



Public Document Pack

DEVELOPMENT MANAGEMENT AGENDA

**THURSDAY 16 DECEMBER 2021 AT 7.00 PM
COUNCIL CHAMBER, THE FORUM**

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

Membership

Councillor Guest (Chairman)	Councillor McDowell
Councillor C Wyatt-Lowe	Councillor Oguchi
Councillor Beauchamp (Vice-Chairman)	Councillor Douris
Councillor Durrant	Councillor Williams
Councillor Hobson	Councillor Hollinghurst
Councillor Maddern	

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

AGENDA

1. MINUTES

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

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence

3. DECLARATIONS OF INTEREST

To receive any declarations of interest

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

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

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

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

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

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

4. PUBLIC PARTICIPATION

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

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

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

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 (Page 5)

- (a) 21/03089/MFA - Construction of 46 dwellings (apartment building and two rows of terraced units), new access road, parking and amenity areas - St Margarets Way Hemel Hempstead Hertfordshire (Pages 6 - 86)
- (b) 21/02607/FUL - Conversion of existing 4 bed detached house to 4 self-contained flats - 9 Neptune Drive, Hemel Hempstead, Hertfordshire, HP2 5QQ (Pages 87 - 111)
- (c) 21/01058/FUL - Conversion of the existing water tower (sui generis) to residential (C3), incorporating the infilling of the concrete pillars at the base of the tower and the construction of a flat roof canopy; and the construction of new access road - Water Tower Luton Road Markyate Hertfordshire (Pages 112 - 157)
- (d) 21/02078/ROC - Variation of condition 2 (approved plans) attached to planning permission 20/01667/FUL - Demolition of 4 single story barns currently used as dwelling. Erection of a low carbon 1.5 storey 4 bed family home, annex and garage. - Greenings Farm, Stocks Road, Aldbury, Tring, Hertfordshire, HP23 5RX (Pages 158 - 171)
- (e) 21/03742/FHA - Single storey rear and side extension and loft conversion - 17 Vicarage Lane, Kings Langley, Hertfordshire, WD4 9HS (Pages 172 - 178)
- (f) 21/03330/FHA - Rear extension following demolition of existing garage lean-to (car port) and outbuilding - Flint House, Roe End Lane, Markyate, Hertfordshire, AL3 8AG (Pages 179 - 187)

INDEX TO PLANNING APPLICATIONS

Item No.	Application No.	Description and Address	Page No.
5a.	21/03089/MFA	Construction of 46 dwellings (apartment building and two rows of terraced units), new access road, parking and amenity areas. St Margarets Way, Hemel Hempstead, Hertfordshire,	
5b.	21/02607/FUL	Conversion of existing 4 bed detached house to 4 self-contained flats. 9 Neptune Drive, Hemel Hempstead, Hertfordshire, HP2 5QQ	
5c.	21/01058/FUL	Conversion of the existing water tower (sui generis) to residential (C3), incorporating the infilling of the concrete pillars at the base of the tower and the construction of a flat roof canopy; and the construction of new access road. Water Tower, Luton Road, Markyate, Hertfordshire	
5d.	21/02078/ROC	Variation of condition 2 (approved plans) attached to planning permission 20/01667/FUL - Demolition of 4 single story barns currently used as dwelling. Erection of a low carbon 1.5 storey 4 bed family home, annex and garage. Greenings Farm, Stocks Road, Aldbury, Tring	
5e.	21/03742/FHA	Single storey rear and side extension and loft conversion 17 Vicarage Lane, Kings Langley, Hertfordshire, WD4 9HS	
5f.	21/03330/FHA	Rear extension following demolition of existing garage lean-to (car port) and outbuilding. Flint House, Roe End Lane, Markyate, Hertfordshire	

Agenda Item 5a

ITEM NUMBER: 5a

21/03089/MFA	Construction of 46 dwellings (apartment building and two rows of terraced units), new access road, parking and amenity areas.	
Site Address:	St Margarets Way Hemel Hempstead Hertfordshire	
Applicant/Agent:	Dacorum Borough Council	Stephen Taylor Architects
Case Officer:	Martin Stickley	
Parish/Ward:	Hemel Hempstead (No Parish)	Leverstock Green
Referral to Committee:	Council Scheme (Major Development)	

1. RECOMMENDATION

1.1 That planning permission be delegated with a view to approval subject to the completion of a S.106 legal agreement.

2. SUMMARY

2.1 The proposal forms part of local allocation H/11 and would develop a site allocated for housing to provide 46 affordable units (social rent). The principle of residential development is therefore acceptable. The proposal is considered to be well thought out and would successfully integrate between the adjacent neighbourhoods.

2.2 Tables 8 and 9 of the Dacorum Borough Core Strategy (2013) make it clear that the Towns and allocated sites have an important role in the delivery of the housing strategy. The St Margaret site would contribute towards this. Whilst the loss of a green, open area is unfortunate, the application site was allocated for housing in 2017 and has subsequently been brought forward into the emerging Local Plan.

2.3 The development would be located in a sustainable location and would seek to develop a site allocated for housing. In this regard the proposal would comply with Core Strategy Policies CS1, CS2, CS3, CS4, CS17, CS18 and CS19, the Site Allocations Development Plan Document (DPD) and the National Planning Policy Framework (2021), as well as the other policies listed in the 'Relevant Policies' section.

3. SITE DESCRIPTION

3.1 The application site relates to a 1.4 hectare plot of open land sited between St Margarets Way and Kingcup Avenue in the urban area of Hemel Hempstead. The land was allocated for housing in 2017 but is currently free from development apart from the south-western corner, which comprises four bedsits/apartments above garages. The rest of the site comprises grassed amenity land and a number of trees. The site slopes away from the western perimeter towards Kingcup Avenue. There is a level change of approximately five metres across the site.

3.2 Leverstock Green North (HCA29) is a planned new town area dating from the 1960s featuring a variety of housing types, repetitive designs, strong building lines and a high standard of public landscaping. The area forms part of the wider Leverstock Green neighbourhood that includes Character Areas HCA27 and HCA28.

3.3 The site can be accessed from St Margarets Way to the west and also through an informal pedestrian cut-through in the hedgerow from the more-recent Kings Copse development to the east. To the north lies an area of open amenity land and the Thames Water balancing pond. To the south is Green Lane and the centre of Leverstock Green. Hemel Hempstead Town Centre is located approximately 1.8 miles to the west and the M1 motorway is about half a mile to the east.

4. PROPOSAL

4.1 Planning permission is sought for the demolition of the four bedsits/apartments and garages and the construction of 46 affordable units. The scheme is split into three main sections. In the northern part of the site a terrace of 13 three-bed dwellings is proposed. In the south-western corner and replacing the existing bedsits/apartments is a terrace of three two-bed dwellinghouses fronting onto Datchworth Turn. These properties would align with the existing adjacent townhouses. To the south-east of the site, a three-storey apartment building comprising 30 units is proposed. The apartment block would contain a communal courtyard garden within its U-shaped layout.

5. PLANNING HISTORY

None.

6. CONSTRAINTS

CIL Zone: CIL3

Open Land

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: HCA29

Smoke Control Order

Parking Standards: Zone 3

EA Source Protection Zone: 3

Town: Hemel Hempstead

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (2021)

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

CS2 - Selection of Development Sites

CS3 - Managing Selected Development Sites

CS4 - The Towns and Large Villages

CS8 - Sustainable Transport

CS9 - Management of Roads

CS10 - Quality of Settlement Design

CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS17 - New Housing
CS18 - Mix of Housing
CS27 - Quality of the Historic Environment
CS29 - Sustainable Design and Construction
CS35 - Infrastructure and Developer Contributions

Dacorum Borough Local Plan (Saved Policies)

Policy 10 - Optimising the use of Urban Land
Policy 18 - 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 116 - Open Land in Towns and Large Villages
Policy 119 - Development Affecting Listed Buildings
Policy 129 - Storage and Recycling of Waste on Development Sites
Appendix 1 - Sustainability Checklist
Appendix 3 - Layout and Design of Residential Areas
Appendix 5 - Parking Provision Appendices

Supplementary Planning Guidance/Documents

Area Based Policies - HCA29 Leverstock Green North (2004)
Manual for Streets (2010)
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)
Car Parking Standards (2020)

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the development;
The impact on residential amenity;
Quality of design and visual impacts;
The impact on highway safety and car parking;
Ecological and environmental implications; and
Any other material planning considerations (e.g. drainage, planning obligations, etc.).

Principle of Development

9.2 Dacorum Borough Council (DBC), in line with the National Planning Policy Framework (henceforth referred to as the 'Framework') has adopted an "open for business" approach to new development in order to secure sustainable economic growth by proactively supporting sustainable economic development to deliver homes, business and infrastructure with particular emphasis on high quality design.

9.3 Policy CS1 of the Core Strategy identifies that Hemel Hempstead will be the focus for housing development within the Borough, providing sufficient new homes to meet the natural growth of its population. The application site was allocated for housing as part of Dacorum Borough Council's Site Allocations DPD (July 2017).

9.4 The site is defined as 'Proposal H/11' in the DPD, with the following planning requirements:

Net Capacity: 32

Proposal subject to outcome of a town and village green application. Development to be guided by existing development brief for the site and coordinated with adjoining housing development. Shared access from Green Lane. The development should be designed and landscaped to safeguard the open setting of the site and adjoining land and the amenities of nearby residents. Early liaison required with Thames Water to develop a Drainage Strategy to identify any infrastructure upgrades required in order to ensure that sufficient sewage and sewerage treatment capacity is available to support the timely delivery of this site.

9.5 It should be noted that the proposal has been brought forward into DBC's emerging Single Local Plan (SLP). The application site is referenced 'Growth Area HH25' with the goal to provide "around 50 dwellings, subject to masterplanning" and "public open space". The site-specific requirements are listed as follows:

Urban Design Principles: Development should normally be between two and three storeys in height, taking into account the established residential areas to the east and west of the site.

Access, Highways and Sustainable Transport: Primary access to be provided from Green Lane.

Biodiversity and Green Infrastructure: As part of delivering a net gain in biodiversity, utilise new landscape measures and structure to connect with green corridors in the area, including the retained open space to the north of the site.

9.6 The SLP is currently on hold whilst further investigations are made into urban capacity in Hemel Hempstead. It is likely that there will be an emphasis on the Town providing larger amounts of housing. It may not increase the proposed capacity listed in HH25, but it is something to bear in mind.

9.7 Policy CS3 states that local allocations will be delivered from 2021 as set out in the Site Allocations DPD. The Core Strategy makes it clear that the towns and allocated sites have an important role in the delivery of the housing strategy. The proposed development would provide a significant number and mix of Council-built homes, contributing to its own identified affordable housing need of 366 homes per annum, as acknowledged by the Council's Strategic Housing Market Assessment (SHMA) (table 2, executive summary). Of the proposed units, all 46 (100%) would be affordable, 65% above DBC's baseline obligation of 35% as set out in Policy CS19.

9.8 There is a strong emphasis on the site being developed for residential use as set out in Policies NP1, CS1, CS2, CS3 and CS4. The Council has a target of 10,750 new homes between 2006-2031 (430 per annum). This is anticipated increase when the new SLP is adopted. The development would be located in a sustainable location and would seek to develop an allocated site for affordable housing. In this regard the proposal would comply with Core Strategy Policies CS17, CS18 and CS19, the Site Allocations DPD and the National Planning Policy Framework. As such, there is no compelling objection to the principle of the proposed development.

The Tilted Balance

9.9 The Dacorum Borough Core Strategy was adopted on 25th September 2013 and is now more than five years old. The Council must now revert to the Government's standard housing methodology to determine its housing supply position and calculate housing land supply on that basis.

9.10 If the Council is unable to demonstrate a five-year supply of deliverable housing sites using the standard housing methodology (using an appropriate buffer), then it should take the 'tilted balance' in favour of granting planning permission (Paragraph 11 of the Framework) will apply.

9.11 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'.

9.12 DBC acknowledges that it is unable to demonstrate a 5-year supply of deliverable housing sites as required by the Framework. As a consequence development shall be considered against the Framework's presumption in favour of sustainable development (Paragraph 11). In the absence of relevant up to date development plan policies, the balance is tilted in favour of sustainable development and granting planning permission except where the benefits are 'significantly and demonstrably' outweighed by the adverse impacts or where specific policies in the Framework indicate otherwise.

9.13 It should be noted that the policies in the Framework, including the tilted balance, "do not have the force of statute" and "have to be understood in the context of the development plan-led system", as recently clarified by Mr Justice Holgate. The provisions of the Framework, he ruled, remain subordinate to the principle established by statute that, when considering planning applications, first regard must be had to the terms of development plan policies (see *Gladman Developments Limited v Secretary of State for Housing, Communities and Local Government. Case Number: CO/3932/2019*).

9.14 The judge acknowledged that a shortfall in housing land supply may render development plan policies out-of-date, but emphasised that that does not mean that they must be afforded no weight in the planning process. "When a decision-maker judges that development plan policies are out-of-date, it is still necessary for him to consider the weight to be given to that conclusion and the relevant development plan policies bearing upon the proposal" he added.

9.15 The tilted balance, the judge concluded, "does not automatically lead to the grant of planning permission." Instead (it) involves the balancing of competing interests, but with the tilt towards granting permission.

Impact on Residential Amenity

9.16 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, with regards to the effect of a development on the amenity of neighbours, development should avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to surrounding properties.

9.17 Saved Appendix 3 (Layout and Design of Residential Areas) of the Dacorum Borough Local Plan (DBLP) requires new developments to provide sufficient space around residential buildings to avoid a cramped layout and maintain residential character. Spacing between buildings ensures privacy and allows movement around buildings for maintenance and other purposes.

9.18 The existing residents on the surrounding residential roads, specifically St Margarets Way and Datchworth Turn, have benefitted from the green and open nature of the application site for many

years. It appears that residents use the site for walking and other recreational uses. This concern was raised with the Architects at pre-application stage. The proposals underwent numerous revisions to retain a green and verdant appearance. Areas of open land and landscaping are provided, along with tree planting and play space. These details will be discussed further in later sections. Apart from the concerns over the loss of the open space, existing residents have raised the following issues.

