted that a previous car port / garage existed on the site, that the rear garden area is to be halved through these proposals (and permitted development rights for extensions and outbuildings removed as part of any permission). Furthermore, the site is already separated from the field between the Threefields terrace and Sheethanger Lane by the access road to the telecommunications tower. Therefore, it is not considered that this application constitutes encroachment into the countryside.

9.4 Quality of Design / Impact on Visual Amenity

9.4.1 Policies CS11 and CS12 of the Dacorum Core Strategy state that development should, inter alia, respect the typical density intended in an area, preserve attractive streetscapes, protect or enhance significant views within character areas, and integrate with the streetscape character.

9.4.2 Policy CS12 further states that development should respect adjoining properties in terms of layout, site coverage, scale, height, bulk, materials and amenity space.

9.4.3 Gable End forms part of a terrace of four dwellings. These dwellings are all clad in dark-stained weatherboarding, which is more appropriate in this edge of countryside location. In addition, the proposed re-colouring of the door and window frames would help to soften the development and to reduce any prominence it may have.

9.4.4 The current proposal would see the introduction of a hipped roof dwelling. It is appreciated that this would result in a terrace with a gable end at one end and a hipped roof at this end. However, bearing in mind the overall width of the terrace, it is not considered that this would look so out of place as to warrant refusal. Furthermore, it must be noted that the original garage / car port, which became this separate dwelling during the redevelopment of the terrace, had a hipped roof. Therefore, this proposal would see the design of the terrace return to its original form.

9.5 Impact on Residential Amenity

9.5.1 Policy CS12 of the Dacorum Core Strategy states that development should, amongst other things, avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to surrounding properties.

9.5.2 The building forms the end of a terrace, which has matching front and rear building lines across its length, and this was not changed as part of the unauthorised creation of Gable End as a separate dwelling. Therefore, whether comparing the proposed development against the previous garage and car port, or against the current unauthorised dwelling, there would be no impact on the residential amenities of adjoining or surrounding properties.

9.5.3 This proposal represents an upwards extension of 1.5 metres of the original garage/car port with no front or rear extension. (When compared against the currently existing built form the change from a gable end to a hipped roof would reduce the bulk and massing of the building). As such there would be no loss of sunlight or daylight for the adjoining neighbour, Meadow View. The privacy implications of this development on Meadow View are complicated by the fact that Meadow View itself has extended upwards without planning permission (as this was replicated across the whole terrace), but overall any views of Gable End across Meadow View would be the same for Meadow View across its neighbour, and therefore this is considered to be a standard terraced property arrangement and no harm is caused by virtue of overlooking.

9.6 Impact on Highway Safety and Parking

9.6.1 Policy CS12 of the Core Strategy states that on each site, development should provide sufficient parking.

9.6.2 Dacorum Parking Standards Supplementary Planning Document (2020) was formally adopted by the Council in November 2020. The starting principle is that all parking demand for residential development should be accommodated on site, with departure from the standards only being accepted in exceptional circumstances. In accordance with the Parking Standards SPD, dwellings in Accessibility Zone 2 and containing four bedrooms are to be assessed on an individual basis.

9.6.3 The proposed four-bed dwelling would be served by three off-street parking spaces. It is unlikely that a dwelling of this size will be occupied by one or two occupants; rather, it is reasonable to assume that it will be occupied by either a multi-generational family or a family with a number of

children, all of whom will could become drivers at the appropriate age. It is further noted that the site is not within walking distance of key transport links or health / education facilities. Therefore, it is considered that the parking provision takes these factors into account. In that respect it is considered that parking provision for three cars would be appropriate in this particular case.

9.6.4 It is acknowledged that the proposals do not need include an Electric Vehicle active charging point. However, due to the proximity of the parking spaces to the dwelling it is considered that passive Electric Vehicle charging would be possible. The Parking Standards SPD acknowledges in paragraph 8.22 that new development provides the best opportunity to provide active charging points. In this case the development is over 12 years old and therefore connections to passive charging is considered a more practical approach.

9.6.5 Overall, it is considered that this proposal broadly accords with Policy CS12 of the Dacorum Core Strategy and the Parking Standards SPD.

9.7 Other Material Planning Considerations

9.7.1 The Council's Trees & Woodlands department and Thames Water have both raised no objection to this development.

9.8 Response to Neighbour Comments

9.8.1 Three neighbour objections have been received. Two of these objected on the grounds that this is development in the Green Belt, for which planning permission had not been obtained prior to carrying out the works. These points have been considered in depth elsewhere in this report.

9.8.2 A third objection concerned the use of the occupiers of Gable End of Sheethanger Lane, a private road. However, whether Gable End is or isn't entitled to use Sheethanger Lane is a civil matter between the respective parties. It is noted that the occupiers of Gable End have used Sheethanger Lane since its (unlawful) construction and any future arrangements will need to be discussed between the owners / occupiers of Gable End and the Sheethanger Lane Road Fund.

9.9 Community Infrastructure Levy (CIL)

9.9.1 The site is situated within Charging Area 2 as defined by the Community Infrastructure Levy Charging Schedule, wherein a charge of £196.65 (subject to further indexation from 1st January 2021) per square metre applies to new dwellings. The applicant/agent is currently in discussions with the Council's CIL Officer in assessing whether this scheme is CIL liable.

10 COMPLICATIONS SURROUNDING THIS CASE

10.1 Since the Crown Court sentencing hearing, where Mr & Mrs Pitblado successfully overturned their prosecution at the Magistrates Court, Officers have also investigated the complications surrounding this case. These are:

- a) The difficulties of pursuing any legal action
- b) The difficulties of pursuing Direct Action.
- c) The impact of the recent change to permitted development rights.

10.2 Legal Action

10.2.1 It is clearly the case that several years of court hearings have not achieved compliance with the Enforcement Notice. Whilst the Pitblados were found guilty at the Magistrates Court, this was overturned at the Crown Court.

10.2.2 The Planning Department considered that there were strong grounds of appeal against the Crown Court judgement. However, ultimately, and after discussions with Counsel, no appeal was lodged for the following reasons:

- 1) There was an inevitable litigation risk associated with any appeal.
- 2) Even if an appeal against the Crown Court's decision was successful and the High Court sides with the Council, there was a risk that any re-hearing of the Case at the Crown Court by a different judge could reach the same decision, albeit for different reasons.
- 3) Even if the Council was ultimately able to secure a successful conviction for the offence of failing to comply with the Enforcement Notice, that would not of itself secure compliance with the Notice's requirements. If the Pitblados continue not to comply, even after two future hearings going against them, the Council would need to pursue yet more legal avenues or attempt Direct Action.

10.2.3 Pursuing the above legal routes would cost the Council a considerable amount of money and there is no guarantee that this would be recovered bearing in mind the financial situation the Pitblados are arguing they are in, and the fact that the loss of their house would mean they would lose their main asset.

10.2.4 Fundamentally, the key point is that a future prosecution, even if successful, does not in itself guarantee compliance.

10.2.5 Furthermore, the Judge made clear his opinion during the Crown Court sentencing hearing. The Judge stated that, *"The court has now been seized of these matters for some considerable period of time and both parties have expended much time and costs in dealing with these criminal proceedings"*.

10.2.6 The Judge also stated that:

"The court really does not want to see anything like this in relation to these parties coming back to court again and I make that very clear. There can be no doubt about the views of the court in relation to this matter. We have reached an end".

10.2.7 As such, the Judge emphasises the Court's opinion that this matter should not be brought before the Court again. Whilst this does not preclude the Council from doing so, and in particular from taking any other formal action, these comments must be given very careful consideration.

10.2.8 The Council has the option of applying to the Court for an Injunction, whereby the Court would order the Pitblados to comply with the Enforcement Notice. Such an Injunction would carry significant weight because a failure to comply with a Court Order would be in contempt of court and could potentially lead to a custodial sentence.

10.2.9 However, bearing in mind the Crown Court judgement, where it was found that the Pitblados did not have the financial means to demolish Gable End, any application for an Injunction might be dismissed for the same reasons.

10.2.10 It should also be noted that there is the opportunity for the Pitblados and their legal representatives to challenge any legal route the Council decides upon. Clearly, they have a right to defend themselves in further court hearings, but more than that, they themselves could seek injunctions to prevent a particular step the Council wishes to take.

10.2.11 As such there is a very real possibility that legal action would be protracted, very costly, very resource intensive on the Council's planning enforcement and legal teams, and with an uncertain outcome.

10.3 Direct Action

10.3.1 Officers have investigated the possibility of the Council taking Direct Action to secure compliance with the requirements of the Enforcement Notice. These were reported to Members in the previous Part II report and can be viewed in Appendix D to this report. The complications surrounding Direct Action can be divided into five main areas – party wall considerations, financial cost, Covid-19, health and safety, and changes to the locality in terms of recent planning permissions.

10.3.2 The Party Wall Act is a significant complicating factor surrounding this case. Gable End is an end of terrace property and as the Enforcement Notice requires the demolition of this property it will have an impact on the adjoining property, Meadow View, which would become the new end of terrace dwelling. Until the party wall situation is resolved the demolition of Gable End cannot take place.

10.3.3 The Council's Structural Engineer, at the time of the Crown Court Hearing, had discussions with the Pitblado's Structural Engineer. It is very clear that they differed markedly in the amount of structural work required and therefore the impact this would have on the occupiers of Meadow View. Whilst Officers consider the list of works outlined in Appendix D would be sufficient, the existence of an opposing expert view raises the possibility of a legal challenge should the Council push ahead with Direct Action.

10.3.4 Furthermore, the Enforcement Notice does not, confer on the Council, any legal right to enter onto and carry out works to the adjoining property in order to meet the requirements of the Enforcement Notice itself, i.e. through Direct Action. Therefore, regardless of whether the Pitblados decide to comply themselves, or the Council take Direct Action to secure compliance, it will be necessary for the Pitblados to serve a Party Wall Notice on their neighbours. However, we have seen nothing to suggest that such agreement will be forthcoming (and the enforcement history in relation to Meadow View and the previous Crown Court case would seem to point against such voluntary co-operation).

10.3.5 Even if the party wall complications could be overcome, Members also need to be aware of the financial implications of taking Direct Action. The Council has sought a quote from three separate companies. Two of these were not prepared to undertake these works, but one forwarded the matter to another company who has provided a quote. Therefore, the Council has two quotes, both of which exclude VAT:

- i) Enforcement Services: £89,480
- ii) High Court Enforcement: £80,645.75 (with a contingency of £12,097.01)

10.3.6 A further financial consideration in respect of the demolition of Gable End must be the potential for any damage to be caused to the adjoining property Meadow View and any compensation required to be paid. Any contractor would be expected to carry out the specified works with due care and diligence and would have liability to correct damage in that limited context. As such it may be necessary, for example, for the Council to enter into an escrow agreement and for an agreed sum to be placed with a third party for the duration of the works.

10.3.7 As such it is very likely that the Council would need to find close to, or even above, a six-figure sum in order to carry out compliance with the Enforcement Notice itself. It is the view of Officers that it is also very likely the Council would not be able to recover the vast majority of this money as the value of salvaging of materials would be very small and due to the financial situation of the Pitblados, which led to their successful appeal in the Crown Court. Mr Pitblado has previously indicated that any formal action would result in them declaring bankruptcy.

10.3.8 It is also necessary for the Council to follow its procurement procedures. The Council are required to tender all contracts with a spend above £75,000. There are a number of tender exceptions; however it is the view of Andrew Linden (Team Leader - Commissioning, Procurement & Compliance) that this particular matter does not fall into any of those categories, though he does state that it is possible to request for an exemption via Cabinet or a Portfolio Holder Decision Sheet (subject to Legal and Monitoring Officer prior approval). Nevertheless, Members should be aware that a full tender process may be required, which could take 4-6 months to complete.

10.3.9 A financial spend of the amount required must be considered in the context of the uncertainty surrounding this case, in terms of how the Pitblados would respond to a request to serve a Party Wall Notice on Meadow View, the extent of structural works required, how Meadow View will react, whether the Pitblados or Meadow View would commence their own legal action.

10.3.10 It must also be considered in the context of both a 'cost-benefit' analysis and an 'alternative deployment' analysis. Whilst it is clear that the construction of a new dwelling in the Green Belt is contrary to local and national planning policies, there was a previous garage in the position of the current dwelling. In addition, this matter has raised no public interest. The questions for Members therefore are firstly, whether the successful end result is worth the significant financial and officer time inputs required, and secondly, whether such significant financial and officer time inputs would be better deployed in the public interest on dealing with other matters.

10.3.11 There are also Covid-19 and Health & Safety complications surrounding this matter. Whilst these can be overcome and are more minor compared to the Party Wall and financial considerations, they do add to the difficulty in securing compliance through Direct Action.

10.4 Change to Permitted Development Rights

10.4.1 It is important to consider whether the introduction of Statutory Instruments 2020 No.755 and 2020 No.756, (changes to permitted development rights that allow, for instance, upward extensions) has changed the surrounding context of the site to such a material degree that the Council should no longer pursue compliance with the current Enforcement Notice.

10.4.2 In response to this point it is acknowledged that Gable End is subject to an extant Enforcement Notice and therefore the lawful position at this site is a cleared site. The new permitted development rights within Statutory Instruments 2020 No.755 therefore do not strictly apply. Nevertheless, the following analysis of these new permitted development rules in the context of Gable End has been undertaken.

10.4.3 The new Class AA (within Statutory Instruments 2020 No.755) allows:

Permitted development

AA. The enlargement of a dwellinghouse consisting of the construction of—

- (a) up to two additional storeys, where the existing dwellinghouse consists of two or more storeys; or
- (b) one additional storey, where the existing dwellinghouse consists of one storey,

immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction.

10.4.4 It is clear that these permitted development rights apply to 'dwellinghouses'. It has been accepted by all parties that Gable End, is a dwellinghouse, where previously there was none. However, the garage that has become a dwellinghouse was formerly part of the dwellinghouse (now known as Meadow View). Criterion (i) only allows this upward extension on top of the principal part of the dwelling house. 'Principal part' is defined in the Order as:

“principal part”, in relation to a dwellinghouse, means the main part of the dwellinghouse excluding any front, side or rear extension of a lower height, whether this forms part of the original dwellinghouse or is a subsequent addition;

10.4.5 It could be argued that the garage was not the 'principal part' of the dwellinghouse and therefore no upward extensions would be permitted above this part of the house. Alternatively, it could be argued that the definition of 'principal part' simply excludes front, side or rear extensions of a lower height, and therefore the garage, being of the same height, would be permitted to be raised as part of the principal part of the house. There are also questions about whether the conditions within AA.2(3) mean that such PD rights fall away if the notification processes have not been met.

10.4.6 The new Class CA (within Statutory Instruments 2020 No.755) allows the construction of a new dwelling on top of an existing terraced property, though this requires a formal prior approval process that clearly would not have been followed in the case here.

10.4.7 The new Class ZA (within Statutory Instruments 2020 No.756) allows the “Demolition of buildings and construction of new dwellinghouses in their place”. However, this only applies to buildings that are blocks of flats, of offices within B1(a), R&D within B1(b), or light industrial within B1(c). Class ZA is not, therefore, applicable to terraced houses (or indeed any housing).

10.4.8 In conclusion, it is considered that Gable End cannot rely on Class AA and Class CA PD rights retrospectively, and more fundamentally could not benefit from these permitted development rights as a dwelling has been created where there was previously none.

10.4.9 Nevertheless, there is no doubt that the introduction of these permitted development rights result in further complications when considering what action to take in respect of Gable End for the following three reasons.

10.4.10 Firstly, an identical terrace in the Green Belt could potentially make use of the new permitted development rules and construct an upward extension across its width.

10.4.11 Secondly, whilst permitted development rights cannot be applied retrospectively, it is nevertheless a material consideration when deciding on whether further formal enforcement action would be pursued. This is relevant, in this case, to the middle three properties, which it is very likely, could have extended up to their current heights, if the new permitted development rights had been in

force at that time. If the Council attaches great weight to this change in circumstance, then that would also affect the way we would need to deal with Gable End.

10.4.12 Thirdly, the overall point is that Central Government have introduced a range of upward extensions permitted development rights and have therefore given a strong steer that such development should not concern Development Management (subject to any conditions or prior approval steps required). They are indicative of the Government's intention to make it generally easier for people to extend their home.

11. GREEN BELT CONCLUSION

11.1 As stated above the creation of a new independent dwelling in the Green Belt is inappropriate development in the Green Belt. According to paragraph 143 of the NPPF inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

11.2 Paragraph 144 states that LPAs should ensure that substantial weight is given to any harm to the Green Belt, and that, "*Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations*". As explained in earlier sections of this report there are no other harms arising from this development.

11.3 The applicant's Planning Statement does not specifically refer to very special circumstances, having argued that these are not necessary being not inappropriate development. Nevertheless, the arguments put forward in that Planning Statement provide some very compelling circumstances that require careful consideration. These are:

- 1) The Enforcement Notice, it has been established, is not based on fact. In other words Gable End is not a completely new construction, but has been built upon the concrete slab and brick walls that were left from the original garage / car port.
- 2) There are significant and serious practical implications that prevent compliance with the Enforcement Notice in respect of the impact of compliance on the adjoining property Meadow View.
- 3) The original garage and car port had an established residential use.
- 4) The site is located in an immediate area where there has been a considerable amount of recent development in the Green Belt, including the construction of new / replacement dwellings. The context of this development has therefore changed demonstrably since the Enforcement Notice was served.
- 5) Dacorum Borough Council is acutely short of housing of all kinds.

11.4 It is appreciated that these arguments were also made in the 2017 application and were not considered at that time to constitute very special circumstances. However, as described in the previous section the significant difficulties that Gable End has in complying the Enforcement Notice, or the challenges facing the Council in securing compliance, are now much more apparent.