Light

9.19 Concerning light, the Building Research Establishment's (BRE) 'Site layout planning for daylight and sunlight: a guide to good practice' has been followed. Stephen Taylor, acting as the Architects for the scheme, have provided section drawings showing the 25-degree lines from the midpoints of the ground-floor windows on closest neighbouring units. These diagrams show that, due to the proposed separation distances and building heights, it is unlikely that there would be a significant impact on light, complying with the BRE guidance.

9.20 The proposed terraced of three properties at Datchworth Turn are aligned with the existing neighbours and would not project beyond their front or rear elevations. The properties would be sited due north. Therefore, it is unlikely that there would be any severe impacts on daylight or sunlight to these neighbouring properties.

Privacy

9.21 Regarding privacy, the proposed development has been designed in accordance with saved Appendix 3 of the DBLP. Distances between habitable room windows generally exceed the recommended 23 metre distance, noting separation distance of 26.8 metres between the existing terrace comprising 6-18 St Margarets Way and proposed larger terrace (see annotation on Drawing 275_A_10_100, Revision PL3).

9.22 A larger gap of approximately 32.7 metres would be provided between the flank of the apartment block and the main rear walls of the properties on Datchworth Turn (Nos. 75-83 (odd)). This distance would also help alleviate overlooking of private residential gardens. There would be a slightly lesser gap of 22.5 metres between the main façade of the apartment block, however, this distance is taken from the corner of the existing terrace. When considering the orientation (oblique angles) and the window-to-window distances, the proposed spacing is considered appropriate.

Visual Intrusion

9.23 Considering the separation distances provided between the existing and proposed units, it is unlikely that there would be any significant impacts regarding visual intrusion. Some of the residents would lose their view towards the countryside to the south-east and the wooded area along Green Lane. However, the loss of a view is not a material planning consideration that can be assessed as part of this recommendation.

Rear Access to 75-83 Datchworth Turn

9.24 A resident from 5 Kingcup Avenue has highlighted that *"the proposed parking court serving the apartment block will create a significant level difference between the proposed development and the rear of the properties fronting Datchworth Turn (Nos. 75-83). There is a lack of details setting out how existing residents will access the rear of their dwellings once the new parking court is constructed, and it is considered that the provision of stepped access could restrict access for pedestrian, particularly those using a wheelchair or those with a pushchair, from accessing their dwelling."*

9.25 This concern was raised with the Architects and their highways consultant, Ridge. They responded by stating that the back of the properties would tie-in to the proposed access path. This would consequently maintain level access along these neighbouring properties. This is considered acceptable and would retain satisfactory rear access for the neighbours at 75-83 (Odd) Datchworth Turn.

Other Impacts

9.26 There are a number of other points raised by the neighbours including visual impacts, flood risk, parking, social infrastructure, traffic and access. All of these topics will be discussed in their individual sections later in the report.

Quality of Design

9.27 The Framework highlights core principles that planning should take account of such as the different roles and characters of different areas, and always seek to secure high quality design. More specifically, Policies CS11 and CS12 state that development should respect the typical density intended in an area, coordinate streetscape design between character areas, integrate with such character, and respect adjoining properties in terms of layout, site coverage, scale, height, bulk, landscaping, and amenity space.

9.28 Appendix 3 of the DBLP states that development should be guided by the existing topographical features of the site, its immediate surroundings, and respect the character of the surrounding area with an emphasis on there being adequate space for the development in order to avoid a cramped appearance.

Unit Size

9.29 In terms of space standards, whilst not adopted by the Council, all of the units would meet or exceed the Nationally Described Space Standards (2015) (see table below).

Type of Unit	No. Bedrooms	Proposed Floorspace	National Recommendation
Terrace (3 Units)	2B4P	79sq.m	79sq.m
Terrace (13 Units)	3B5P	94.8sq.m	93sq.m
Apartments	1B2P	50.3sq.m	39sq.m
	2B4P	72.1sq.m	70sq.m

9.30 All of the proposed units would be provided with a sufficient amount of storage, refuse stores, cycle sheds and amenity space.

Housing Mix

9.31 Policy CS18 requires housing developments to provide a choice of homes. This comprises a range of housing types, sizes and tenure; housing for those with disabilities and affordable housing in accordance with Policy CS19. Saved Policy 18 states that the development of a range of dwellings (size and type) will be encouraged.

9.32 The mix of dwellings is outlined below:

No. Bedrooms	Unit Type		
	Apartments	Dwellinghouses	Total by Size
1B2P	18	0	18 (39.1%)
2B4P	12	3	15 (32.6%)
3B5P	0	13	13 (28.3%)
Total	30 (65.2%)	16 (34.8%)	46 (100%)

9.33 It is considered that the above strikes an appropriate mix of dwellings sizes in accordance with the aforementioned policies.

Accessible and Adaptable Dwellings

9.34 The submitted Design and Access Statement (DAS) and floor plans identify that all of the dwellinghouses, in-line with building regulations, would be M4(2): Category 2 (Accessible and Adaptable Dwellings) compliant. This requirement is met when a new dwelling provides reasonable provision for most people to access the dwelling and includes features that make it suitable for a range of potential occupants, including older people, individuals with reduced mobility and some wheelchair users.

9.35 Regarding the apartment block, two of the ground-floor units (annotated as 'WC' on drawing 275_A_10_110, Revision PL3) are designed to be M4(3) compliant. This requirement is achieved when a new dwelling provides reasonable provisions for a wheelchair user to live in and have the ability to use any outdoor space, parking and communal facilities.

9.36 The proposal has been designed around the life-time home standard, i.e. designed with accessibility and adaptability in mind. The terraced units would be flexible to the changing needs of the occupiers (be they elderly, disabled or not), and can be adapted at minimal cost and disruption to them. The two M4(3) compliant apartments would be immediately usable by wheelchair users. This approach accords with Policies CS18 (Mix of Housing) and CS29 (Sustainable Design and Construction).

Amenity Provision

9.37 Saved Appendix 3 of the DBLP states that all residential development is required to provide private open space for use by residents whether the development be houses or flats. Residential development designed for multiple occupancy will be required to provide a private communal amenity area to the rear of the building at least equal to the footprint of the building for two storey developments, and increasing with building height.

9.38 The proposed development would provide private, semi-private and public amenity spaces. For the apartment block, each flat would contain an integrated (in-set) balcony, ranging between 6.3sq.m and 7.8sq.m in area. Large glazed openings would provide views and easy access to these private outdoor areas. To the rear of the apartment block and contained within the U-shaped building, lies a shared orchard courtyard with an approximate area of 590sq.m. Whilst this area is primarily for the use of the apartment residents, non-gated access would be provided to the rear. This would allow existing residents to view and enjoy the orchard should they choose to.

9.39 North of the apartment block and stretching along the front of the proposed larger terrace is a number of amenity areas separated by permeable block paved pathways. The amenity areas would

contain grassed areas, planting, landscaping and a children's play area. Low hedgerows were added as part of the amendments to provide a barrier between the amenity areas and the roadway.

9.40 All of the terraced units would be provided with decent sized gardens. The terrace of three would benefit from gardens measuring approximately 14.35 metres in depth, with widths ranging between 5-8 metres. The gardens would comprise patios and storage buildings and would benefit from rear access. The larger terrace of thirteen units would have slightly shorter gardens of around 12.5 metres with widths of approximately 6 metres. All of the garden sizes comply with local policy size requirements.

9.41 In addition to the communal open spaces already mentioned, the public open space retained to the north will provide further amenity space. Overall, it is considered that sufficient amenity space will be available for future residents.

Design - Apartment Block

9.42 The apartment block is comprised of four main sections that are physically connected but visually broken at roof level with the use of hipped-roofs. Flat roof turret-like structures either side of the main façade separate the central sections from the wings, which project to the rear. A fifth section projects from the front of the building in-line with the proposed terrace to the north and connects at roof level to provide a covered walkway. The proposed materials consist of red/brown facing brick with tonal variations, concrete lintels and cills, accented bricks/tiles and clay tiles. The fenestration would comprise composite aluminium with a powder coated finish.

Design - Terraced Properties

9.43 The proposed three-bed terraced properties extend northwards from the covered walkway that connects to the apartment block. The terrace comprises sets of uniform pairs, comprised of materials that match the apartment block i.e. red/brown brick, concrete lintels/cills and aluminium fenestration and rainwater goods. The properties have an interesting façade, exhibiting non-symmetrical window positioning, storm porches with arched roofs and round-top doors, accented brick/tiles and small port-hole windows. The proposed smaller terrace of two-bed properties are similar in appearance to the larger terrace, although the proposed roof form is pitched rather than hipped. The roof-form is also truncated, to closely relate to the adjacent townhouses on Datchworth Turn.

9.44 Dacorum's Conservation and Design Team had the following comments to make on the design:

"The proposal appearance is of high design quality with a playful response to local precedents of agricultural and new town architecture via the stacked geometric roof form which follows the topography, pop up entrance cores and proposed masonry material palette. The more informal façade composition of the terraces, with staggered openings and a mix of arched and orthogonal entrances work well in distinguishing a separate character to the more formalised design of the apartment block.

The proposals detailing all adds positively to the overall design quality with varying brick courses, glazed brick demarking the base and stone lintels to articulate façade openings. The pre-cast corrugated balconies and entrance elements (houses & apartments) are a creative / expressive approach and should add visual interest across the development as a whole."

9.45 It was requested that further vertical articulation be added to the apartment building to visually reduce and break up the façade, as well as delineate between the core blocks. Design amendments were received, including: the re-organisation of the windows into groupings, the introduction of shadow gaps/brick recesses, brick accents/plinths, architectural brick banding, additional

downpipes and circular windows. All of these elements assist in breaking up the block and adding visual interest to the building.

Layout

9.46 The proposed apartment block does not seamlessly integrate with established urban grain but the reasons for positioning it in this way (e.g. to avoid impacts on neighbouring residents) is understood. That being said, the orientation of the block is not dissimilar from the block of flats comprising 1-9 Bluebell Walk previously approved and constructed in the Kings Copse development to the east.

9.47 The larger terrace would be located directly opposite to the existing terrace on St Margarets Way. Sufficient separation distances between the proposed units and the surrounding residential development have been achieved in accordance with layout principles in saved Appendix 3. There are no unacceptable front-to-front or front-to-back distances.

9.48 The smaller terrace runs parallel to the existing townhouses on Datchworth Turn approximately aligns with the front and rear elevations of these existing units. A gap between the existing and proposed flanks of around 1.8 metres would be provided for some relief between the buildings.

Internal Layout – Apartment Block

9.49 The flats are designed to have similar floor plans on each floor, generally accommodating open plan, dual-aspect living areas/kitchens. The proposed units have a sufficient level of internal space. All habitable rooms would receive adequate levels of daylight and sunlight. All of the proposed units meet or are above National Space Standards. The proposed flats would benefit from balconies and external amenity spaces around the building.

Internal Layout – Terraced Properties

9.50 The two-bed houses are laid out with their kitchen/living/dining rooms at ground-floor opening onto private patios and gardens to the rear. These main living areas are open plan with dual aspects. Two bathrooms (one down, one up) would be provided and a generous amount of internal storage. The first-floor would contain two double bedrooms as well as the bathroom. A refuse store would be sited in the front garden and a cycle store in the rear.

9.51 The three-bed units would have double-aspect living/kitchen/dining rooms at ground-floor and three bedrooms on the first-floor (two double and one single). These properties would also benefit from two bathrooms, patios, front and rear gardens, refuse stores and bicycle stores.

Existing Character and Visual Impacts

9.52 The existing area comprises open grass and vegetation. There is no doubt that the proposed development would significantly alter the open nature and character of the site. However, the principle of developing this land, as alluded to in the 'Principle of Development' section, was confirmed through the allocation of the site in 2017.

9.53 The surrounding built environment comprises 1960s terraced housing with repetitive, simple designs. The more recent development at Kings Copse, and its connecting roads, differs in character, with larger, bulkier buildings with additional design elements such as projecting gables and bay windows. There is a mixture of two and three-storey development within the immediate area and a range of roof forms, including flat, pitched, hipped and crown. There are examples of private and public housing in the vicinity and a range of housing types i.e. flats, dwellinghouses and bedsits.

9.54 Considering the range of housing designs, heights, size and types within the locality, it is not felt that the proposed development would appear out-of-character. Whilst the design is unique and different from the two neighbouring estates, it strikes an appropriate balance between the simpler new town architecture to the west and the more modern development to the east.

9.55 The proposed buildings would be visible from a number of key locations. Computer generated images (CGIs) were requested from the Architects to give a more realistic appreciation of what the development would look like post-construction. Four images were provided, primarily focusing on the apartment building, as this is the largest (three-storey) structure proposed. The building would mainly be visible when turning onto St Margarets Way from Datchworth Turn, or when walking south from the amenity land or pedestrian routes to the north. Considering the height and width of the apartment building façade, the building would be prominent to persons travelling towards the site from these locations. The building is sizable, but not dissimilar from the large blocks previously approved at Kings Copse.

9.56 The proposed set-back combined with the existing and proposed trees would soften the proposed larger terrace. The properties within the smaller terrace would be similar in dimensions to the neighbouring townhouses and appear somewhat as a continuation of the existing terrace.

9.57 From Kingcup Avenue and Green Lane, the existing vegetation/hedgerow buffers would mask the proposal. The buildings would be visible at certain points and at times of leaf-fall the buildings would be more apparent. However, from these areas the visual impact would be limited. As above, the proposed buildings and in particular the apartment building would be fairly prominent when turning onto St Margarets Way, walking around the site or when standing on the amenity land to the north. Whilst the loss of trees and open land is unfortunate, the principle of development has been previously established. The scheme is landscape-based and would retain existing landscape features as well as providing high quality amenity areas. Taking all of the above into account, the scheme is considered acceptable with regards to its visual impact.

Open Space and Play Provision

9.58 Saved Policy 76 (Leisure Space in New Residential Developments) explains that residential developments of over 25 dwellings will not be granted planning permission unless public leisure space is provided. This open land should be provided at a standard of 1.2 hectares (3 acres) per 1000 population or 5% of the development area whichever is greater and should be useable, well located and purposefully designed. Major Developments will also be required to contribute to other recreational needs of the development such as off-site provision of sports pitches or enhancements to other open spaces.

9.59 The application site is approximately 1.4 hectares. Based on the standard above, an approximate total of 0.07ha of open space should be provided in association with this scale of development. The green corridor fronting the larger terrace and the retained open land in the north of the site would provide circa 0.265ha of open space. This excludes the apartment building courtyard and other grassed areas in the south, which would add a further 0.1 ha (approx.). In terms of open space provision, this significantly exceeds the open space requirements under saved Policy 76.

9.60 Turning to play provision, saved Policy 76 requires usable, well located and purposefully designed play equipment. The scheme provides a small local area for play, as illustrated on drawing 275_A_10_123. The area includes play area surfacing and a seesaw, balance beam, stepping posts and snail springer. The area would be overlooked by the neighbouring houses and would contain seating for parents and/or carers. There is a larger existing play area approximately 300 metres from the site (to the north of Barley Croft). These two areas and the other proposed areas of open space are considered sufficient in providing open space and play areas for existing and future residents.

Highways Implications

9.61 The application site is situated within a developed urban area. As such, the infrastructure in the immediate area has been developed to provide good transport links for existing residents. There are local shops nearby and frequent buses to the town centre and main line railway. Therefore, local amenities are accessible on foot.

Pedestrian and Cycle Access

9.62 Pedestrian access will be provided from St Margarets Way and via a connection to the existing footways on Datchworth Turn (in the southwest corner of the Site). Further pedestrian connections will be made to the north to St Margarets Way widening and improving the existing route that serves the existing houses on the western boundary of the site. As a result, the whole site will be permeable for pedestrians.

9.63 The proposals originally proposed to formalise an existing permissive pedestrian route across the site that connects to Kingcup Avenue. However, due to land ownership issues this element was removed from the scheme. Both sites are well connected and within close proximity to neighbouring pedestrian and cycle routes e.g. Green Lane. Therefore, it is not felt that the scheme would be significantly impacted in terms of pedestrian permeability due to the loss of this connection.

9.64 There are certain planning obligations associated with the historic planning application for the neighbouring site, which required a pedestrian link between the sites. This is currently under investigation by DBC's Section 106 Officer and Finance Team. It may be that this footpath can be formalised in the future. However, at present, it is not felt that the scheme would be worthy of a refusal without it.

Cycle

9.65 In terms of cycle provisions, the footway adjacent to the site on Green Lane is a shared foot and cycleway. This shared route starts from the junction between Green Lane and Micklefield Road and ends at the junction between Green Lane and Kingcup Avenue. As noted above a new connection will be provided between the site and Datchworth Turn which will also be a shared foot and cycleway. There are limited segregated cycling facilities within the adjacent estate, although the roads are lightly trafficked and cycling can take place on street.

Public Transport

9.66 The closest bus stops to the development are located on Poynders Hill and Leverstock Green Way, approximately 450m and 600m west of the development site access. The bus stop at Leverstock Green Way has a shelter, seating and timetable information. The application Site is located approximately 5.5km east of Hemel Hempstead and Apsley railway stations which both serve Hemel Hempstead Town.

Accessibility, Safety and Capacity

9.67 Policies CS8, CS9 and saved Policy 51 seek to ensure developments have no detrimental impacts in terms of highway safety. Paragraph 111 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."

9.68 A Road Safety Audit: Stage One and Designers Response (RSA1), Transport Statement (TS), Fire Strategy and Travel Plan Statement (TPS) have been submitted as part of the application.

9.69 The proposed access would connect to Datchworth Turn. The original access, as included on the pre-application, was from Green Lane. The Transport Statement discusses the feasibility study, which reviewed a number of different options for creating new access roads into the site. Four options were discussed and two were considered feasible. However, considering the low volume of vehicle movements associated with the proposed development, the existing access was deemed satisfactory. Consequently, the main access to the site would be via Datchworth Turn and a reconfigured layout of part of St Margarets Way, as shown on 275_A_10_100 (Revision PL4).

9.70 The new street is provided at a width of 5.5 metres supported by a 2 metre footway on the northern side (which improves the existing path to the existing properties) and a 3 metre wide shared foot and cycleway on the southern side. This shared foot and cycleway has priority over the parking court. The proposed road would enable two vehicles to pass each other in accordance with Manual for Street (MfS) and the Roads in Hertfordshire: Highway Design Guide (RiH). Hertfordshire County Council (HCC), who act as the Highway Authority, have raised no objection to the proposal.

9.71 Visibility splays for the new access as per the required standard of 2.4 x 43 meters for a 30mph speed limit road and 2.4m by 25m for a 20mph speed limit (proposed for the new street) are shown in Drawing 5013042-RDG-XX-XX-C-0001. To illustrate that the layout is suitable for delivery vehicles, a large 12m refuse vehicle has been tracked around the internal street layout and turning heads. This is illustrated in Drawing 5013042-RDG-XX-XX-C-2200.

9.72 Hertfordshire County Council (HCC), who act as the Highway Authority, have reviewed all of the submitted information and raised no objections to accessibility, safety or capacity. The proposal is therefore considered to comply with the aforementioned policies in this regard.

Trip Generation and Traffic Impact

9.73 The Transport Statement highlights that due to the Covid-19 pandemic no traffic surveys were undertaken in the past 18 months, as the current traffic conditions are not considered to be representative. Therefore, historical traffic survey data was reviewed and forms the basis of the assessment in the TS.

9.74 On review of the historical traffic data available, the recent application for a redevelopment of 'Land at Maylands Avenue' (4/01922/19/MFA) provides traffic survey information for the A141 St Albans Road / Breakspear Way that can be used as a basis to generate traffic flows for Green Lane and the A4147 Leverstock Green Way. These flows undertaken in 2019 are pre-Covid and considered to be robust and suitable for assessment.

9.75 The TS includes a percentage impact assessment to quantify the impact in traffic terms of the proposals. The vehicle trip generation calculations undertaken show that there is a small increase of 17 vehicle trips during the AM and 19 vehicle trips during the PM peak or a vehicle less than every three minutes during the peak hour. This equates to a percentage impact of 5% to 8% on Green Lane which has a low base flows or 1% on Leverstock Green Way. This is considered to be a nominal increase in traffic and cannot be considered severe in the context of the Framework.

Summary

9.76 The allocated application site is in an existing residential area and sustainably located in transport terms with excellent opportunities for walking and cycling to core amenities as well as access to local bus services serving a variety of destinations. This is strengthened by the proposals to provide a shared foot and cycleway.

9.77 Access to the site will be via an improved access off St Margarets Way and Datchworth Turn to Green Lane. A site access drawing has been provided with suitable visibility splays showing that

safe and suitable access can be achieved. Swept Path Analysis has been provided for a large refuse vehicle to demonstrate that servicing via the internal street layout is possible.

9.78 The accident data review undertaken does not suggest there are any existing issues with the highway network close to the site. There was only one injury accident recorded which is not considered to be due to any highway network deficiencies that need to be addressed by this application.

9.79 Considering the sustainable location of the development site and proposed highway works, it is unlikely that the proposal would place undue stress on the surrounding road network. In summary, the proposed highway works and internal layout is deemed acceptable in accordance with Policies CS8, CS9 and CS12, saved Policy 51 and Paragraph 111 of the Framework.

Parking Provision

9.80 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.

9.81 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:

If 50% or more of the spaces are allocated:

- 1-bedroom units = 1.25 spaces
- 2-bedroom units = 1.5 spaces
- 3-bedroom (or above) units = 2.25 spaces

If 50% or more are unallocated:

- 1-bedroom units = 1 spaces
- 2-bedroom units = 1.2 spaces
- 3-bedroom (or above) units = 1.8 spaces

The proposal includes the following unit sizes.

Unit Size	Number of Units	Percentage
1-bedroom units	18	39.1%
2-bedroom units	15	32.6%
3-bedroom units	13	28.3%
Total	46	100%

9.82 The proposal provides a total of 60 parking spaces. There are 29 unallocated spaces and four unallocated accessible spaces (total 33). As 55% of the parking spaces are unallocated (more than 50%), the following number of parking spaces are required by the SPD.

Units	Required Parking Spaces
18 x 1-bedroom units	18
15 x 2-bedroom units	18
13 x 3-bedroom units	23.4
Total	59.4

9.83 The SPD would require a total of 59 spaces. As 60 spaces would be provided, there would be a minor over-provision of one space. The SPD also recommends that 5% of residential car-parking spaces are designated for use by disabled people. Four accessible spaces would be provided, with a minimum size of 3.6 metres by 6 metres. This equates to 6.7% of the total parking spaces. This marginally exceeds local policy and is deemed acceptable.

Electric Vehicle Charging Points

9.84 New development provides the best opportunity to accelerate the scale of provision for electric vehicles and should include charging provision for electric vehicle (EV) use as standard. The Framework supports the provision of EV plug-in recharging infrastructure within new employment and residential developments recommending that: "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to incorporate facilities for charging plug-in and other ultra-low emission vehicles."

9.85 The submitted DAS (page 56) states that all of the proposed parking spaces would be equipped with passive or active electric vehicle charging points (EVCP).

9.86 The distinction between active and passive provision is as follows:

- Active provision for electric vehicles: an actual socket connected to the electrical supply system that vehicle owners can plug their vehicle into.
- Passive provision for electric vehicles: the network of cables and power supply necessary so that at a future date a socket can be added easily. It is significantly cheaper and less disruptive to install the underlying infrastructure for EV charge points during construction than to retrofit later.

9.87 The Parking SPD requires all C3 houses to have one active charging point per house and all C3 flats to have one charging point per flat with at least 50% being active. This assumes that all of the electric spaces are unallocated. If allocated, the Council will require a higher proportion of provision agreed on a case-by-case basis.

9.88 As there are 16 houses and 30 flats (46 total), at least 30 spaces should have active charging points. The DAS identifies that 50% (i.e. 30) of the parking spaces would be equipped with active charging points. This is considered acceptable in accordance with local and national policy. The EVCP's would be secured by condition to ensure that they are provided prior to the occupation of the units.

Bicycle Storage

9.89 The Hertfordshire Transport Facts 2017 document confirms that cycling levels have increased by 40% since 2004, whilst the percentage of cycling journeys undertaken for work purposes is the same as that undertaken for social or leisure purposes. Some 51% of Hertfordshire residents own a bicycle, with this proportion increasing to 62% for those aged 45 – 54. There is clearly potential to increase cycling mode share, and provision of cycle parking at homes is an important part of this.

9.90 Bicycle storage provision should comply with the Parking SPD, which requires one short term space per 10 residential units and one long term space per unit if no garage or shed is provided.

9.91 The proposal provides five short term spaces within the apartment building, exceeding the requirements of the SPD. For long term storage, the apartment block would provide one per unit i.e. 30. Each house would have individual garden sheds capable of storing bicycles in their rear

gardens. Taking all of this into account, the proposal would provide an adequate level of cycle storage in accordance with the SPD.

Ecological and Environmental Mitigation

Tree Survey

9.92 The site has a number of mature trees that benefit visual amenity. Despite multiple layout revisions and lengthy pre-application discussions with DBC’s Trees and Woodlands Team, there are regrettably a number of trees that would need to be removed. The Arboricultural Survey and Impact Assessment by LandArb Solutions (June 2021) surveyed a total of twenty-one items (trees and groups) within the site.

	Total	A	B	C	U
Tree	17	2	8	7	0
Group	4	0	2	2	0

9.93 Two surveyed items were considered to be of high quality (Category A) within the region of 40+ years life expectancy. Ten surveyed items were considered to be of moderate quality (Category B) within the region of 20+ years life expectancy. Nine surveyed items were considered to be of low quality (Category C) with 10+ years useful life expectancy.

9.94 The proposals require 12 of the 21 surveyed items to be removed, with a further one being partially removed. Of the 12 removals, 2 are of high quality (Category A), 4 are of moderate quality (Category B) and 6 are of low quality (Category C).

9.95 The landscape proposals prepared as part of the application indicates that 44 new trees are to be planted across the site. There will therefore be a net gain in the quantum of trees, which over time and once established, will contribute positively to the site and mitigate the loss of existing trees.

Tree Protection

9.96 The proposals show that there will be new paths located in close proximity to G1, T4, and T10. The new paths encroach the root protection areas (RPAs) of each tree by a very small area. The Arboricultural Impact Assessment recommends that the paths be constructed using a no dig construction method to avoid any damage to the RPAs. Whilst each tree does have rooting areas that they could exploit should any roots be damaged during path construction; it is the advice of the report and recommendation to use no dig such as cellweb. Furthermore, it is recommended that arboricultural supervision be implemented to oversee no dig path construction.

9.97 The proposed foul pumping station, which will be discussed in more detail in the ‘Drainage’ section, is situated close to T17 and T19. The submitted Arboricultural Report has made several recommendations regarding the construction of the building and the surrounding fencing to avoid impacting the RPAs. All of these details and recommendations would be secured via condition if the application is approved.

Tree Planting and Landscaping

9.98 The proposal sets out a comprehensive planting and landscaping scheme. The scheme would provide a total of 44 trees ranging in size, as well as a large number and variety of shrubs and perennials.

9.99 The planting is split into three key sections. Firstly, a treed courtyard would be provided within the apartment complex with a number of fruiting trees (i.e. apple, cherry, plum and pear). Nine fruit

trees would be located in this courtyard. A mown flowering lawn would be set below the fruiting trees with numbers of shrubs and flowers. Four raised vegetable beds would be sited in the corners of the courtyard for communal use. A range of sun loving and shade tolerant plants would be provided around the building based in their preferable planting conditions. Four other trees would be planted around the apartment building and near to the smaller terrace, including plum, sweet gum and tulip trees.