11.5 Furthermore, since the 2017 refusal the surrounding context of the site has altered significantly due to the planning permissions granted at the main Threefields house and for the two-storey dwelling at the site immediately to the north of the Threefields terrace.

11.6 It is also important to note that 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 must consider the

proposal against the Framework's presumption in favour of sustainable development (paragraph 11) The Council is obligated, under paragraph 11, to grant planning permission unless the policies in the Framework provide a clear reason for refusal or the adverse impact of doing so would out-weigh the benefits when assessed under the framework. This requires a balancing exercise of the economic, social and environmental impacts of development. Whilst, it is accepted that the tilted balance would not apply in this Green Belt location and that the addition of one further dwelling is very minimal in respect of the Council's overall housing numbers, the Council's current position in respect of deliverable housing sites is different compared to 2017.

11.7 In addition to the arguments that were raised previously and which can now be given greater weight, there are additional very special circumstances that come into play for this application. These are the Magistrate and Crown Court prosecution proceedings and the introduction of a more flexible permitted development regime – both of which postdate the 2017 application (and which have been detailed in the section above).

11.8 The Crown Court judgement largely found in the Pitblados' favour (save for the relatively minor matter of failing to restore the garden to agricultural land). The main reason for this related to the Pitblado's financial situation. The Crown Court judge took into account the costs involved in Gable End complying in full with the Enforcement Notice (demolishing the house, works to secure Meadow View, potential temporary accommodation costs for the occupiers of Meadow View, site security, need for a temporary fund to pay Meadow View in the event something goes wrong, outstanding mortgage payments) and concluding that the Pitblado's financial situation was such that they had done all that could be realistically expected of them to comply with the Enforcement Notice.

11.9 Fundamentally, it is considered that there is no realistic chance of securing compliance in the short to medium term. This planning application is preferable in that it secures a reduction in the bulk and massing of the roof, a significant reduction in the area to be used as residential garden, additional soft landscaping within the site frontage, and controls over future development through the removal of permitted development rights, none of which would be achieved through the continuation of a lengthy and expensive legal battle.

11.11 There is no doubt that further legal proceedings, which themselves have an uncertain outcome, would take up considerable Planning Officer and Legal Department time and resources. It is important to assess whether this legal route remains expedient bearing in mind the impact on the public purse and the other factors considered in this section. It should also be added that the Pitblados, regardless of how one considers their role in this breach of planning, are a family with children. There would be continued stress and uncertainty hanging over this family for a considerable period of time, if this matter could not be resolved through a negotiated solution.

11.12 Overall, it is considered that these very special circumstances are important material considerations, could not be easily replicated across other sites, and, in their totality, clearly outweigh the harms to the Green Belt to allow this development to be granted.

12. RECOMMENDATION

12.1 That planning permission/listed building consent be **GRANTED** subject to conditions.

Condition(s) and Reason(s):

1. **The current gable end roof to Gable End shall be hipped in accordance with Drawing 9407-L-00-03 Rev.C within eighteen months of the date of this decision.**

REASON: In the interest of the openness of the Green Belt in accordance with Policy CS5 of the Dacorum Borough Core Strategy and also in the context of the extant Enforcement Notice at the site.

2. **All exterior window frames shall be painted black within six months of the date of this decision. The windows, whether the existing windows or any future windows, shall thereafter permanently retain this black colour.**

REASON: In the interest of the openness of the Green Belt in accordance with Policy CS5 of the Dacorum Borough Core Strategy and also in the context of the extant Enforcement Notice at the site.

3. **Within three months of the date of this decision the new 1.2 metre high post and rail fencing, shown on approved Drawing 9407-L-00-04 Rev.C (Block Plan) shall be erected; and thereafter a fence of the same height, design and location shall be permanently retained.**

REASON: In the interest of the openness of the Green Belt in accordance with Policy CS5 of the Dacorum Borough Core Strategy and also in the context of the extant Enforcement Notice at the site.

4. **The area shown to the west of the new fencing, shown on approved Drawing 9407-L-00-04 Rev.C (Block Plan), shall not be used for any residential purposes, including any residential uses ancillary to the property known as Gable End, Threefields, Sheethanger Lane.**

REASON: In the interest of the openness of the Green Belt in accordance with Policy CS5 of the Dacorum Borough Core Strategy and also in the context of the extant Enforcement Notice at the site.

5. **The alterations to the site frontage hard landscaping, and the planting of the soft landscaping, shown on approved Drawing 9407-L-00-04 Rev.C (Block Plan), must be carried out within twelve months of the date of this decision.**

The areas immediately to the north, east and south of the three parking spaces shown on Drawing 9407-L-00-04 Rev.C (Block Plan) shall thereafter remain soft landscaped and shall not be used for the purposes of the parking of vehicles.

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: In the interest of the openness of the Green Belt in accordance with Policy CS5 of the Dacorum Borough Core Strategy and also in the context of the extant Enforcement Notice at the site.

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

**Schedule 2, Part 1, Classes A, AA, B, C, D, E and F
Schedule 2, Part 2, Classes A and C**

Reason: To enable the Local Planning Authority to retain control over the development in the interests of the openness and visual amenity of the Green Belt, in accordance with Policy CS5 of the Dacorum Borough Core Strategy (2013).

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

9407-L-00-LP Rev. B (Location Plan)

9407-L-00-04 Rev.C (Block Plan)

9407-L-00-03 Rev.C (Proposed Structure: Floor Plans and Elevations)

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

APPENDIX A: CONSULTEE RESPONSES

| Consultee | Comments |
|-------------------|---|
| Trees & Woodlands | According to the information submitted the applicant advises no trees will be detrimentally impacted by the development. I have examined the information and can confirm no trees are affected and subsequently have no objections to the application being approved in full. |
| Thames Water | <p>Waste Comments</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>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should 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>With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.</p> |

| | |
|------------------------------|--|
| | <p>https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services</p> <p>Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p>Water Comments With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.</p> |
| Hertfordshire Highways (HCC) | no objection |

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

| Neighbour Consultations | Contributors | Neutral | Objections | Support |
|-------------------------|--------------|---------|------------|---------|
| 8 | 3 | 0 | 3 | 0 |

Neighbour Responses

| Address | Comments |
|---|---|
| Widgeons Sheethanger Lane Felden Hemel Hempstead Hertfordshire HP3 0BQ | <p>In the Planning Statement the applicant states that the proposed development is on Sheethanger Lane. This statement is incorrect and misleading. First, the property is located on the Lane giving access to Three Fields which is not part of Sheethanger Lane. Second, Sheethanger Lane is a private road and is not a highway. It is certainly not a highway permitting public vehicular use. Only those residents who, under their property titles, have express grants of private rights of way over it, as well as their lawful visitors and authorised licencees, may drive vehicles over it. Third insofar as is concerned what is now the proposed development any right of way over Sheethanger Lane (which is not admitted) will be derived from the title to Threefields. Any such right will exist, if at all, for the benefit for what may have originally been intended, namely a single building with agricultural user only appurtenant to and limited to use incidental to the ownership of Threefields as the dominant tenement. It does not extend to the conversion of the original building for residential user.</p> <p>XXX for and on behalf of Sheethanger Lane Road Fund</p> |
| Pans Place Sheethanger Lane | The application relates to a development in a green belt area which was completed by a developer who knew he did not have planning |

| | |
|--|--|
| <p>Felden Hemel Hempstead Hertfordshire HP3 0BG</p> | <p>permission and made no effort to obtain it before building.</p> <p>The assertion that Councils need to provide housing should not give builders or developers the right to develop land knowingly in breach of planning requirements, with the expectation that it will be given retrospectively.</p> <p>The original building on this site was essentially a single storey, with open garages. The unlawful development has now turned this area into a 2 storey development of terraced housing, which is considerably different and changes the appearance of the area.</p> <p>The application is more or less the same as application number 4/02473/17 /FUL which was refused on appeal to the High Court.</p> <p>The development of green belt should be avoided unless there are very special reasons. Seeking retrospective planning permission, is not a special reason.</p> |
| <p>Bramley Orchard Sheethanger Lane Felden Hemel Hempstead Hertfordshire HP3 0BQ</p> | <p>This application attempts to remedy retrospectively serious breaches of planning, which resulted in enforcement orders and planning refusals over many years. These breaches are:-</p> <p>(1) By namely building/extending a dwelling where an existing open garage existed, without obtaining planning approval for such activity.</p> <p>(2) Using adjacent agricultural land as amenity land namely a garden and front hardstanding without planning approval.</p> <p>I have been aware of these planning issues going back to 2010 which also include building a wall and gate enclosing this and the other adjacent cottages.</p> <p>I object to these attempts to avert prior enforcement orders and do not recommend that the council considers approving such planning requests, especially affecting Green belt.</p> |

APPENDIX A: PLANNING HISTORY OF SITE

A.1 The site has a long and somewhat complicated planning history. However, the Planning Inspector's decision notice (paragraphs 6 and 7) for the Enforcement Notice appeals provides a useful summary:

Para.6

"...The single-storey building from which the terrace has been formed dates back to the 1930s. An approval given by the then local Council in 1935 was for the "re-building of a laboratory building"...In the 1960s, it was converted to provide three flats. In the 1980s, in the flat corresponding to the dwelling now known as "Woodside", the roof space was converted to provide rooms at first floor level".