9.100 The second main landscaped area would be the walking green sited to the front of the larger terrace. Here, 21 trees are proposed. Thirteen small maple trees are proposed at the front of each terraced property, along with a bed of other plants. Five larger trees are proposed within the amenity areas with sections of meadow planting beneath

9.101 The final part of the landscaping scheme consists of a further ten trees positioned around the proposed parking area in the north. The proposed trees comprise acer, sweet gum, tulip and bird cherry. Shrub and flower planting would surround the parking area to soften its appearance. A long privet hedge is proposed along the pavement opposite the car park to maintain privacy for existing residents.

9.102 The proposed landscaping and planting plan is comprehensive. Whilst it is unfortunate that a number of established trees would be removed, specifically the Category A and B trees, there would be a significant level of planting to mitigate the loss. DBC's Trees and Woodlands Team have confirmed that if the recommendations set out in the report are carefully followed during the construction process, the retained trees should remain viable. They further highlighted that the proposed landscaping scheme would provide good tree species and is deemed satisfactory.

Biodiversity, Ecological Mitigation and Habitat Creation

9.103 Policy CS26 states that development and management action will contribute towards: the conservation and restoration of habitats and species; the strengthening of biodiversity corridors; the creation of better public access and links through green space; and a greater range of uses in urban green spaces.

9.104 Paragraph 180 (a) of the Framework advocates a hierarchical approach to biodiversity mitigation – the principle that on-site biodiversity loss should be avoided, mitigated and, as a last resort, compensated. The application site has been allocated for housing development and therefore the principle of housing is acceptable. Accordingly, the approach will be to mitigate any loss of biodiversity and, so far as possible, provide net gains in line with the requirements of the Environment Act 2021 i.e. a biodiversity net gain (BNG) of 10%.

9.105 The application site is largely grassed amenity land and scattered of ecological value. However, the site does provide a local greenspace that links habitats to the north along Breakspear Way and to the east. As such, HCC's Ecology Department have identified the loss of the area as significant at a local level, although they have stated that it would not represent a fundamental constraint on the development proposals.

9.106 A Preliminary Ecological Appraisal (PEA), Bat Survey, Biodiversity Impact Metric (BIM) and Biodiversity Metric Calculation Tool have been submitted to the Local Planning Authority to support the application. The documentation identifies the site as having limited – but locally valuable – ecological interest, and negligible value for protected species, although low potential was identified for bats.

9.107 The BIM highlights measures to avoid and/or reduce impacts on biodiversity including:

- Creation of wildflower rich grassland;

- Creation of areas of flowering lawn;
- Planting of trees around the site;
- Creation of flowerbeds with planting beneficial to wildlife;
- Hedge planting;
- Retention of dense scrub, four trees and the area of woodland; and
- An area to the north of the site has also been identified for habitat creation comprising areas of species rich wildflower grassland.

9.108 Ecology by Design, acting as the Applicant's Ecology Consultant, and HCC's Ecology Department initially disputed the BNG figures, but the conclusion that both parties agreed on is that the site would result in a net loss of biodiversity of -32.39%.

9.109 To achieve an overall net gain in biodiversity, in line with the Environment Act 2021, it is proposed to undertake off-site habitat enhancement within an area of grassland to the north of site, also owned by DBC. This would result in an overall net gain in biodiversity of +44.79% as a result of habitat creation on-site and within this area to the north.

9.110 HCC Ecology requested that the off-site management be secured by a Landscape and Ecological Management Plan (LEMP) and subject to a S.106 agreement to ensure that this is delivered, legally, over a 30-year period. This application, if approved, would include a LEMP condition. Further, the BNG implementation and management would be secured within the legal agreement.

9.111 Although there would be an on-site loss of BNG, the overall increase when considering the off-site habitat enhancement, would significantly exceed the requirements of the Environment Act 2021. Taking all of this into account, the proposals impact on biodiversity, ecology and existing habitats is considered acceptable in accordance with the aforementioned policies.

Contamination

9.112 DBC's Environmental and Community Protection Department (ECP) raised no objection to the proposed development but stated "it will be necessary for the developer to demonstrate that potential for land contamination to affect the proposed development has been investigated and where it is present that it will be remediated." Therefore, they have requested that conditions are placed on the application in this regard, if approved.

Noise Pollution

9.113 The energy statement it makes reference to air source heat pumps (ASHP) to meet energy needs (heating/hot water) of the development. This is a potential source of noise which can impact existing and future occupants. As such, ECP have recommend a condition if the application is approved.

Flood Prevention / Drainage

Balancing Pond / Historic Flooding

9.114 The balancing pond (known as Marchmont Pond / Breakspear Way / Maylands Balancing Pond) is situated to the north-west of the application site. The pond acts as an attenuation reservoir to store flows from the surrounding drainage network in times of heavy rainfall, restricting pass forward flows until the pond drains down to empty.

9.115 Thames Water operate the balancing pond and recently carried out works to improve access for inspection and maintenance. The pond is not intended to be permanently full and is managed

and maintained by Thames Water. A number of residents have highlighted that the pond has previously overtopped, causing flooding to the neighbouring development, Kings Copse. There is video evidence from July 2007 and January 2014, before and after the Kings Copse development was built.

9.116 The submitted Flood Risk Strategy states that the flooding appears to correlate approximately with predicted routing per the Environment Agency's surface water flood maps. Overland flooding was subsequently observed in October 2020, which affected Kings Copse, Green Lane and the northern boundary of the application site. Flood locations tend to correlate with the Environment Agency's surface water flood map predictions and is noted not to extend to within the site where development is proposed.

9.117 A CCTV survey was commissioned to establish the condition of the pond outlet culvert due to reported historic blockages thought to be the cause of flooding and data gaps in the Thames Water asset data. The CCTV survey noted a circa 70% blockage in one of the pipes.

9.118 The base flood modelling was assessed assuming a zero blockage scenario. A further model iteration was therefore undertaken to assess sensitivity of the site to the additional effect of blockage, to ensure that the proposed development is resilient to any consequential flooding. Culvert blockage was assessed by modelling a 99% blockage of the culvert inlet in conjunction with a 1% annual exceedance probability (AEP) flood, resulting in a maximum increase in flood levels adjacent to the site of 0.1m. The additional effect of blockage was assessed as insignificant in terms of flood risk to the development and is mitigated by freeboard to proposed development levels.

9.119 The Applicant has no authority over the drainage asset and has no remit to mitigate the likelihood of blockage. Thames Water are aware of the blockage and were contacted to understand what action is being taken to avoid any future overtopping. They responded with the following:

"With regard to the balancing pond, we had problems with flooding causing by the Pond last year. There is an ongoing study running to identify the cause of the problem with anticipation the end of March 2022. The outcome of the study will enable us to take further decisions however as yet we have no additional comments."

Flood Risk and Mitigation Strategy

9.120 Section 14 of the National Planning Policy Framework highlights the challenge of climate change. Paragraphs 159-169 discuss flood risk and mitigation measures.

9.121 The DBC Surface Water Management Plan (SWMP) was completed in 2017, a number of surface water flooding 'Hotspots' were identified at high risk from surface water flooding within Hemel Hempstead. Whilst the site was not identified to lie within a catchment area of an identified surface water flooding 'Hot Spot', flooding history is noted within the SWMP at Buncefield / Green Lane, Leverstock Green adjacent to the site, as alluded to above.

9.122 The SWMP states two potential causes for the flood risk – blocked gullies and ditches along Buncefield Lane (east of the Kings Copse development), and spills from the balancing pond. The proposed development ensures no built development or land raising within the area predicted to be affected by flooding. Land use within the area predicted to be affected by flooding is restricted to soft landscaping to ensure no change to flood risk elsewhere as a result of displacement of floodwater.

9.123 Options to manage surface water have been identified in the Flood Risk Strategy. These are as follows:

i. Proposed areas of car parking and surrounding low traffic access infrastructure where levels permit shall drain to permeable paved areas.

ii. Detention basins have been proposed for localised green areas on site for low traffic access infrastructure and roofed areas.

iii. Cellular storage has been proposed to underlie car parking areas to ensure storage is sufficient to prevent flooding of properties in a 1 in 100 year event +40% climate change.

iv. Deep bore soakaways have been proposed to facilitate the discharge of surface water to the underlying chalk aquifer.

9.124 The storage features have controlled flows and provided sufficient storage to meet the Thames Water surface water allowable discharge rate for all events up to the 1 in 100 year +40% climate change allowance.

9.125 A management and maintenance plan has been developed for drainage features located within the site. The plan details the maintenance required and the expected frequency of action. The maintenance plan has been developed taking into account the recommendations of C753 – The Sustainable Urban Drainage System (SuDS) Manual.

9.126 Ongoing inspection and maintenance shall be the responsibility of DBC. The Lead Local Flood Authority (LLFA) have reviewed the submitted documentation and have raised no objection to the proposal. However, they have requested that three conditions be placed on the application, relating to a surface water drainage scheme, SuDS (timing, phasing and management) and a drainage strategy. If approved, these conditions would be applicable to the development.

Foul Drainage

9.127 The Drainage Strategy highlights that a pre-development enquiry was made to Thames Water regarding the proposals. According to the Thames Water response, a public foul sewer is located west of the site which can serve the proposals. Site levels, however, do not facilitate gravity connection of foul sewerage to any Thames Water adopted sewers in the vicinity. Therefore, connection to Thames Water sewerage shall be via Type 3 foul pumping station, which is proposed in the northern region of the site.

Summary

9.128 The Drainage Strategy ensures that runoff from the site is managed to the 1 in 30-year rainfall event and surface water exceedance above the 1 in 100 year + 40% climate change rainfall event. The site is not at significant risk of flooding from any source. The proposed foul drainage appears satisfactory. The development is therefore considered acceptable in relation to flood risk and drainage in accordance with the relevant planning policies.

Planning Obligations

Affordable Housing

9.129 DBC proposes to provide 100% affordable housing on the site. Whilst, in planning terms, the affordable housing would not affect the acceptability of the development, it does weigh in favour of the scheme.

9.130 In-line with Policy CS19, which has been subject to updated interpretation through the Council's Affordable Housing SPD – Clarification Note, the construction of 46 dwellings would give rise to a requirement for a minimum of 35% affordable housing. Considering this, Dacorum's Legal Department have been requested to draft a legal agreement to secure the affordable housing. The

Applicant has confirmed that the legal agreement may state that all 46 units (100%) will be affordable units (social rent).

Biodiversity Net Gain

9.131 As alluded to in the 'Biodiversity, Ecological Mitigation and Habitat Creation' section, the proposed off-site BNG shall be secured via the S.106 agreement.

Community Infrastructure Levy

9.132 The proposed development would be subject to Community Infrastructure Levy (CIL) charges in accordance with Policy CS33 of the Core Strategy and the 'Charging Schedule'. The site is located within CIL Zone 3 and therefore a charge of £100 per square metre (plus indexation) would be levied against the proposal.

9.133 The applicants may be eligible for an exemption from the charge as an affordable housing provider and subject to the submission of a relevant and complete relief claim. These should be submitted and agreed with the Council prior to the commencement of works.

Other Material Planning Considerations

Fire Safety

9.134 Hertfordshire Fire and Rescue have requested that “the developer to provide and install fire hydrants, at no cost to the Fire and Rescue service, or County council.” This is to ensure all new proposed dwellings have sufficient water for the use of fire fighting in an emergency. As such, the following condition would be added to the application if approved:

“No development shall take place until details of fire hydrants or other measures to protect the development from fire 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.”

Community Engagement

9.135 DBC's Housing Development Team, as the Applicants, engaged with the community in accordance with the aims of DBC's Statement of Community Involvement. Following the impact of the Covid-19 pandemic, there was an inability to hold face-to-face events. The consultation activities undertaken were as follows:

- June 2020 – Newsletter to residents outlining the relaunch of the project. The newsletter invited residents to register their interest.
- October 2020 – Newsletter to local residents to give an update on progress.
- May 2021 – Update letter inviting residents to watch a presentation video, encouraging residents to comment on the proposal. A paper questionnaire was also included.
- June 2021 – Newsletter delivered to local residents collating the feedback received and responding to queries raised.

9.136 Aside from the public engagement, the Applicant also engaged with Dacorum's Community Review Panel, which was held in February 2021. The following extract summarises the views of the panel:

"The consideration that the design team has given to the surrounding context is clearly evident in the proposed height, materiality, and design of the scheme. It is crucial that the proposals integrate well with the surrounding neighbourhoods, not only in terms of the architecture, but also in their ability to successfully knit the community together. While there are many positive aspects to the scheme, the panel questions the strategic approach of developing this greenfield site. It feels that the current proposals impact too heavily on the existing residents and therefore warrant further consideration, to ensure that there are positive benefits for both the new and the existing residents.

The myriad constraints of the greenfield site and the testing of a variety of options by the design team to date is acknowledged, but further development of the site layout and massing is required. One potential solution might be to increase the number of units and consequent height of the apartment block in lieu of the long terrace of houses and the access road that closely borders the frontage of the existing St Margaret Way homes.

A landscape led approach is strongly encouraged to fully integrate the semi-rural site with the surrounding public realm. The water management features offer a prime opportunity to further enhance the site in regard to both the visual amenity for the residents and the ecological biodiversity of the area. The design team's aspiration of targeting net zero carbon is commended. It is crucial that a strategy is implemented to ensure that the aspirations can be achieved and safeguarded through to delivery. The scheme has the potential to set the standard for future private developments in the borough."

9.137 Following this, the design team amended the design for planning submission. The submitted design includes:

- A strong landscape proposal which include tree mitigation and extensive planting to enhance the site's bio-diversity.
- An ambition energy strategy which includes air source heat pumps and solar panels.

Energy and Sustainability

9.138 The proposal has been designed in accordance with DBC's 'Be Lean, Clean and Green' principles. A full energy report has been produced by Calfordseaden LLP. It highlights that, regarding building fabric, the proposed specification is improved significantly when compared to Part L1A 2013 Building Regulations. This means improved insulation and air tightness of the building fabric, to reduce heat loss and infiltration through external elements.

9.139 The proposed glazing solar transmittance (g-value) of 0.45 has been applied to the glazing of the apartments and 0.50 to the houses to reduce the risk of summer overheating but allowing sufficient solar gains during winter months.