Para.7

"...Threefields and its attendant land and outbuildings were sold in lots in 2006. The building was described in the sales particulars as "the cottages". It was purchased, along with Threefields and other land and buildings, by Thorne Barton Estates Ltd..."
The Enforcement Investigation

A.2 On 12 June 2007, the Council received a complaint that building works were taking place without the benefit of planning permission. A site visit took place on 13 June 2007 to ascertain if any development was taking place.

A.3 Subsequent to this initial action Planning Enforcement proceeded to investigate the construction works in an effort to gain a greater understanding of what the buildings looked like previously, what works had taken place, and how the works had taken place and by whom.

A.4 This involved lengthy correspondence between the Council and Thorne Barton Estates (TBE), contacting the owners / occupiers of the five dwellings in 2009, serving Planning Contravention Notices, further site visits, measuring the buildings, researching the history of the site, going through aerial photographs, and looking at land registry and local land charges details.

A.5 This investigation concluded that substantial alterations had been carried out at the site without the required planning permission or building regulations. Most notably three bungalows with a single storey garage at the southern end and an open sided storage area on the northern side had been converted into five two-storey dwellings. A diagrammatic representation of the five dwellings is shown below:

| | | | | |
|------------------|--------------------|----------------------|-----------------|----------------------|
| GABLE END | MEADOW VIEW | APRIL COTTAGE | WOODSIDE | BIRCH COTTAGE |
|------------------|--------------------|----------------------|-----------------|----------------------|

A.6 Further works undertaken to the buildings at the site comprise the following:

- The height of the row of properties had been significantly increased, by at least 1.5 metres, allowing them to become two-storey.
- A new roof had been provided, introducing 9 dormer windows on the western elevation and 12 dormer windows on the eastern elevation.
- Canopy porches had been introduced to the eastern elevation.
- The hipped roof at the southern end of the building had been changed to a gable end.
- The exterior of the building had been re-clad with timber weather boarding.

A.7 In addition to the above building works, the development incorporated agricultural land on either side into the residential curtilage of the new dwellings. On the western side a large area of agricultural pasture became the rear gardens for the five properties, while on the eastern side a significant area of hard paving was laid to create a large parking area in land that was not previously used for residential purposes.

A.8 Finally, boundary walls, gates and fencing associated with the above works had been constructed / erected.

A.9 As a result of all these works Officers concluded that significant harm had been caused to the Green Belt, and that it would serve no purpose to invite the occupiers to submit planning applications to retain the development as built as they would have to be refused, thereby serving only to delay the enforcement process.

The Enforcement Notice

A.10 Enforcement Notices were served on the five dwellings on 26 February 2010. With respect to Gable End the breaches of planning control were:

1. The construction and erection of a new dwelling and creation of hard standing.
2. The construction and erection of a boundary wall, exceeding two metres in height.
3. The material change of use of the land from agricultural land to a residential garden.

A.11 The Enforcement Notice required the following to be undertaken:

- (i) Demolish the dwelling / hard standing and remove all materials used in their construction from the land.
- (ii) Demolish the boundary wall and remove all materials used in their construction from the land.
- (iii) Cease using the land as a residential garden.
- (iv) Cease mowing the land as residential garden.
- (v) Remove all residential items and paraphernalia from the land.

A.12 Similar enforcement notices were served on the four other properties that form this development.

The Appeal

A.13 The Council received notification of the appeal against the Gable End Enforcement Notice on 20 April 2012 (DBC ref: 4/00615/10/ENA). The other four enforcement notices were equally appealed and all five cases were conjoined for the purpose of the appeal.

A.14 This appeal took place in the Civic Centre and on site in the form of a Hearing on 14 and 15 September 2010. All the appellants were jointly represented by a planning consultant. None of the appellants attended the Hearing, though Mr Pitblado was in attendance during the site visits.

A.15 The Planning Inspector's decision letter was issued on 1 October 2010. In brief the Inspector considered that the middle three dwellings did not amount to the '*construction of a new dwelling*' as alleged in their respective Enforcement Notices because original brickwork had been revealed by removing the new cladding during the appeal site visit. Rather the middle three dwellings had been '*extended and converted into two-storey dwellings*'. Therefore, these three enforcement notices required correction and they were quashed.

A.16 Conversely, with regards to the outer two dwellings (Gable End and Birch Cottage) the Inspector agreed with the Council that they are newly built dwellings, that they represent inappropriate development in the Green Belt, that the development causes harm to the openness to the Green Belt, that the development gives rise to harm to the character and appearance of the area, and that there were no very special circumstances put forward that would outweigh the harm to the Green Belt and any other harm.

A.17 As such the appeals against the Gable End and Birch Cottage were dismissed.

A.18 On 11 May 2011 the owner of Gable End and the tenant of Birch Cottage made an application to the High Court for permission to appeal under s.289 of the Town and Country Planning Act 1990. Permission to appeal was granted.

A.19 On 21 December 2012 the High Court dismissed the appeal. As such, the Enforcement Notices relating to these two dwellings took effect. The dwellings known as Gable End and Birch Cottage had to be demolished and the gardens returned to agricultural land by 21 December 2013. It should be noted that Birch Cottage has been demolished and no longer exists.

Enforcement work post appeal decision

A.20 On 17 January 2014 the Council wrote to Mr & Mrs Pitblado (Gable End) and Thorne Barton Estates (Birch Cottage) for an interview under caution as the period for compliance had passed.

A.21 Mr Pitblado attended an interview under caution on 12 February 2014. During this interview Mr Pitblado:

- Acknowledged that he had the Enforcement Notice requiring the premises to be demolished and the boundary wall removed.

- Understood all the requirements of the Enforcement Notice.
- Understood that he should have complied by December 2013.
- Admitted that he had complied with no requirement within the Enforcement Notice.
- Stated that his legal team have told him to carry on as normal.
- Stated that he had moved out of the property in October 2012.

A.22 During the interview Mr Pitblado described his grievance against the actions of Dacorum Borough Council.

A.23 On 17 March 2014 Mr Pitblado called the Case Officer for an update. Both parties' next steps in this matter were discussed. In addition, when asked why Gable End was being advertised for rent, Mr Pitblado said he had been advised to do this.

A.24 A second interview under caution was undertaken at the Council's offices on 17 November 2014. Mr Pitblado repeated the points he made criticising the actions of his solicitor at the time of the purchase and the Council's immediate enforcement investigations. Mr Pitblado stated that court proceedings would cost all parties a lot of money and that if he were forced to demolish his property and Santander asked for their money back, then he would go bankrupt.

Court Hearings

A.25 On 16 March 2018 before the District Judge (at Stevenage Magistrates Court) Craig and Lorraine Pitblado were convicted for the offence of failing to comply with the requirements of the Enforcement Notice relating to their property, Gable End.

A.26 Mr & Mrs Pitblado appealed this conviction and a Hearing took place at St. Albans Crown Court on 16-17 & 30 May and 7 June 2019. For the first time the Pitblados introduced the argument that they had a defence under s.179(3) of the TCPA 1990 in that they could not afford to undertake the works required by the Enforcement Notice.

A.27 The Judge ruled that the elements of the offence had been made out. However, the Judge ruled that, on the balance of probabilities, the Pitblados had established a s.179(3) defence in respect of step (i) of the Enforcement Notice. In other words, the Judge accepted that they were incapable of meeting the requirement to demolish the house and hardstanding due to lack of funds. Consequently, the Judge found Mr & Mrs Pitblado not guilty in respect of step (i) (as well as step (v), which was considered ancillary to the dwelling). Paragraph 4.11 above refers to explains the steps the owners were required to take.

A.28 In respect of step (ii) the Judge ruled that there was insufficient evidence to be sure that the Mr & Mrs Pitblado owned the boundary wall. In those circumstances the Judge ruled that the Pitblados were not guilty of the breaching the Enforcement Notice in respect of this step also.

A.29 Conversely, the Judge found Mr & Mrs Pitblado guilty in respect of the offence of failing to comply with steps (iii) and (iv) of the Enforcement Notice. The Judge

ruled that it was plainly in the power of the Pitblados to cease using the land as a residential garden and to stop mowing it, but that they did not do so.

A.30 The Judge reiterated in the ruling that the outcome of the Crown Court hearing related exclusively to the alleged offence of failing to comply with steps contained within the Enforcement Notice. The Judge confirmed that the outcome of the hearing does not affect or challenge the validity of the notice nor the enduring nature of its terms.

A.31 A sentencing hearing took place on 04 September 2019. Mr Pitblado was given a fine of £120 and Mrs Pitblado given a complete discharge. The Judge ruled that the fines and costs incurred by the Pitblados in the Magistrates Hearing still stood.

ITEM NUMBER: 5h

| | | |
|-------------------------------|---|-------------------------|
| 20/03054/FHA | Roof extension including two rear dormers, roof lights, front bay window, amended front gable, single storey rear extension, new parking space cross over and associated alterations | |
| Site Address: | 15 Fieldway Berkhamsted Hertfordshire HP4 2NX | |
| Applicant/Agent: | Mr & Ms Austin & Coulton | Ms K Thorne |
| Case Officer: | Jane Miller | |
| Parish/Ward: | Berkhamsted Town Council | Berkhamsted East |
| Referral to Committee: | Contrary to the views of Berkhamsted Town Council | |

1. RECOMMENDATION

That planning permission be GRANTED subject to conditions.

2. SUMMARY

2.1 The principle of residential development in this location is acceptable. The proposal will integrate with the existing dwelling and surrounding area by virtue of its sympathetic design and scale. Whilst visible from the surrounding area, the proposal will not detrimentally impact upon the living conditions of surrounding properties nor would it result in an unacceptable impact on highway safety.

2.2 The proposal is therefore in accordance with Saved Appendices 3 and 7 of the Dacorum Local Plan (2004), Policies CS4, CS11 and CS12 of the Core Strategy (2013), the NPPF (2019).

3. SITE DESCRIPTION

3.1 The application site is located on the north west side of Fieldway, a cul-de-sac within a residential area on the eastern edge of Berkhamsted. The site comprises a detached bungalow.

3.2 The area is characterised by diversity in architectural design.

4. PROPOSAL

4.1 This application seeks permission for a roof extension including two rear dormers and roof lights, front bay window, amended front gable, single storey rear extension, new parking space, cross over and associated alterations.

It should be noted that the site has recently been granted a Lawful Development Certificate for a single storey rear extension, hip to gable loft conversion with roof lights to front and rear, alterations (removal) of chimney and garage reconfiguration to existing detached bungalow under reference 20/02432/LDP.

5. PLANNING HISTORY

Planning Applications

20/02432/LDP - Single storey rear extension, loft conversion; to include rooflights and alterations (removal) of chimney and garage reconfiguration to existing detached bungalow.
GRA - 6th October 2020

4/01373/81 - Historic File Check DMS for Documents and Further Details
DET - 29th December 1981

4/00247/85 - Historic File Check DMS for Documents and Further Details
DET - 23rd April 1985

6. CONSTRAINTS

CIL Zone: CIL1
Parish: Berkhamsted CP
RAF Halton and Chenies Zone: Green (15.2m)
Residential Area (Town/Village): Residential Area in Town Village (Berkhamsted)
Residential Character Area: BCA1
SPD Zone 3
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

Dacorum Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design

Dacorum Local Plan

Appendix 3 – Layout and Design of Residential Areas
Appendix 7 – Small-scale House Extensions

Supplementary Planning Guidance/Documents:

Parking SPD (November 2020)

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

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

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

Principle of Development

9.2 The application site is located within a residential area, where in accordance with Policy CS4 of the Core Strategy (2013) the principle of residential development is acceptable subject to compliance with the relevant national and local policies. The main issues of consideration relate to the impact of the proposal's character and appearance upon the existing dwelling house, immediate street scene and residential amenity of neighbouring properties.

Effect on Appearance of Building and Street Scene

9.3 Dacorum's Core Strategy Policies CS11 (Quality of Neighbourhood Design) and CS12 (Quality of Site Design) state that development within settlements and neighbourhoods should preserve attractive streetscapes; integrate with the streetscape character and respect adjoining properties in terms of scale, height, bulk and materials. Chapter 12 of the Framework emphasises the importance of good design in context and, in particular, paragraph 130 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

9.4 The proposal would result in a roof extension including two rear dormers, roof lights, front bay window, amended front gable, single storey rear extension, new parking space, cross over and associated alterations.

9.5 Our records show that there are no restrictions to permitted development on this site. Whilst it is understood that there are covenants on the site, these are a civil matter, and not a planning matter.

9.6 It is important to note that a previous application for a Lawful Development Certificate was granted recently under planning reference 20/02432/LDP (Single storey rear extension, loft conversion; to include roof lights and alterations (removal) of chimney and garage reconfiguration to existing detached bungalow.)

- 9.7 Importantly therefore, the previous application has already established that the proposed 4m deep single storey rear extension, garage conversion, and a hip to gable roof extension can be achieved without planning permission.
- 9.8 Further, the current application proposes to reduce the bulk of the hip to gable by proposing a small hip at each end, which it is understood from the agent has been included following dialogue between the applicant and neighbours. Two dormer windows are proposed to the rear to accommodate the loft bedrooms.
- 9.9 The application also proposes to alter the existing roof structure over the front gable, reducing the overall width, thereby lowering the ridge height, whilst introducing a modest front bay window.
- 9.10 In respect of the impact on the street scene and setting of the property, it is considered that there will remain an adequately good sized front garden, with both a bed to the right of the existing parking space, and to the left of the new, which continues around the property beyond the front steps. Many of the properties in the immediate area benefit from off street parking to the front of their properties and this is not considered to have an unacceptable impact on the street scene. Permission is only required for the parking space as it will involve some excavation to achieve the correct gradient.
- 9.11 Berkhamsted Town Council have objected to the scheme stating that is it substantial and a potential overdevelopment of the site, and that the additional underground living space: excavation for a new front car standing space would remove a significant part of the front garden space, therefore altering the setting of the property and the street scene.
- 9.12 The planning officer emailed Berkhamsted Town Council on the 12th November 2020 to advice them that they were being formally re-consulted on the application as the red outline on the site location plan had altered to include the crossover, but also to highlight that the previously granted lawful development certificate had already established that the proposed 4m deep single storey rear extension, garage conversion, and a hip to gable roof extension can be achieved without planning permission. However, we received a second consultation response from Berkhamsted Town Council on the 8th December 2020 upholding their objection. See paragraph 9.10 above for justification in respect of the proposed parking space.
- 9.13 It is worth noting that the adjacent neighbour at No.13 received planning permission for a rear extension and to raise the roof ridge, to create a loft conversion under reference 4/03492/15/FHA. Fieldway falls towards the north east hence where No.13 sits is elevated above the site (no.15)
- 9.14 Overall, and taking into account what can be achieved under permitted development without requiring full planning permission, it is considered that the proposal does not appear unduly dominant in terms of bulk, scale and height to the parent building and streetscene and will use sympathetic materials to match existing.

- 9.15 Therefore it is considered that the proposal would be generally sympathetic and in keeping with the surrounding area, respect adjoining properties and would therefore result in no significant adverse effects on the character and appearance of the streetscene in terms of visual and residential amenity. This accords with local and national policies mentioned above.

Effect on Residential Amenity

- 9.16 The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact upon neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light and privacy.
- 9.17 It is acknowledged that we have received an objection from a non-adjoining neighbour at 19 Hall Park Gate, located to the rear side of the site. Their objection included concerns in respect of overlooking, noise and spoiling views. The distance between the two properties is approximately 26 metres at the closest point, which is in excess of the 23m distance considered acceptable in line with Saved appendix 7. A loss of a view is not a material planning consideration, and as mentioned above the previous Lawful Development Certificate has already confirmed that the loft conversion can be achieved without planning permission. Whilst not the case here, it should also be noted that a rear dormer can usually be built without planning permission if attached to the original roof in line with Schedule 2, Part 1, Class B of the GPDO.
- 9.18 Overall, it is considered that the proposal would result in no significant adverse impact on the residential amenity of the neighbouring properties when considering a loss of daylight, sunlight or privacy. It is therefore considered that the proposal accords with Policy CS12.

Parking and Access

- 9.19 The proposed additional off-street parking space adjacent to the existing is welcomed. Additionally there is also on street parking available in the area. A new crossover will be required, and subject to conditions set by Hertfordshire County Highway Authority. Overall, subject to conditions, it is considered that the proposal would not result in an unacceptable impact on highway safety.
- 9.20 Some of the conditions requested by highways would not meet the necessary tests and as such have been omitted / amended. Conditions requiring additional technical information and prior approval from highways would not be necessary and reasonable. The technical specification would be covered by highway legislation and as such should not be replicated as a planning condition.

CIL Liable

- 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 CONCLUSIONS

- 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 7 of the Dacorum Local Plan (2004), Policies CS4, CS11 and CS12 of the Core Strategy (2013) and the NPPF (2019).

11. RECOMMENDATION

- 11.1 It is recommended that planning permission be **GRANTED** subject to 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 constructed in accordance with the materials specified on the application form and approved plans.**

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

3. **Prior to first use of the development hereby permitted the driveway associated with the development hereby approved shall not be brought into use until arrangements have been made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway. Such arrangements shall be retained in perpetuity.**

Reason: To ensure that the site is subject to an acceptable drainage system serving the development.

4. **Prior to the first occupation / use of the development hereby permitted 0.65 metre x 0.65 metre pedestrian visibility splays shall be provided and permanently maintained each side of the access. They shall be measured from the point where the edges of the access way cross the highway boundary, 0.65 metres into the site and 0.65 metres along the highway boundary therefore forming a triangular visibility splay. Within**

which, there shall be no obstruction to visibility between 0.6 metres and 2.0 metres above the carriageway.