9.140 Mechanical Ventilation with Heat Recovery (MVHR) is proposed for the apartments to provide fresh filtered air into the building whilst retaining most of the energy already used to heat the building. For the houses, a low-energy Decentralised Mechanical Extract Ventilation (DMEV) system is proposed to replace conventional bathroom/wet room extraction in a quieter and more efficient way.

9.141 The proposed space heating and hot water strategy is to have individual Air Source Heat Pumps (ASHPs) for the houses and community heating for the apartments. The individual ASHPs will be located in the rear gardens of the houses. The community heating plant room would hold the

ultra-low NOx mains gas boilers and thermal store. The ASHPs would be located externally at ground-floor level. This hybrid system allows efficiencies of the plant to be optimised throughout the year providing affordable heating and hot water. During summer months, the ASHPs would provide the majority of heating demand and the mains gas boilers would provide back-up heating when required to meet peak demand. During winter months, the ASHPs would become less efficient and therefore the gas boilers would operate a higher output.

9.142 Solar photovoltaic (PV) array would be provided across the development. Each house would have their own PV system providing an output of 1.96kWp (6 no. 327Wp PV panels). The apartment building has sufficient space for the provision of a system with an output of 10.168kWp (31 no. 327Wp panels). The array on the apartments would be connected to the landlords supply to provide electricity for communal lighting and equipment.

Social Infrastructure - School Places

9.143 A number of residents have raised concerns over school places, highlighting that local schools are oversubscribed and subsequently the proposed development would pressure local residents to travel further afield to take their children to school. Development should not breach critical infrastructure capacity limits as set out in Policy CS35.

9.144 HCC's Growth and Infrastructure Unit were contacted on this matter and stated the following:

"We consider that whilst the pupil yield arising from the proposed development of 46 affordable units in St Margarets Way, will contribute (along with other potential developments in Hemel Hempstead) towards rising pupil numbers within the town, there do appear to be enough places within the South East Hemel Hempstead primary planning area to accommodate this development. It should be noted that places may not be given at the nearest school, although there is some temporary expansion capacity in Hemel Hempstead should it be needed.

Furthermore, I have consulted colleagues in Children's Services and the pupil yield arising from this development should be able to be accommodated within current secondary schools. There is also some expansion capacity within some existing secondary schools.

With regard to temporary expansion capacity, these are schools where HCC is confident that additional pupils could be accommodated for a specific intake year on a temporary basis, in order to meet the level of demand in peak/higher years. There would be no permanent increase in the admission number long term for the school, as it is solely for a specified period of time (i.e. one intake year) where the school would admit a higher number of pupils.

An example would be where a 1 form entry school (30 pupils per year) takes 2 forms of entry (60 pupils) for a single intake year, but reverts to admitting 30 pupils again for following intake years."

9.145 The County Council have confirmed that there would be sufficient space in primary and secondary schools in the south east of Hemel Hempstead for this development. In years of higher numbers, temporary expansion of capacity appears to be an option.

Social Infrastructure – General Practitioner (GP) Surgeries

9.146 Several residents have raised concerns over the lack of capacity in GP surgeries within close proximity to the site. The Herts Valleys Clinical Commissioning Group were contacted on this basis and they responded by stating that the two nearest practices have limited capacity. They also stated:

"Firstly, there is a major housing growth planned in the surrounding area (according to the draft Local Plan of DBC and StADC) and any capacity that there is, is likely to be exhausted in the near future.

Secondly, there are significant changes taking place within the NHS in the way the healthcare is being delivered.

To expand on the latter point: for some time, the Herts Valleys CCG has been commissioning a number of services from the general practice in addition to their “core” activity. This aspect of the general practice work is now due to increase substantially. Namely, the NHS Long Term Plan set out a requirement for practices to form Primary Care Networks (PCNs). NHS England has agreed an Enhanced Service to support the formation of PCNs, additional workforce and service delivery models for the next 5 years and CCGs were required to approve all PCNs within their geographical boundary by 30 June 2019.

In Herts Valleys CCG there are now 16 PCNs across the 4 localities; each covering a population of between circa 30,000 and 76,000 patients.

These PCNs are expected to deliver services at scale for its registered population whilst working collaboratively with acute, community, voluntary and social care services in order to ensure an integrated approach to patient care.

This means increasing pressure and demand on local GP practices as more services are being brought out of hospitals into the community. The capacity that may be there now, is likely to be taken up by additional services that practices are required to deliver.

This does not, however, mean that we would look to create an additional GP surgery in Leverstock Green. We may need to create additional capacity at existing surgeries or in major growth areas, e.g. Hemel Garden Community. All is subject to careful planning and business case process.”

9.147 The comments above clearly highlight the current strain on the National Health System’s (NHS) resources and the fact that additional services will need to be provided in the future to support the proposed growth. There are a number of large-scale planning applications, including urban extensions, proposed for Hemel Hempstead. These will provide significant contributions towards the provision of new services.

9.148 With regards to the current application, whilst the nearest surgeries have limited capacity, there is capacity identified elsewhere e.g. Parkwood Drive Surgery, Bennetts End Surgery, Woodhall Farm Medical Centre and Grovehill Medical Centre. Based on this, and the number of units provided, it is not felt that the proposal would warrant a refusal on lack of healthcare facilities.

Waste Management

9.149 DBC’s Refuse Team have confirmed that each house should have enough space to store 3 x wheeled bins and a curb side caddy and space to present them on collection day outside their boundary nearest to the road. Furthermore, each block of flats should have a storage area for 1 x 1100ltr container for residual waste the same again for comingled recycling and a 140ltr wheeled bin for food waste per 6 flats. There should be no steps between the storage area and the collection vehicle which is a 26t rigid freighter. The proposed development would comply with these requirements.

Lighting - Public Realm

9.150 The street lights surrounding the site all differ in terms of both their column and luminaire design. It is therefore proposed to introduce a contemporary street light to the new public realm comfortably with the surrounding types, yet different and consistent across the scheme. The proposed street lights would be a cylindrical aluminium pole with a swan neck and shaded lantern, incorporating electric car charging at the base of the column.

Lighting - Entrance Lighting

9.151 All entrances into the apartment building will be lit, in line with Building Regulations Part M guidance. This lighting will assist with night time way-finding as well as giving a welcoming character to the building. No concerns are raised with the proposed external lighting.

Crime Prevention

9.152 The scheme also follows a number of principles to discourage crime, for example, the use of external lighting and the way the site has been configured to encourage passive and natural surveillance over key areas e.g. parking areas and the play space. The Hertfordshire Crime Prevention Advisor responded to the application stating, "I do not have any objection to this application however I would ask that it is built to the police security standard, Secured by Design." The Applicant has confirmed that Secured by Design is part of DBC's Design Guide and Employers Requirements. Therefore, the proposal would be constructed to these standards.

Response to Neighbour Comments

9.153 These points have been addressed above.

10. CONCLUSION

10.1 DBC has started an accelerated affordable housing scheme. This involves the Council's Housing Development Team acting as a developer to provide high quality affordable housing schemes across the Borough. The proposal includes the provision of 46 units, all of which would be affordable (100% social rent).

10.2 The application site was allocated for residential development in 2017 as part of the Council's Site Allocations DPD. The site has been brought forward into the emerging local plan with an increased density. The Core Strategy makes it clear that the Towns and allocated sites have an important role to play in the delivery of the housing strategy.

10.3 The scheme has been thoroughly reviewed as part of extensive pre-application discussions and with input from key consultees. The community review panel and community engagement aided the evolution of the scheme.

10.4 The scheme would integrate with the existing neighbourhoods and no significant impacts have been identified regarding residential amenity. The surrounding road network and social infrastructure appears sufficient to accommodate the proposed development and consultees have reaffirmed this. The development would provide an acceptable layout and parking arrangement.

10.5 It is clear that the proposed housing is high quality and sustainable in nature and design. An appropriate mix of housing is provided, all with a high standard of living conditions for future residents.

10.6 Visually, the proposal would alter the character of the area and remove the existing open space. However, the design is considered acceptable and would satisfactorily assimilate between the older (St Margarets Way) and newer (Kings Copse) housing developments.

10.7 A comprehensive landscaping scheme and ecological surveys have accompanied the proposals, which highlight that the scheme would provide a net gain in trees, vegetation and biodiversity.

10.8 Taking all of the above into account, the proposal is considered acceptable and delegated with a view to approval, subject to the signing of the S.106 agreement securing the affordable housing and bio-diversity net gain.

11. RECOMMENDATION

11.1 That planning permission/listed building consent be delegated with a view to approval, subject to the signing of the legal agreement.

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. Prior to the first use of the air source heat pumps provided to residential units hereby permitted, an Air Source Heat Pump Noise Impact Assessment, compiled by appropriately experienced and competent persons, shall be submitted to the Local Planning Authority (LPA). The Air Source Heat Pump Noise Impact Assessment shall detail the noise levels associated with the use of the air source heat pumps, and include an analysis of whether any noise mitigation measures are required to control the noise (and if so full details of these mitigation measures), and a timescale for the implementation of these noise mitigation measures. Upon the LPA's approval of the Air Source Heat Pump Noise Impact Assessment, any required mitigation measures shall be implemented in accordance with the approved Air Source Heat Pump Noise Impact Assessment and retained thereafter.**

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 130 (f) of the National Planning Policy Framework (2021).

- 3. (a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.**
 - (b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:**
 - (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;**
 - (ii) The results from the application of an appropriate risk assessment methodology.**
 - (c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method**

Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

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

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

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

Reason: To ensure that 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 183 and 185 of the National Planning Policy Framework (2021).

- 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 183 and 185 of the National Planning Policy Framework (2021).

- 5. The development permitted by this planning permission shall be carried out in accordance with the approved Drainage Strategy prepared by McCloy Consulting Ltd reference M03001-02_DG02 dated July 2021 and the following mitigation measures detailed within the FRA:**

1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off during the 1 in 100 year event plus 40% of climate change event.

2. Providing storage 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 providing a minimum of 288 m³ (or such storage volume agreed with the LLFA) of total storage volume in detention basin, permeable paving and cellular storage.

3. Discharge of surface water from the private drain via deep bore soakaways.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and reduce the risk of flooding to the proposed development and future occupants in accordance with Policy CS31 of the Dacorum Borough Core Strategy (2013) and Paragraph 169 of the National Planning Policy Framework (2021).

- 6. No development shall take place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.**

1. Final detailed drainage strategy and detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs.

2. Provision of robust SuDS management and treatment including for the access road.

3. Final detailed post-development network calculations for all storm events up to and including the 1 in 100 year + 40% climate change storm with half drain down times no greater than 24 hours.

4. Exceedance flow routes for storm events greater than the 1 in 100 year + 40% climate change storm.

5. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure that the site is subject to an acceptable drainage system serving the development and 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 Paragraph 169 of the National Planning Policy Framework (2021).

- 7. Upon completion of the drainage works for the 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 operations of the scheme throughout its lifetime.

Reason: To prevent the increased risk of flooding, both on and off site in accordance with Policy CS31 of the Dacorum Borough Core Strategy (2013) and Paragraph 169 of the National Planning Policy Framework (2021).

- 8. 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).

- 9. 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 5 of the Preliminary Ecological Appraisal (Ecology by Design, July 2020) and enhancements identified in Section 6.2 of the Bat Survey Report (Ecology by Design, August 2020). 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 174 (d) of the National Planning Policy Framework (2021). 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.

- 10. Development shall be carried out in accordance with the recommendations in sections 9-11 of the approved Arboricultural Survey and Impact Assessment (reference: LAS_25, June 2021).**

The trees shown for retention and protection on the approved Tree Protection Plan (see Appendix 6 of the Arboricultural Survey and Impact Assessment dated June 2021 by LandArb Solutions) shall be protected during the whole period of site demolition, excavation and construction in accordance with the details contained within the Tree Protection Plan, Arboricultural Survey and Arboricultural Impact Assessment. For the duration of the development, 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.

Reason: In order to ensure that damage does not occur to the trees during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 174 of the National Planning Policy Framework (2021).

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

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with saved Policies 51 and 54 of the Dacorum Borough Local Plan (2004), Policy CS8 of the Dacorum Borough Core Strategy (2013) and Paragraphs 110 and 112 of the National Planning Policy Framework (2021). The details are

required prior to commencement to ensure that the construction of the development does not result in any risks to highway safety.

- 12. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:**
- a. Construction vehicle numbers, type, routing;**
 - b. Access arrangements to the site;**
 - c. Traffic management requirements**
 - d. Construction and storage compounds (including areas designated for car parking, loading/unloading and turning areas);**
 - e. Siting and details of wheel washing facilities;**
 - f. Cleaning of site entrances, site tracks and the adjacent public highway; and**
 - g. Timing of construction activities (including delivery times and removal of waste).**

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with saved Policies 51 and 54 of the Dacorum Borough Local Plan (2004), Policy CS8 of the Dacorum Borough Core Strategy (2013) and Paragraphs 110 and 112 of the National Planning Policy Framework (2021). The details are required prior to commencement to ensure that the construction of the development does not result in any risks to highway safety.

- 13. 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.**

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).

- 14. No development shall take place until details of fire hydrants or other measures to protect the development from fire 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.**

Reason: To ensure that the layout of the residential development is provided with appropriate access and makes adequate provision for the fighting of fires in accordance with Policies CS9 and CS12 of the Dacorum Borough Core Strategy (2013) and in the interests of the safety of the occupants of the development in accordance with Paragraph 130 (f) of the National Planning Policy Framework (2021).

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

275_A_00_100
275_A_01_100
275_A_10_100 (Revision PL5)
275_A_10_101 (Revision PL5)

275_A_10_102 (Revision PL5)
 275_A_10_103 (Revision PL5)
 275_A_10_104 (Revision PL5)
 275_A_10_105 (Revision PL5)
 275_A_10_106 (Revision PL5)
 275_A_10_107 (Revision PL5)
 275_A_10_108 (Revision PL5)
 275_A_10_109 (Revision PL5)
 275_A_10_110 (Revision PL5)
 275_A_10_111 (Revision PL5)
 275_A_10_112 (Revision PL5)
 275_A_10_113 (Revision PL5)
 275_A_10_120 (Revision PL3)
 275_A_10_121 (Revision PL4)
 275_A_10_122 (Revision PL3)
 275_A_10_123 (Revision PL3)
 275_A_10_200 (Revision PL2)
 275_A_10_201 (Revision PL2)
 275_A_10_202 (Revision PL2)
 275_A_10_300 (Revision PL4)
 275_A_10_301 (Revision PL4)
 275_A_10_302 (Revision PL4)
 275_A_10_303 (Revision PL4)
 275_A_10_304 (Revision PL4)
 275_A_10_400
 275_A_10_401
 275_A_10_402
 275_A_10_403
 275_A_10_404
 275_A_10_405
 275_A_10_406

Drainage Strategy (July 2021) (M03001-02_DG02) by McCloy Consulting
Arboricultural Survey and Impact Assessment (June 2021) by LandArb Solutions
Preliminary Ecological Appraisal (July 2021) by Ecology by Design

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

Informatives:

1. 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.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Lead Local Flood Authority (HCC)	Thank you for your consultation on the proposed construction of 46 dwellings (apartment buildings and two rows of terraced units), new access road, parking and amenity areas at St Margarets Way, Hemel Hempstead.

We have reviewed the Flood Risk Assessment reference M03001-02_FR01 dated June 2021 and the Drainage Strategy reference M03001-02_DG02 dated July 2021 prepared by McCloy Consulting in support of this application.

We understand it is proposed to drain the site via detention basins, permeable paving, oversized pipes and attenuation tanks to 3 deep bore soakaways. The applicant has provided evidence of Thames Water pre-development enquiry stating that Thames Water would not object to a discharge to surface water sewer manhole reference 5201 at a restricted rate of 7 l/s, however this is not proposed at this time.

Therefore, we would recommend the following conditions to secure the principles of the scheme.

Condition 1

The development permitted by this planning permission shall be carried out in accordance with the approved Drainage Strategy prepared by McCloy Consulting Ltd reference M03001-02_DG02 dated July 2021 and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off during the 1 in 100 year event plus 40% of climate change event.
2. Providing storage 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 providing a minimum of 288 m³ (or such storage volume agreed with the LLFA) of total storage volume in detention basin, permeable paving and cellular storage.
3. Discharge of surface water from the private drain via deep bore soakaways.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

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

Condition 2

No development shall take place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

1. Final detailed drainage strategy and detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs.

2. Provision of robust SuDS management and treatment including for the access road.

3. Final detailed post-development network calculations for all storm events up to and including the 1 in 100 year + 40% climate change storm with half drain down times no greater than 24 hours.

4. Exceedance flow routes for storm events greater than the 1 in 100 year + 40% climate change storm.

5. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason

To prevent the increased risk of flooding, both on and off site.

Condition 3

Upon completion of the drainage works for the 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.

	<p>3. Arrangements for adoption and any other measures to secure the operations of the scheme throughout its lifetime.</p> <p>Reason</p> <p>To prevent the increased risk of flooding, both on and off site.</p> <p><u>Informative to the LPA</u></p> <p>We would recommend the LPA obtains a management and maintenance plan, to ensure the SuDS features can be maintained throughout the developments lifetime. This should follow the manufacturers' recommendation for maintenance and/or guidance in the SuDS Manual by Ciria.</p> <p>Please note that if the LPA decides to grant planning permission we wish to be notified for our records.</p>
Herfordshire Building Control	No comment.
Conservation & Design (DBC)	<p>No objection to the principal of the proposed design however would recommend below feedback should be addressed to make for an acceptable overall proposal, particularly with regards to height of terrace and public realm.</p> <p>Massing:</p> <p>-There is an increase in height in the three terraced houses from previous iteration of design. Given the impact of increased height across the development as a whole, it is strongly recommended that these should be brought down to as previous and respond to the ridge of the adjacent houses of Datchworth Turn. These two entrance units are important in providing continuity between the masterplan proposal and existing area particularly with regards to the increase in scale.</p> <p>-Could a couple of additional massing views be provided to understand the massing impact of the joined gable canopy between the apartment block and terraced housing with regards to openness of the site? What is the treatment proposed with regards to interior, lighting, cycle/ pedestrian segregation and landscape to provide a pleasant and safe pathway / space ?</p> <p>Design:</p> <p>-The proposal appearance is of high design quality with a playful response to local precedents of agricultural and new town architecture via the stacked geometric roof form which follows the topography, pop up entrance cores and proposed masonry material palette. The more informal facade composition of the terraces, with staggered openings</p>

and a mix of arched and orthogonal entrances work well in distinguishing a separate character to the more formalised design of the apartment block.

-The proposals detailing all adds positively to the overall design quality with varying brick courses, glazed brick demarking the base and stone lintels to articulate facade openings. The pre-cast corrugated balconies and entrance elements (houses & apartments) are a creative / expressive approach and should add visual interest across the development as a whole.

-Further vertical articulation should be added to the apartment building facade to mitigate the impact of the long stretch of facade length appearing 'wall like' particularly when in comparison with the finer grain context. Entrance cores could be delineated via shadow gaps, staggered massing or change in material tone or texture which would assist in reducing the scale of the block.

-Darker toned brick works well in delineating a building base - could this be brought up to assist in emphasising the ground floor and breaking down the facade. A brick soldier course delineating the FF of the apartment block could also assist with this

Landscape:

Given the nature of this developments relationship to the existing open space it is of high important the landscape being provided within the proposed masterplan is accessible and of high quality to all residents in terms of amenity, design and biodiversity to bring benefit to the local area and mitigate the impact coming from the loss of greenspace. Would suggest the following improvements could be integrated to the proposed landscape design:

-Pedestrian pavement should extend all the way along car park edge so pedestrians do not have to step out into the road. Buffer hedge could be reduced at corner to provide this connection

-Path could be added through central green verge of apartment block to improve accessibility to WC unit entrances

-Location of proposed benches in the landscape and courtyard garden? (couldn't review on site / landscape plan)

-Is the courtyard garden accessible via GF balconies to encourage activity and passive surveillance? Stepped path could be added down slope connecting to car park to improve connectivity and openness from rear

-Can the car parking spaces proposed along the end terrace align to opposite side of road to limit impact on existing dwellings

-Could the green buffer increase along roadside edge to mitigate the impact of the proposed road on existing residents - this could be achieved via a small reduction in the length of the terraces back gardens, and would improve the overall amount of public greenspace across development. This could also be achieved through 'pocket park'

	<p>spaces the width of a car parking space which could have space for taller planting shrubs or small trees.</p> <p>Further Information Requested:</p> <ul style="list-style-type: none"> -Updated renders with proposed paving materials & frontage landscape buffers -Additional massing views showing roof canopy -Visual representation regarding layout, lighting and design of canopy pathway space
Strategic Planning & Regeneration (DBC)	No comment.
EDF Energy	No comment.
Crime Prevention Design Advisor	<p>Thank you for sight of planning application 21/03089/MFA, Construction of 46 dwellings (apartment building and two rows of terraced units), new access road, parking and amenity areas ,Land At St Margaret's Way Hemel Hempstead Hertfordshire HP2 4PA .</p> <p>I do not have any objection to this application however I would ask that it is built to the police security standard Secured by Design.</p> <p>Physical Security (SBD)</p> <p>Individual front entrance doors flats/houses: Certificated to BS PAS 24:2016</p> <p>Windows: flats/houses Ground floor windows and those easily accessible certificated to BS PAS 24:2016 or LPS 1175 French doors for balconies.</p> <p>Dwelling security lighting flats / houses: Communal entrance hall, lobby, landings, corridors and stairwells, and all entrance/exit points. (Dusk to dawn lighting).</p> <p>Communal door sets: Certificated to BS PAS 24: 2016, or LPS.1175</p> <p>Access Control to block of flats: Audio Visual. Tradespersons release buttons are not permitted.</p> <p>Postal delivery for communal dwellings (flats): Communal post boxes within the communal entrances or through individual front doors.</p> <p>Bin Store: Door certificated to BS PAS 24: 2016, or LPS.1175</p> <p>Play Area - the Design and Access statement indicates that this does have passive surveillance.</p>

	<p>Parking - adequate parking, however manage the vegetation to provide natural surveillance.</p> <p>Lighting - column lighting is specified in the Design and Access statement (this is excellent as bollard lighting does not meet the requirements of Secured by Design).</p> <p>Compartmentalisation of Developments incorporating multiple flats.</p> <p>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:</p> <ul style="list-style-type: none"> . 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. <p>Secured by Design recommends no more than 25 flats should be accessed via either of the access control methods above.</p> <p>Please contact me if you would like any further information or clarification.</p>
Trees & Woodlands	<p>This site doesn't contain parts of the 'historic landscape' , in other words there are no features (apart from some of one edge) that remain from former land use such as old oaks or other tree species, old boundary banks or ditches. At some time we should perhaps refer to the historic landscape as the afore mentioned and what the New Town created in terms of green space and trees. The loss of trees is very much secondary to the loss of green space, while I was looking through the site on a Monday afternoon, the space was being used by a family and a number of individuals and so I don't support the loss of green space or many of its trees. The Arboricultural report is in most respects good, tree people will argue about gradings and pick each other up on tree identification but the thrust of the report is sound. Gradings have not been used to condemn trees to facilitate development, indeed the 3 best trees (T 8, 11, & 21) on the site are scheduled to go. The Arboricultural surveyor was given the shape of the development and had to work round it. If the recommendations set out in the report are carefully followed during the construction process then the retained trees should remain viable. The landscaping scheme provides for some good tree species and is satisfactory.</p> <p>Further comments</p>

	<p>We worked through several versions of the scheme's layout and came up with an acceptable version. It is acceptable in tree terms.</p>
<p>Planning Liaison Officer – Environment Agency</p>	<p>Thank you for your email. We reviewed the consultation 21/03089/MFA (St Margarets Way) and found the site was outside of our remit. While the site is located in a Source Protection Zone 3, there is no suspected contamination and therefore we have no comments to make.</p>
<p>Affinity Water - Three Valleys Water PLC</p>	<p>Thank you for notification of the above planning application. Planning applications are referred to us where our input on issues relating to water quality or quantity may be required.</p> <p>Water Quality You should be aware that the proposed development site is located near an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to our Pumping Station (MARL). This is a public water supply, comprising a number of 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>Any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system) should be avoided. If these are necessary, a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.</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 Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions in chalk stream catchments. They also minimise potable 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</p> <p>Affinity Water Limited Registered Office: Tamblin Way, Hatfield,</p>

	<p>Hertfordshire, AL10 9EZ www.affinitywater.co.uk tel 01707 268111 fax 01707 277333</p> <p>Registered in England No. 2546950</p> <p>treating this water to a standard suitable for drinking, and will help in our efforts to get emissions down in the borough.</p> <p>Infrastructure connections 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>Thank you for your consideration.</p>
Thames Water	<p>The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.</p> <p>With the information provided, Thames Water has been unable to determine the waste water infrastructure needs of this application. Thames Water has contacted the developer in an attempt to obtain this information and agree a position for FOUL WATER drainage, but have been unable to do so in the time available and as such, Thames Water request that the following condition be added to any planning permission. "No development shall be occupied until confirmation has been provided that either:- 1. Capacity exists off site to serve the development, or 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or 3. All wastewater</p>

network upgrades required to accommodate the additional flows from the development have been completed. Reason - Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

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 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, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

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

	<p>9EZ - Tel - 0845 782 3333.</p> <p>Supplementary Comments</p> <p>To the north east of the site is Kingcup Avenue SPS. On the Map the small outlined box is the SPS and the proposed development area is identified by the large red outlined box. The company will seek assurances that it will not be affected by the proposed development.</p> <p>The applicant should contact Thames Water to discuss their proposed development in more detail. All enquiries from developers in relation to proposed developments should be made to Thames Waters Developer Services team. Their contact details are as follows:</p> <p>Thames Water Developer Services Reading Mail Room Rose Kiln Court Rose Kiln Lane Reading RG2 0BY</p> <p>Tel: 0800 009 3921 Email: developer.services@thameswater.co.uk</p>
Hertfordshire Highways (HCC)	<p>Decision</p> <p>Requesting additional information</p> <p>Comments</p> <p>A Stage One Road Safety Audit has been submitted. In order for a Road Safety Audit Review to be carried out, a Designers Response to the points raised in the audit would also need be required.</p>
Waste Services (DBC)	<p>Each house should have enough space to store 3 x wheeled bins and a curb side caddy and space to present them on collection day outside their boundary nearest to the road.</p> <p>Each block of flats should have a storage area for 1 x 1100ltr container for residual waste the same again for comingled recycling and a 140ltr wheeled bin for food waste per 6 flats. There should be no steps between the storage area and the collection vehicle which is a 26t rigid freighter.</p>
Environmental And Community Protection (DBC)	<p>Noise Pollution</p> <p>Referring to the above application noting the energy statement it makes reference to air source heat pumps (ASHP) to meet energy needs (heating/hot water) of the development.</p>

A potential source of noise which can impact existing and future occupants and therefore I would recommend the following condition.

Suggested condition

"Prior to the first use of the air source heat pumps provided to residential units hereby permitted, an Air Source Heat Pump Noise Impact Assessment, compiled by appropriately experienced and competent persons, shall be submitted to the Local Planning Authority. The Air Source Heat Pump Noise Impact Assessment shall detail the noise levels associated with the use of the air source heat pumps, and include an analysis of whether any noise mitigation measures are required to control the noise (and if so full details of these mitigation measures), and a timescale for the implementation of these noise mitigation measures. Upon the LPA's approval of the Air Source Heat Pump Noise Impact Assessment, any required mitigation measures shall be implemented in accordance with the approved Air Source Heat Pump Noise Impact Assessment and retained thereafter.

Reason: Policy CS32 - any development proposals which could cause harm from a significant increase in pollution into the air such as noise will not be permitted."

Contamination

Having reviewed the planning application I am able to confirm that there is no objection to the proposed development, but that it will be necessary for the developer to demonstrate that the potential for land contamination to affect the proposed development has been considered and where it is present will be remediated.