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

5. **Prior to first use of the development hereby permitted, vehicular visibility splays shall be provided, and thereafter maintained in full accordance with the details indicated on the approved plan number 20-19_PL11 rev C Highways Plan. The splay shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway**

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

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

20-19_PL06 rev B existing and proposed site location plans and block plans
20-19_PL10 rev A proposed elevations
20-19_PL09 rev A proposed plans
20-19_PL08 rev A existing elevations
20-19_PL07 rev A existing floor plans
20-19_PL11 rev C highways plan

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

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through 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. **HIGHWAYS 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

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-d>

developer-information/business-licences/business-licences.aspx 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

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

3. 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

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

4. Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus top signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

5. To ensure construction of a satisfactory access, the Highway Authority requires that the gradient of the vehicular access shall not exceed 1:20 (or 1:10 for private driveways) for the first 5 metres into the site as measured from the near channel edge of the adjacent carriageway.

3. The applicants attention is drawn to the fact that Highway Structures (including retaining wall) must comply fully with the requirements of the Department for Transport's DMRB Standard CG 300: Technical Approval of Highway Structures. Further details can be obtained from the Highway Authority by telephoning 0300 1234047 or by email: highway.structures@hertfordshire.gov.uk

APPENDIX A: CONSULTEE RESPONSES

| Consultee | Comments |
|------------------------|------------|
| Hertfordshire Highways | 02.11.2020 |

| | |
|-------|---|
| (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.</p> <p>INFORMATIVES</p> <p>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 https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx or by telephoning 0300 1234047.</p> <p>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 https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx or by telephoning 0300 1234047.</p> <p>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 https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx or by telephoning 0300 1234047.</p> <p>COMMENTS</p> <p>This application is for: Rear dormer windows, front bay window with</p> |
|-------|---|

| | |
|------------------------------|---|
| | <p>amended gable roof to front and alterations to external materials. The site is located on Fieldway, Berkhamsted, which is an unclassified local access road with a 30mph speed limit.</p> <p>ACCESS No new or altered vehicular or pedestrian access is proposed to or from the public highway.</p> <p>PARKING Conversion of the garage will remove one on site parking space, however one remains on the existing driveway. Appropriate parking levels are within the remit of the LPA.</p> <p>CONCLUSION HCC as highway authority considers that the proposals would not have a severe residual impact upon highway safety or capacity, subject to the informative notes above</p> |
| Hertfordshire Highways (HCC) | <p>Location 15 FIELDWAY BERKHAMSTED HP4 2NX</p> <p>Application type Full Application</p> <p>Proposal AMENDED PROPOSAL</p> <p>Rear dormer windows, front bay window with amended gable roof to front and alterations to external materials</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>CONDITIONS</p> <p>1, Prior to the first occupation / use of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position indicated on the approved plan drawing number 20-19_PL09 rev A in accordance with the current highway specification. Prior to the first use of the development hereby permitted arrangement shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.</p> <p>Reason: To ensure satisfactory access into the site and avoid the carriage of extraneous material or surface water onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <p>2. The gradient of the vehicular access shall not exceed 1:20 (or 1:10 for private driveways) for the first 5 metres (or longer if in connection</p> |

with a commercial development) into the site as measured from the near channel edge of the adjacent carriageway.

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

3. Prior to the first occupation / use of the development hereby permitted a visibility splay measuring 2.3 x 34 metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

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. Prior to the first occupation / use of the development hereby permitted 0.65 metre x 0.65 metre pedestrian visibility splays shall be provided and permanently maintained each side of the access.

They shall be measured from the point where the edges of the access way cross the highway boundary, 0.65 metres into the site and 0.65 metres along the highway boundary therefore forming a triangular visibility splay. Within which, there shall be no obstruction to visibility between 0.6 metres and 2.0 metres above the carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway pedestrian safety in accordance with Policies 5 and 7 of Hertfordshire's Local Transport Plan (adopted 2018).

5. No development shall commence until the developer shall have complied fully with the requirements

of the Department for Transport's DMRB Standard CG 300: Technical Approval of Highway

Structures. The Approval in Principle and Design and Check Certification, accompanied by full structural details, shall be submitted and approved in writing by the Local Planning Authority. All works shall proceed in accordance with the details submitted and Construction Compliance certification and documentation submitted to the Local Planning Authority.

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).

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

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavem>

ents/business-and-developer-information/business-licences/business-licences.aspx 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

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

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

4. Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration.

Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

COMMENTS

This application is for AMENDED PROPOSAL Rear dormer windows, front bay window with amended gable roof to front and alterations to external materials.

It involves creating an additional parking space in the front garden, with

| | |
|------------------------------|--|
| | <p>a retaining wall alongside this. Fieldway is an unclassified local access road with a 30mph speed limit.</p> <p>Parking An additional parking space will be created in the front garden. The new retaining wall abuts the highway, therefore the developer is obliged to show that this complies fully with the requirements of the Department for Transport's DMRB Standard CG 300: Technical Approval of Highway Structures.</p> <p>Access An additional vxo will be required on Fieldway to allow vehicles to park on the new parking spaces.</p> <p>CONCLUSION Hertfordshire County Council as Highway Authority considers the proposal would not have a severe residual impact on the safety and operation of the adjoining highway, subject to the conditions and informative notes above.</p> |
| Parish/Town Council | <p>Objection Original response : The proposed scheme is substantial and a potential overdevelopment of the site. The proposal includes additional underground living space: excavation for a new front car standing space would remove a significant part of the front garden space, therefore altering the setting of the property and the street scene.</p> <p>CS11, CS12.</p> |
| Parish/Town Council | <p>Objection On amended plans: The proposed scheme is substantial and a potential overdevelopment of the site. The proposal includes additional underground living space: excavation for a new front car standing space would remove a significant part of the front garden space, therefore altering the setting of the property and the street scene.</p> <p>CS11, CS12</p> |
| Hertfordshire Highways (HCC) | <p>30.11.2020</p> <p>AMENDED PROPOSAL Rear dormer windows, front bay window with amended gable roof to front and alterations to external materials</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</p> |

restrict the grant of permission subject to the following conditions:

CONDITIONS

1, Prior to the first occupation / use of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position indicated on the approved plan drawing number 20-19_PL09 rev A in accordance with the current highway specification. Prior to the first use of the development hereby permitted arrangement shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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

2. The gradient of the vehicular access shall not exceed 1:20 (or 1:10 for private driveways) for the first 5 metres (or longer if in connection with a commercial development) into the site as measured from the near channel edge of the adjacent carriageway.

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

3. Prior to the first occupation / use of the development hereby permitted a visibility splay measuring 2.3 x 34 metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

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. Prior to the first occupation / use of the development hereby permitted 0.65 metre x 0.65 metre pedestrian visibility splays shall be provided and permanently maintained each side of the access. They shall be measured from the point where the edges of the access way cross the highway boundary, 0.65 metres into the site and 0.65 metres along the highway boundary therefore forming a triangular visibility splay. Within which, there shall be no obstruction to visibility between 0.6 metres and 2.0 metres above the carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway pedestrian safety in accordance with Policies 5 and 7 of Hertfordshire's Local Transport Plan (adopted 2018).

5. No development shall commence until the developer shall has complied fully with the requirements of the Department for Transport's DMRB Standard CG 300: Technical Approval of Highway Structures. The Approval in Principle and Design and Check Certification, accompanied by full structural details, shall be submitted and approved in writing by the Local Planning Authority. All works shall proceed in accordance with the details submitted and Construction Compliance certification and documentation submitted to the Local Planning Authority.

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).

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

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

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

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

4. Construction standards for new/amended vehicle access: Where

works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration.

Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

COMMENTS

This application is for AMENDED PROPOSAL Rear dormer windows, front bay window with amended gable roof to front and alterations to external materials.

It involves creating an additional parking space in the front garden, with a retaining wall alongside this.

Fieldway is an unclassified local access road with a 30mph speed limit.

Parking

An additional parking space will be created in the front garden. The new retaining wall abuts the highway, therefore the developer is obliged to show that this complies fully with the requirements of the Department for Transport's DMRB Standard CG 300: Technical Approval of Highway Structures.

Access

An additional vxo will be required on Fieldway to allow vehicles to park on the new parking spaces.

CONCLUSION

Hertfordshire County Council as Highway Authority considers the proposal would not have a severe residual impact on the safety and operation of the adjoining highway, subject to the conditions and informative notes above.