This is considered necessary because the application is for a proposed use that would be particularly vulnerable to the presence of contamination, and as such the possibility of ground contamination cannot be ruled out at this stage. Therefore, the following planning conditions should be included if permission is granted.

Contaminated Land Conditions:

Condition 1:

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

determining the presence of contamination likely to be harmful to human health and the built and natural environment.

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

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

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

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

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

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

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

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

Condition 2:

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

	<p>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 174 (e) & (f) and 183 and 184 of the NPPF 2021.</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>
Hertfordshire Ecology	<p>Thank you for consulting Hertfordshire Ecology on the above application, for which I have the following comments:</p> <ol style="list-style-type: none"> 1. The site is an ecosite within the HERC database, but has not been considered to meet Local wildlife Site Status. It is largely amenity grassland and scattered of limited ecological value, but significant in providing a local greenspace and linking habitats to the north along Breakspear Way and to the east. Consequently, the loss of much of this area will be significant but at the local level, although it would not represent a fundamental constraint on the proposals. 2. An ecological appraisal (Preliminary Ecological Appraisal PEA) has been submitted in support of this application. The plant species list is acknowledged but poor in providing no indication of abundances. However, this does not suggest critical ecological resources will be affected and I have no evidence to consider otherwise. 3. The PEA identified most of the site as amenity grassland, some woodland, scattered trees and scrub. This is of limited - but locally valuable - ecological interest. The site has been considered as negligible value for protected species, although low potential was identified for bats. 4. There will clearly be a net loss of biodiversity if the site is developed as proposed. Almost all of the existing open grassland will be lost as well as the role it plays in providing connectivity with open countryside to the east, although this is likely to be further reduced in due course. It is recommended that suitable landscaping is provided to benefit

biodiversity locally, but I consider this will be largely of very limited value. Whilst this provides opportunities for biodiversity, it cannot possibly compensate for the extent of habitat loss within the site.

5. Further bat surveys were recommended in the PEA to confirm presence / absence in buildings and at least one tree. These do not seem to have been submitted as independent reports or been incorporated into the Biodiversity Net Gain report, although this states that a bat emergence survey and tree inspection survey were undertaken but with was no date for these. Until the results of these are made available, the LPA cannot be satisfied whether or not bats are present or that any impacts on bats can be properly addressed. Consequently, this application should not be determined until this information is provided, consistent with Govt Circular 06/05.

6. The proposals for bat and bird boxes are supported. The recommendations for other wildlife enhancements are also supported.

7. Two Biodiversity metrics have been provided in support of this application, dated June and August 2021, which used NE metric V2. I have reviewed the most recent one. However, consistent with NE advice, the full metric should be made available for scrutiny prior to determination. Currently the existing parts of the metric are insufficient to demonstrate how the BNG has been calculated - for example, it is not possible to determine how a score of 3.16 Biodiversity Units will be generated on-site, particularly when most grassland habitat will be lost and habitat creation shows 1.69 BU.

8. The proposed seed mixes are supported although they do include some species unlikely to survive, such as salad burnet. However, the extent to which proposed genuine 'meadow' habitats can be created is questionable. The landscaping plans appear to show meadow grassland associated with existing or planted trees. 'Meadows' do not grow under trees - the areas will eventually be shaded, nutrient enriched from leaf fall and will not generate the conditions in which species-rich open grassland will succeed. It is also recognised the existing grassland areas are poor due to management and recreational pressure. This can only be exacerbated due to the even smaller areas of grassland left around the development. Whilst I support the principle of creating flowering lawns, their contribution to biodiversity will be extremely limited in these circumstances and I consider the attributes of 'other neutral grassland' - which gives the proposed ecology a higher BU score in the metric - are misleading in practice. Most of the species would not survive the heavy trampling and regular cutting these small areas of grassland would be subject to, although their areas are small.

9. Consequently, in my opinion the 64.82% BNG is over-estimated,

	<p>although I acknowledge much of this is based on offsite compensation and enhancement measures. BNG proposes a habitat enhancement area to the north to enable BNG to be delivered, and this is supported.</p> <p>10. When the application is approved, there should be a Landscape and Ecology Management Plan submitted to cover the proposed landscaping and site management within the application site, given that this will also contribute to BNG.</p> <p>11. In addition to this, the offsite management should be secured by a LEMP and subject to S106 agreement to ensure their delivery is legally secured over a 30-year period. Whilst this is not yet planning law, it is how the Environment Act now expects BNG to be delivered in such circumstances.</p>
Fire Hydrants	<p>This application will require a condition for the developer to provide and install fire hydrants, at no cost to the Fire and Rescue service, or County council.</p> <p>This is to ensure all new proposed dwellings have sufficient water for the use of fire fighting in an emergency.</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 (HCC) as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <p>1. Provision of Internal Access Roads, Parking & Servicing Areas</p> <p>Prior to the first occupation of the development hereby permitted the proposed off-site highway works, access roads, on-site car parking and turning areas shall be laid out, demarcated, surfaced and drained in accordance with the approved plans and retained thereafter available for that specific use.</p> <p>Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <p>2. Construction Management Plan</p> <p>No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:</p>

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste);

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

Highway Informatives

Construction Management Plan (CMP)

The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:

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

AN) Roads to remain private: The applicant is advised that the new road associated with this development will remain unadopted (and shall not be maintained at public expense by the highway authority). At the entrance of the new estate it is recommended that the road name plate should indicate that it is a private road and the developer/landowner should put in place permanent arrangements for long-term maintenance.

Comments / Analysis

The application comprises of the construction of 46 dwellings and associated works on land at St Margarets Way and Datchworth Turn, Hemel Hempstead. Both Datchworth Turn and St Margarets Way are designated as local access roads, subject to a speed limit of 30mph and highway maintainable at public expense. Kingcup Avenue runs adjacent to the north-east boundary of the site and the main carriageway and footway of Kingcup Avenue have been dedicated as highway pursuant to a Section 38 Agreement dated 17/10/2013 although the extent of highway does not include a strip of vegetation land between the site and the Kingcup Avenue site.

A Road Safety Audit - Stage One and Designers Response (RSA1), Transport Statement (TS), Fire Strategy and Travel Plan Statement (TPS) have been submitted as part of the application.

1. Access & Highway

The original proposals at pre-app stage included a new vehicle access direct from Green Lane to the south of the site, which was not considered to be acceptable due to the existing registered common land (CL0330) and potential impact such an access would have on the existing cycleway/footway and chicane arrangement on Green Lane. Consequently, the main access to the proposed site layout is to be provided via Datchworth Turn and a reconfigured layout of part of the St Margarets Way, the details of which are shown on submitted drawing number 275_A_10_100 REV PL.

The proposals include a 5.5m carriageway width and widened footways, which is considered to be acceptable when taking into consideration the size of the proposals and would enable two vehicles to pass one another and is in accordance with Manual for Streets (MfS) and Roads in Hertfordshire:

Highway Design Guide (RiH). The submitted RSA1 (2.2.3) identified an issue in relation to the swept path for a refuse vehicle, the designers response to which suggests the provision of 6m localised carriageway widening in some parts of the site and/or relocation of some parking bays. HCC as Highway Authority would not have an objection to either of these.

HCC as Highway Authority considers that the levels of available vehicular to vehicular visibility as shown on drawing number 0001 at the entrance into the site and within the site are sufficient and acceptable and in accordance with design guidance as laid out in MfS and RiH for a 30mph and 20mph road respectively.

The general design and layout of the proposed alterations to the

highway at the junction of Datchworth Turn and St Margarets Way is considered to be acceptable at the planning application stage. HCC as Highway Authority would not have any specific comments or objections in relation to the points raised in RSA1 and Designers Response (other than those referred to in respect of points 2.2.3 and 2.3.3 elsewhere in this response).

a. Section 278 works within the existing highway It is my understanding that there is an inter-agency agreement between Dacorum Borough Council (DBC) and HCC, which removes the need for DBC (as the applicant of the works) to enter into a Section 278 Agreement with HCC as Highways Authority in relation to the proposed works on highway land. This would need to be confirmed by DBC and 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 (it is my understanding that DBC have an agreement with Ringway to carry out such highway works).

Appropriate subsequent safety audits would therefore be necessary as part of any technical approval stage and It would also be necessary to have a clear scaled plan showing which areas of the works are within the existing highway maintainable at public expense (the extent as shown on the "orange" plan from the Highway Authority).

If there is a need for the applicant to enter into a Section 278 Agreement with HCC as Highway Authority then please refer to the following information for further information:

AN) Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at:

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

b. Section 38 Agreement / areas to be dedicated as highway There has been some discussion as part of the pre-application highways process

as to which areas may be dedicated and subsequently adopted as highway pursuant to Section 38 of the Highways Act 1980. The proposed internal access road would not be considered to provide a utility and benefit to the wider highway network and therefore not adopted as highway.

HCC as Highway Authority would only consider adopting the cycle / footpath link through the site if the adjacent developers/landowners (of Kingcup Avenue) are willing to dedicate a strip of their land to provide the full formalised pedestrian and cycle link to the highway on Kingcup Avenue and only consider adoption if any links join with the existing highway network and provide all the necessary design and safety features for the full length (this is therefore also linked to point 2.3.3 raised in the RSA1). It is my understanding that a Section 106 contribution given to HCC would not be feasible as HCC does not own or have any control over the strip of third party land and subsequently would not have any powers to complete the works. The landowner would ultimately need to be the ones who offer any land for dedication as highway. Therefore some confirmation of the intention to dedicate as highway would be necessary to be provided.

A commuted sum would also be required to support the future maintenance costs for any areas of special non-standard works (i.e. the areas of special surfacing proposed for the cycleway through the site), the provision and payment of which would be included as part of any Section 38 Agreement process between the applicant and HCC as Highway Authority although there again this is subject to. The applicant would need to put in place a permanent arrangement for long term maintenance of any of the roads that are not to be dedicated as highway. At the entrance of each private road, the road name plate would need to indicate that it is a private road to inform purchasers of any potential future maintenance liabilities.

2. Sustainable Travel

The application site is located in a largely residential area of Hemel Hempstead with existing pedestrian footways on the surrounding highways. There is also an existing shared footway / cycleway on the north-west side of Green Lane. The proposals include a shared cycle/footpath connection through the site connecting Datchworth Turn and Kingcup Avenue and in turn providing a link for cyclists through Kingcup Avenue and onto the cycle quietway on Buncefield Lane, which HCC as Highway Authority is generally supported of to improve permeability and accessibility for pedestrians and cyclists through the site. Nevertheless this is subject to the earlier comments in relation to the private strip of land. If this formal link could not be secured for whatever reason, HCC as Highway Authority would not consider it a

significant enough reason to recommend refusal from a highways perspective although consideration should then be given to rationality of the link within the site if it can not continue outside of the site.

The nearest bus stops to the development are located on Poynders Hill and Leverstock Green Way and provide half hourly to hourly services to elsewhere in Hemel Hempstead, Hemel Hempstead Railways Station and surrounding towns including St Albans and Watford. The proposals include the provision of an on-site sheltered cycle parking store for the proposed flats whilst the houses would have gardens and shed available to store a cycle. HCC as Highway Authority would be supportive of these provisions to promote and encourage cycling as a form of travel to and from the site.

A TPS has been submitted as part of the application to support the promotion and maximisation of sustainable travel options to and from the site and to ensure that the proposals are in accordance with Hertfordshire's Local Transport Plan and the National Planning Policy Framework (NPPF). The details are considered to be acceptable for a development of this size and supported by HCC as Highway Authority. This development is situated within DBC's Community Infrastructure Levy (CIL) area. Therefore contributions towards local transports schemes as outlined in HCC's South-West Hertfordshire Growth & Transport Plan would be sought via CIL if appropriate.

3. Service and Emergency Vehicle Access

A swept path analysis for a 11.2m long refuse vehicle has been submitted as part of the TS (drawing number 2200) illustrating that such a vehicle would be able to access the site, use the proposed access road, turn around and egress to the highway in forward gear. The details are generally considered to be acceptable although please refer to the earlier comments in relation to the need for localised 6m widening and note that the proposed eight on-street car parking spaces may encourage further parking along the access road, which may impact on the free flow of refuse vehicles (and other large vehicles e.g. emergency or service vehicles). Therefore it is recommended that appropriate measures are taken to ensure that parking is restricted along the private access road where formalised car parking spaces would not be provided.

Any proposed refuse collection arrangements would also need to be confirmed as acceptable by DBC waste management.

The standard size of a fire tender used by Herts Fire & Rescue is smaller than the refuse vehicle referred to above and therefore a fire tender would be able to access the site, use the proposed access road,

turn around and egress to the highway in forward gear. HCC as Highway Authority would not have any specific concerns in relation to emergency vehicle access. Nevertheless following consideration of the submitted Fire Strategy and size of the development, details of the fire strategy and proposals have been passed to Herts Fire & Rescue for attention and for any comments, recommendations or objections which they may have. This is to ensure that the proposals are in accordance with guidelines as outlined in MfS, RiH and Building Regulations 2010: Fire Safety Approved Document B Vol 1 - Dwellings (and subsequent updates).

4. Car Parking

The proposal includes the provision of 61 unallocated car parking spaces, the level of which is considered to be acceptable by HCC as Highway Authority. Nevertheless DBC as the parking and planning authority for the district would ultimately need to be satisfied with the level of parking and that it accords with their adopted standards.

The submitted Design & Access Statement states that 50% of all parking will be active electric vehicle charging points whilst the remaining 50% would have passive provision, which is supported by HCC as Highway Authority to ensure that the proposals are in accordance with DBC's Parking Standards Supplementary Planning Document, LTP4 and HCC's Sustainability Strategy.

A swept path analysis for a large car using some of the proposed spaces has been included as part of the TS (drawing no 2201). The dimensions and layout of the parking areas is considered to be acceptable and in accordance with MfS and would enable vehicles to turn around on site and egress to the highway in forward gear. As referred to earlier, it is recommended that appropriate measures are taken to ensure that parking is restricted along the private access road where formalised car parking spaces would not be provided.