15.01.2020

comments on amended drawing 20-19_PL11 rev C

I think the vehicular to vehicular visibility splays are acceptable. The applicant would just to be aware that there would need to be no features e.g. vegetation / walls / fences at a height of greater than 0.6m within the splay area.

| | |
|--|---|
| | The pedestrian visibility splays (the 0.65 dimensions) are not shown correctly but I do not consider that to be a significant issue as the vehicular visibility splay line will provide some vehicular to pedestrian visibility and traffic will be slow. |
|--|---|

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

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

Neighbour Responses

| Address | Comments |
|--|--|
| 19 Hall Park Gate Berkhamsted Hertfordshire HP4 2NL | <p>I object to this planning application.</p> <p>The proposed modifications would mean this property will overlook my property. The proposed upstairs windows would look directly into my bedroom windows.</p> <p>This proposed development will spoil my view over the valley. The development is out of character with the surrounding properties.</p> <p>The proposed new study is at ground level due to the slope and with the addition of the new upper floor, the property will be three stories high which will not fit in with the bungalows either side or streetscape.</p> <p>The proposed use of sliding folding doors at the rear would project excessive noise to the surrounding neighbours.</p> <p>When the land was sold for the original construction of this bungalow, restrictive covenants were put in place and written into the title deeds to prevent developments of this type thereby preventing the proposed adverse effect on the residential amenity of neighbours and streetscape. The new occupiers would have been aware of this when they purchased the bungalow. Whilst I understand that the existence of restrictive covenants may not be considered as material planning considerations, it should be noted that more than one restrictive covenant would be breached if this development proceeded and I would consider supporting the beneficiaries in taking action to enforce them.</p> |

Agenda Item 6

6. APPEALS UPDATE

6.1 APPEALS LODGED

Appeals received by Dacorum Borough Council between 01 November 2020 and 31 January 2021

| No. | DBC Ref. | PINS Ref. | Address | Procedure |
|-----|----------------|--------------|--|---|
| 1 | 20/01868/FHA | D/20/3262367 | 42 Box Lane Hemel Hempstead HP3 0DJ | Householder |
| 2 | E/19/00290 | C/20/3263148 | Land to West of The Hive Featherbed Lane Felden | Enforcement Written Representations |
| 3 | 20/01639/FUL | W/20/3264109 | 36 Kitsbury Road Berkhamsted HP4 3EA | Written Representations |
| 4 | 20/01523/FHA | D/20/3264329 | Cloverleaf Chapel Croft Chipperfield WD4 9DR | Householder |
| 5 | E/20/00421/COL | C/20/3264483 | Bovingdon Airfield Chesham Road Bovingdon HP3 0EA | Enforcement Written Representations |
| 6 | 20/01927/FUL | W/20/3264515 | Plot 17 Land SE of Church Rd Little Gaddesden HP4 1NZ | Written Representations |
| 7 | 20/02404/FUL | W/20/3265286 | 34 New Park Drive Hemel Hempstead HP2 4QE | Written Representations |
| 8 | E/19/00513/NPP | C/20/3265457 | Berkhamsted Golf Club The Common Berkhamsted | Enforcement Written Representations |
| 9 | E/19/00378 | C/20/3265529 | 199 High Street Berkhamsted HP4 1AW | Enforcement Written Representations |
| 10 | 20/00274/RET | W/20/3265546 | Berkhamsted Golf Club The Common Berkhamsted | Written Representations |
| 11 | 20/01236/FUL | W/20/3265734 | 3 Gaveston Drive Berkhamsted HP4 1JE | Written Representations |
| 12 | 20/02550/FUL | W/20/3265837 | Nash House Dickinson Square Hemel Hempstead HP3 9GT | Written Representations |

| No. | DBC Ref. | PINS Ref. | Address | Procedure |
|-----|--------------------------------|--------------|--|---|
| 13 | E/20/00311/NAP | C/20/3265857 | 13 Chambersbury Lane Hemel Hempstead HP3 8AY | Enforcement Written Representations |
| 14 | 20/03101/FHA | D/20/3265856 | 13 Chambersbury Lane Hemel Hempstead HP3 8AY | Householder |
| 15 | 20/01866/FUL | W/21/3266474 | 16 Park Road Hemel Hempstead HP1 1JS | Written Representations |
| 16 | 20/02843/FUL | W/21/3266650 | 44 Martindale Road Hemel Hempstead HP1 2QR | Written Representations |
| 17 | 20/03103/FUL | W/21/3267910 | 3 Curtis Road Hemel Hempstead HP3 8LE | Written Representations |

6.2 PLANNING APPEALS DISMISSED

Planning appeals dismissed between 01 November 2020 and 31 January 2021.

| No. | DBC Ref. | PINS Ref. | Address | Procedure |
|--|------------------------------|--------------|---|----------------------------|
| 1 | 20/00248/FUL | W/20/3256051 | 52 Bronte Crescent Hemel Hempstead HP2 7PR | Written Representations |
| Date of Decision: | | | 18/12/2020 | |
| Link to full decision: | | | | |
| | | | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3256051 | |
| Inspector's Key conclusions: | | | | |
| <p>This proposal would be an incongruous intrusion of unsympathetic built form and a jarring addition to the streetscene that would be to the detriment of the visual interests of its surroundings.</p> <p>In such proximity the size and siting of the proposal would significantly increase the sense of enclosure to No.52 and be visually intrusive and overbearing, causing moderate harm.</p> <p>Even in the context of the Council's current housing land supply position (cannot demonstrate a 5-year supply of housing land), the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.</p> | | | | |
| No. | DBC Ref. | PINS Ref. | Address | Procedure |
| 2 | 19/02580/FUL | W/20/3247462 | Garden Cottage Bovingdon Green Bovingdon HP3 0LD | Written Representations |

| | | | | |
|------------|---|---|---|------------------|
| | Date of Decision: | 16/12/2020 | | |
| | Link to full decision: | | | |
| | | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3247462 | | |
| | Inspector's Key conclusions: | | | |
| | <p>The proposed works (mesh, various excavations for foundations/services and pruning the tree, more pruning likely in the future) accumulatively would harm the health, longevity and significance of the tree, which appears in good health and notability. Contrary to saved Policy 99 of the DBLP and CS11 and CS12.</p> <p>The proposal would not provide reasonable living conditions (due to vehicle movement disturbance, car lights nuisance, impact on privacy, overly shadowed garden areas), contrary to Policies CS11 and CS12 and saved appendix 3 of the DBLP.</p> <p>The proposal would provide a new house within a village with good facilities and public transport. This would give economic and social benefits, including the support for local services and a contribution to housing supply. However, as this is only one house the benefit would be very limited and does not outweigh the harm.</p> | | | |
| No. | DBC Ref. | PINS Ref. | Address | Procedure |
| 3 | 20/00332/FHA | D/20/3254895 | 6 Long Chaulden Hemel Hempstead HP1 2HT | Householder |
| | Date of Decision: | 23/12/2020 | | |
| | Link to full decision: | | | |
| | | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3254895 | | |
| | Inspector's Key conclusions: | | | |
| | Based on the evidence available, the proposed extension would have an unacceptable impact on the health and longevity of the adjacent street trees. The loss of or damage to these trees would severely harm the character and appearance of the surrounding area. | | | |

6.3 PLANNING APPEALS ALLOWED

Planning appeals allowed between 01 November 2020 and 31 January 2021.

| | | | | |
|------------|------------------------------|--------------------|---|------------------|
| No. | DBC Ref. | PINS Ref. | Address | Procedure |
| 1 | 19/02819/TPO | TPO/A1910/7 821 | The Old Boathouse Castle Wharf Berkhamsted HP4 2EB | TPO (tree) |
| | Date of Decision: | 27/11/2020 | | |

| | | | | |
|------------|---|------------------|--|----------------------------|
| | Link to full decision: | | | |
| | https://planning.dacorum.gov.uk/publicaccess/appealDetails.do?activeTab=documents&keyVal=QHITTOFO00C00 | | | |
| | Inspector's Key conclusions: | | | |
| | <p>In the majority of circumstances, such extensive pruning of a protected tree would be inappropriate but in this instance it is a repeat of previous cyclical pruning and is unavoidable to restore an acceptable relationship between the willow and the adjacent dwelling, which post-dates the tree. However, whilst accepting the need for removal of the majority of the branching that has regenerated since the tree was previously pruned, I consider there to be scope for a proportion of the lighter, inner pendulous growth to be retained and have required this by condition.</p> | | | |
| No. | DBC Ref. | PINS Ref. | Address | Procedure |
| 2 | 19/03052/ROC | W/20/3252729 | Top Common The Common Chipperfield WD4 9BN | Written Representations |
| | Date of Decision: | | 11/12/2020 | |
| | Link to full decision: | | | |
| | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3252729 | | | |
| | Inspector's Key conclusions: | | | |
| | <p>The personal restrictions the Council originally proposed could be widened to also include the owner of Top Common or their staff would still uphold the Council's original objective of preventing permanent harm to the Green Belt from a development not justified on the basis of very special circumstances.</p> <p>The use of the manege was further specified in that it shall be used for the purposes of training competition dressage horses at Levels 7, 8 and 9 of the British Horse Society Competition Levels and for no other purpose.</p> | | | |
| No. | DBC Ref. | PINS Ref. | Address | Procedure |
| 3 | 4/02934/18/MFA | W/19/3243939 | The Old Orchard Shootersway Berkhamsted HP4 3NG | Hearing |
| | Date of Decision: | | 15/12/2020 | |
| | Link to full decision: | | | |
| | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3243939 | | | |
| | Inspector's Key conclusions: | | | |
| | <p>The Council is unable to demonstrate a 5-year supply of deliverable housing sites. In these circumstances, the policies of the development plan which are most important for determining the application are out-of-date, and the presumption in favour of sustainable development is engaged.</p> <p>The development of the appeal site as proposed would not prejudice the comprehensive development of the whole of allocated site LA4. It would not conflict with the strategic or local objectives in the Core Strategy, nor with the guidance in the Masterplan. That there may not be a single phase of</p> | | | |

| <p>development across the allocated site is not a factor to count against this proposal.</p> <p>I can identify no harm from the proposed building's mass and height which make a balanced form, nor the siting of its front building line, its orientation or alignments. There would be slight adverse impact on the spatial character of the area (due to the erosion of the distinctive spacious character).</p> <p>Taking into account its viability, the lack of affordable housing in the proposed development does not place it in conflict with CS19 and the DPD.</p> <p>I conclude that the proposed development would not have an unacceptable impact on the safe and efficient operation of the highway network, with particular regard to vehicles exiting the site to turn right.</p> <p>I conclude that the location of the proposed development would be suitable, having regard to its proximity to services and facilities.</p> <p>Whilst I have found that there would be a small risk of loss of privacy from overlooking into the garden shared by the occupiers of Archive Mews, the amount of privacy lost would not reduce their living conditions to an unacceptable degree, nor in the circumstances I found, would it be uncharacteristic or unreasonable.</p> <p>The NPPF confirms the Government's objective to significantly boost the supply of homes. To the benefit of this additional housing I accord substantial weight. The single adverse effect (impact on the spatial character of the area) and the conflict with the development plan policy would not significantly and demonstrably outweigh the benefits of the proposed development when assessed against the policies in the NPPF taken as a whole. Accordingly, a decision other than in accordance with the development plan is justified.</p> | | | | |
|--|--------------|--------------|--|----------------------------|
| No. | DBC Ref. | PINS Ref. | Address | Procedure |
| 4 | 19/03134/FUL | W/20/3254551 | 96 Longfield Road Tring HP23 4DE | Written Representations |
| Date of Decision: | | | 07/01/2021 | |
| Link to full decision: | | | | |
| https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3254551 | | | | |
| Inspector's Key conclusions: | | | | |
| <p>The design of the proposed terrace contrasts with the existing buildings in the area but, one of the key characteristics of the design, age and configuration of many of the properties on Longfield Road is their variety. There is no reason why the appeal scheme would not add to rather than detract from this. The proposed parking spaces to the front of each garage will replace the existing boundary fence but, it appears to me that parking to the front of the dwellings is preferable to parking to the rear which was as aspect of the earlier scheme that the Inspector considered unsatisfactory. Landscaping proposals would have the effect of breaking up the proposed parking area into 2 separate sections which would help soften the visual</p> | | | | |

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| impact. |
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6.4 PLANNING APPEALS WITHDRAWN

Planning appeals withdrawn between 01 November 2020 and 31 January 2021.

| No. | DBC Ref. | PINS Ref. | Address | Procedure |
|-----|--------------------------|--------------|-----------------------------------|-------------------------|
| 1 | 4/02270/19/FUL | W/20/3260685 | Land At Featherbed Lane Felden | Written Representations |
| | Date of Decision: | | 25/01/2021 | |

6.5 ENFORCEMENT NOTICE APPEALS DISMISSED

Enforcement Notice appeals dismissed between 01 November 2020 and 31 January 2021.

| No. | DBC Ref. | PINS Ref. | Address | Procedure |
|-----|---|--------------|---|-------------------------|
| 1 | E/19/00302 | F/19/3237636 | Lock Cottage Ravens Lane Berkhamsted HP4 2DZ | Written Representations |
| | Date of Decision: | | 03/11/2020 | |
| | Link to full decision: | | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3237636 | |
| | Inspector's Key conclusions: | | | |
| | I conclude that there has been no consent granted for the demolition of the wall that forms part of the listed building at Lock Cottage and the appeal on ground (c) consequently fails. | | | |
| | I conclude that the demolition of the wall has harmed the setting of the listed building, it requires consent which it does not have and there are no public benefits that indicate that consent should be granted. | | | |

6.6 ENFORCEMENT NOTICE APPEALS ALLOWED

Enforcement Notice appeals allowed between 01 November 2020 and 31 January 2021.

| No. | DBC Ref. | PINS Ref. | Address | Procedure |
|-----|--------------------------|--------------|--|-------------------------|
| 1 | E/20/00104/NPP | C/20/3256772 | The Water Gardens Waterhouse Street Hemel Hempstead Hertfordshire | Written Representations |
| | Date of Decision: | | 02/12/2020 | |

| | | | |
|------------|--|------------------|---|
| | Link to full decision: | | |
| | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3256772 | | |
| | Inspector's Key conclusions: | | |
| | <p>I find that on the balance of probability the notice was served as required by s172 of the Act. In any event...both Cornerstone and Telefonica UK Ltd have appealed the enforcement notice jointly and therefore neither party has been substantially prejudiced. The appeal on ground (e) therefore fails.</p> <p>This lattice tower mast appears unduly makeshift...and appears as an unduly discordant vertical spikey intrusion. And this visual intrusion continues when seen from public vantage points around, including from the adjacent Water Gardens. I find this temporary lattice mast construction unacceptably harms the character and appearance of the area.</p> <p>I find the mast is harmful to the setting of the registered Water Gardens. The harm would nonetheless be less than substantial. In such circumstances para.196 of the NPPF advises that the harm that would be caused should be outweighed against the public benefits of the proposal.</p> <p>Due to the unprecedented times we are currently in and the heightened use and dependency on telecommunications, I consider it would not be in the public interest to see the coverage in the town disrupted until a replacement facility is brought into operation. This public benefit is of sufficient weight to outweigh the temporary harm to the heritage asset of the Water Gardens.</p> <p>The ground (a) appeal is allowed, the enforcement notice is quashed, and planning permission is granted for a temporary 12 month telecommunications mast.</p> | | |
| No. | DBC Ref. | PINS Ref. | Address |
| 2 | E/19/00444/NAP | C/20/3254307 | Plot 1 Cupid Green Lane Hemel Hempstead |
| | | | Procedure |
| | | | Written Representations |
| | Date of Decision: | | 11/01/2021 |
| | Link to full decision: | | |
| | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3254307 | | |
| | Inspector's Key conclusions: | | |
| | <p>The appellant's submissions are consistent in terms of the site having been used for agriculture, not for purposes of agricultural research. When looked at in the round, his evidence is precise and unambiguous. There was little which cast doubt on the appellant's submissions. Therefore, I find the appellant's evidence persuasive and afford it significant weight.</p> <p>Accordingly, on the balance of probability the available evidence shows that the allegation stated in the notice has not occurred as a matter of fact and the ground (b) appeal succeeds.</p> <p>It is open to the Council to issue a fresh enforcement notice, if they consider that the site is in use for purposes other than agriculture and/or attacking the</p> | | |

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| operational development, should they consider it expedient to do so. |
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6.7 ENFORCEMENT NOTICE APPEALS WITHDRAWN

Enforcement Notice appeals withdrawn between 01 November 2020 and 31 January 2021.

None.

6.8 SUMMARY OF TOTAL APPEAL DECISIONS IN 2021 (up to 31st January 2021)

| | |
|-----------------------|---|
| APPEALS LODGED | 3 |
|-----------------------|---|

| APPEALS DECIDED | TOTAL | % |
|------------------------|--------------|----------|
| TOTAL | 3 | 100 |
| APPEALS DISMISSED | 0 | 0 |
| APPEALS ALLOWED | 2 | 66.7 |
| APPEALS WITHDRAWN | 1 | 33.3 |

| | TOTAL | % |
|---|--------------|----------|
| APPEALS DISMISSED | | |
| Total | 0 | 0 |
| Non-determination | | |
| Delegated | | |
| DMC decision with Officer recommendation | | |
| DMC decision contrary to Officer recommendation | | |

| APPEALS ALLOWED | TOTAL | % |
|---|--------------|----------|
| Total | 2 | 100 |
| Non-determination | | |
| Delegated | 1 | 50 |
| DMC decision with Officer recommendation | | |
| DMC decision contrary to Officer recommendation | 1 | 50 |

6.9 UPCOMING HEARINGS

| No. | DBC Ref. | PINS Ref. | Address | Date |
|-----|------------------|--------------|--|---------------|
| 1 | E/20/00023/MULTI | C/20/3249358 | Haresfoot Farm Chesham Road Berkhamsted HP4 2SU | 24 March 2021 |

6.10 UPCOMING INQUIRIES

| No. | DBC Ref. | PINS Ref. | Address | Date |
|-----|--------------|------------------------------|---|-------------------------|
| 1 | E/19/00321 | C/19/3237920 W/19/3237919 | Land at Featherbed Lane Hemel Hempstead | 11-13 May 2021 (tbc) |
| 2 | 20/02060/LDP | X/20/3261710 | Parker House Maylands Avenue Hemel Hempstead HP2 4SJ | tbc |