5. Trip Generation & Distribution

A trip generation assessment has been included as part of the TS (Section 5), the details of which have been based on trip rate information from the TRICS database. This approach is considered to be acceptable by HCC as Highway Authority. The number of vehicular trips associated with the proposed use are estimated to be 17 two-way vehicle movements in the AM peak; 19 two-way vehicle movements in the PM peak and 169 two-waytrips from 07:00 to 19.00. Following assessment of these details and the percentage impact, the impact on the operation of the surrounding highway network from the trip generation perspective would be considered to be acceptable and not a

	<p>significant enough reason to recommend refusal from a highways perspective.</p> <p>6. Conclusion</p> <p>HCC as Highway Authority would not have any objections to the granting of planning permission subject to the inclusion of the above recommended conditions and highway informatives. Consideration would also need to be made to the rationality and feasibility of the pedestrian / cycle link in the context of the points raised above. Nevertheless if the link was not provided, this would not be considered to be significant enough reason to recommend refusal from a highways perspective when taking into consideration the improved access / highways arrangements into the site from Datchworth Turn.</p>
Hertfordshire Ecology	<p>Thank you for providing Hertfordshire Ecology with the additional information regarding the above application, for which I have the following comments:</p> <ol style="list-style-type: none"> 1. Thank you for the updated Biodiversity Impact Assessment. I note changes have been made which reflect the increased loss of BU value from the site, and the reduced net gain associated with the development, from 62% to 44%. This still exceeds the minimum of 10% expected by the Environment Act. 2. The full metric spreadsheet has now been provided. The derivation of the Headline results is now more clear and I can confirm the BNG figures appear reliable. Whilst calculations are performed automatically, we need to be certain (given the future use of this approach) that the system does provide what it purports to - at least on paper. Well excel spreadsheet. Whilst I have no reason to expect it is not reliable, it would be useful to have some confidence upon the headline results. 3. There is now updated bat information within the August 2020 Bat report. The tree with potential was thoroughly inspected and no evidence of likely use by bats was found. One emergence survey of the building was undertaken as originally recommended and no evidence of emerging bats was observed. I am satisfied that this provides sufficient information on the potential for bats to enable the LPA to determine the application accordingly in respect of bats. 4. The enhancements outlined within the report (6.2.1) in respect of provision of bat boxes associated with the new buildings should be implemented as a Condition of approval, and identified in the LEMP previously advised for the site. This would include other bird boxes and other recommended wildlife enhancements outlined within the Preliminary Ecological Assessment, given that this will also contribute

	<p>to BNG.</p> <p>5. I have no views as to whether a single LEMP should be produced or two, to cover the application site and the offsite area. However, for BNG to be delivered the following should be provided if the application is to be approved:</p> <ul style="list-style-type: none"> • clear guidance as to what creation / enhancement is required for both areas; • subsequent management guidance is required to ensure they develop and are then maintained in the long term; • appropriate means for securing this approach over the expected 30 years the BNG will be delivered.
--	---

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
80	28	0	27	0

Neighbour Responses

Address	Comments
18 Kingcup Avenue Hemel Hempstead Hertfordshire HP2 4GF	<p>Flood Risk</p> <p>There is a severe existing flood risks in this area and the dismissive approach taking during consultation as to the use of SUDS shows the planners for this development have little to no interest in addressing the flood issues prior to building on this development. No local expertise has been applied and I am totally shocked and surprised by Thames Waters comments in relation to surface water runoff and the comments from the Hertfordshire LLFA.</p> <p>The local operations team for Thames Water have called out that with out a shadow of a doubt, the development here will cause INCREASED RISK of flooding caused by Marchmont pond. Having had 4 flood events since Crest Nicholson completed the Kings Copse development, there is a clear inability to manage surface water flooding in this area and without significant investment from the developer and from Thames Water there will be an increased risk of flooding and by approving this planning, Dacorum council, Stephen Taylor Architects, Hertfordshire Lead Local Flood Authority and Thames Water are accepting liability for the increased risk of flooding the Kings Copse development. My property is one of those affected by this severe and preventable flooding.</p>

	<p>No callout has been made in these plans of Thames Waters potential compulsory purchase of a segment of this field to potentially build a floodwater gully to redirect floodwater away from Kings Copse towards Green Lane.</p> <p>Building regulations stipulate any new development should equal or better Greenfield runoff rates. The drainage designs shown are unclear how they will prevent any surface water entering Marchmont pond and one part of the planning document shows that Thames Water has given permission for a flow of water to enter Marchmont pond. This would absolutely increase any risk of flooding where this pond is currently unable to cope with the catchment area. The documentation shows the balancing pond serves a 2,5km catchment area. This information is invalid and incorrect as Thames Water publicly admits they do not know the catchment area for the balancing pond and that the area that the pond covers is significant.</p> <p>Hertfordshire LLFA is still investigating the flooding issues from Marchmont pond and should be making objection to this building works as without completing their assessment of the existing flood risk that both Crest Nicholson and Thames Water failed to mitigate, they are in no position to be able to accurately assess the risk this building work will cause to my and other affected properties.</p> <p>To be clear, there is clear evidence from local experts that building here will increase the risk of flooding to those properties already affected and the simple use of SUDS is insufficient mitigation unless significant post development assessment is carried out and bonds are held to ensure compliance with the The Flood and Water Management Act and Land Drainage Act.</p> <p>There is also significant parking issues around the proposed building area which have not been handled or considered as part of this development. Insufficient proposed parking will worsen this problem and it is already not possible for Thames Water to gain access to the Marchmont Pond with Heavy machinery to manage and deal with potential flooding issues as recently shown by a 'near-miss' flood event in June 2021. This further demonstrates that this development will increase the risk of flooding to my and other affected properties.</p> <p>Finally there is no mention of any local amenities such as park provision. The park on Kings Copse is privately owned and maintained by Kings Copse residents and is not available for public use. There is no additional funding to support the local school which is currently oversubscribed by 4x and as there are expected to be families with a mixed age of children, further pressure here will force local residents into cars to transport younger children who approach school age to travel to schools much further away.</p>
<p>10 Micklefield Road Hemel Hempstead Hertfordshire HP2 4PG</p>	<p>I object to this application because it will:</p> <p>Put pressure on the local school. Already children living very close to the school are unable to get a place</p> <p>Increase parking problems which are already an issue in surrounding</p>

	<p>developments</p> <p>Not be in keeping with surrounding development</p> <p>Be much higher than adjacent 2 and 3 storey houses.</p> <p>Result in the loss of much needed open outdoor space</p> <p>Increase pressure on services ie drainage and surface water to adjacent development.</p> <p>Add pressure on surrounding roads, in particular Green Lane which already struggles to cope with traffic.</p> <p>Have a detrimental impact on the surrounding green area and habitats of animals located there including muntjacs, badgers and foxes.</p>
<p>15 St Margarets Way Hemel Hempstead Hertfordshire HP2 4PA</p>	<p>Comments so far reflect the wide objection to this development, and we can only add to this.</p> <p>The local school is already oversubscribed, as well as other local amenities, such as day care, cubs, brownies. Traffic and pollution will only increase as residents are forced to travel farther from home.</p> <p>Parking issues will only increase; providing more than the minimum planning standard is not the same as providing adequate parking.</p> <p>Road access is already difficult; more vehicles pushing past parked vehicles on all the roads between Breakspear Way, Leverstock Green Way and Green Lane. The current situation is misleading as it is better than usual - offices are starting to press for the end of working at home, workers will return to Breakspear Park, school opens next week (turning most of green lane and connecting roads into single-track routes during the school run and beyond).</p> <p>The proposed new road is nearer to existing houses, rather than the new development that it serves. This is a danger to my family, accustomed to the safety of green space.</p> <p>The space provides a valuable and safe local area that is not next to roads, not too near to private properties, used for other purposes, or often transformed into a quagmire.</p> <p>And I also cannot see any similarity between this development and the neighbourhood.</p>
<p>28 Kingcup Avenue Hemel Hempstead Hertfordshire HP2 4GF</p>	<p>All residents of our household strongly object to this development as mentioned by many previous commenters.</p> <p>1) Wildlife, green space, recreation. This space is widely used for dog walking and recreation. It is used by many members of the local community, including children, for different purposes. I have strong concerns about harming wildlife in the field such as bees, birds, butterflies, bats, and more.</p>

	<p>2) Too overcrowded. Everybody is losing their privacy and light. Our road, Kingcup Avenue, cannot cope with more traffic. It is dangerous. There is already not enough parking.</p> <p>3) Flooding. Nobody cares about our houses flooding until they flood. Kingcup Avenue has recently had several bad floods. The site of the proposed development regularly floods. We have photographic evidence of the field being totally underwater. Every time heavy rain is expected, Thames water rush to our houses with sand bags and make flood preparations. The proposed development is on even lower land than ours, and will undoubtedly flood, causing distress, squalid conditions, strain on the local authority, let alone soaring home insurance prices. The site of the proposed development is our current flood defence mechanism or draining field. Not only will those houses flood, it will cause increasing flooding to the surrounding houses.</p> <p>3A) A manhole cover in the site of the proposed development regularly erupts with raw sewage after moderate to heavy rainfall.</p> <p>4) Local facilities. The local area is not sustainable for more people. We do not have enough doctors or dentists. There are already not enough primary school places at Leverstock Green primary school for residents living opposite the school. There will also be an impact on secondary school places.</p> <p>5) Infrastructure. The infrastructure cannot cope with more people and more usage. The sewage system is already strained in the Kingcup Avenue area, and the proposed development feeds into our system. The roads simply will not cope. There will be a lot of traffic. There is already not enough parking. It will be dangerous, distressing, and is not conducive to family living.</p> <p>There is not enough room in Leverstock Green for more people or houses. It is simply not sustainable. I am at a loss for how this was ever even considered a good idea when there is plenty of alternative disused land close by.</p>
<p>31 Kingcup Avenue Hemel Hempstead Hertfordshire HP2 4GF</p>	<p>I object to this development as it is being built on a treasured and much-used piece of land enjoyed by families and neighbouring residents. There is already pressure on nearby roads such as Green Lane and this development will increase traffic and pressure on parking spaces. Current residents' privacy will be invaded and the new development will surely feel crowded even for the new residents as the site is very small for such a structure. It is also higher than the existing structures so will overlook current residents. The building work will disturb the local existing eco system with many animals including deer living in the hedgerows and surrounding areas. There is already a history of flooding in the existing adjacent housing development. This new development is sure to exacerbate these problems and/or suffer from similar issues. Drainage is also an issue. This development will also negatively impact the local facilities. The local primary school is a 1 FE school and there are already local families living in the Kings Copse estate who have been denied a place at their closest school. This situation will inevitably worsen as the new development will be closer to the school than many families living on the other side of the current housing estate. It is surely unfair that new families moving in to this</p>

	<p>development will be given priority for spaces at the school over those already living locally who will be forced to take places at schools further away, thus consequently further impacting on the local public transport and traffic at peak times.</p>
<p>20 Kingcup Avenue Hemel Hempstead Hertfordshire HP2 4GF</p>	<p>Although I understand the need for more housing as a resident that has been affected by flooding, I object to this proposed development.</p> <p>PLEASE NOTE; The Surface Water Drainage Strategy part 2 and Flood Risk assessment part 2 are not available to download/open. I trust this will be added and additional time allowed to comment further.</p> <p>I appreciate the flood risk assessment has been undertaken, but the emphasis is very much on the proposed development rather than existing residents and contradicts what Thames Water advised me. They advised that a development here, would increase our flood risk by slowing the outflow from the pond. Therefore, when the pond is overwhelmed the outflow will be slower by connecting the proposed development to the pipes downstream from the pond.</p> <p>Part 1 of the Flood Risk Assessment states 'Indicating the pond serves a catchment area of c. 2.5km²'. I am intrigued where/when this data was obtained from Thames Water. As following the 2 flood events of October 2020, Thames Water have openly admitted, they do not know the catchment of the pond. Their catchment study is currently underway.</p> <p>I was also surprised that the Lead Local Flood Authority had not catergorised the area as an area of risk, taking into account that the proximity of the proposed land to the balancing pond on which they are undertaking an investigation. The LLFA are going to be undertaking a detailed investigation to understand the reasons for the flooding, beyond simply the balancing area being the source.</p> <p>Therefore, without the above study and investigation, being completed, there is no way to determine the full extent of the proposed development on existing properties. Therefore, I feel consideration should be given to delaying the decision on this planning application.</p> <p>I also have to question, this part of the report 'The pond is not intended to be permanently full and is managed and maintained by an experienced and competent authority, therefore the risk of sudden and unexpected release of flood waters as a result of impoundment failure is perceived as low.' I actually thought this part was a joke. Ask any resident that has been affected by flooding and you would understand this is not the case. Thames Water are not competent. Not only did the pond overflow in October. Even though Thames Water were alerted it flooded again 8 hours later. I certainly do not class Thames Water as competent. They have allowed the pond to overflow 3 times in 8 years!</p> <p>I also note the report states the outlet flow from the pond is in a moderate to high risk of being blocked. This alone is a major concern. The pipes can't cope already.</p> <p>Although the flood risk is my main reason to object, I would also like to</p>

	<p>note;</p> <p>The local school is over subscribed. Although you have plans on the proposed development to be as eco friendly as possible, the effect on the existing Kingscopse Development, is that every primary school aged child will have to be driven to school, assuming children will accommodate the new houses.</p> <p>It is also a huge loss of green space for local residents. Although there is the adjoining field, it is the proposed development space that most use, due to the other field not being level.</p> <p>As stated my major concern is our increased flood risk, therefore I hope you will allow studies/investigations to conclude before granting any planning permission.</p>
<p>16 Kingcup Avenue, Hemel Hempstead, HP2 4GF</p>	<p>I am sure you have heard all reasoning around congested vehicle parking already and it being difficult enough to drive around the estate, the lack of Leverstock Green school places already for Leverstock Green residents living no more than 600 metre from the school and the destruction of green land where children play and dogs are walked.</p> <p>I want to object to this plan on the basis that it raises the risk of flooding within the Kings Copse estate. I have been flooded twice, as Sir Mike Penning is already aware, and any proposed building increases the risk of it happening again.</p> <p>The planning proposal shows previous flooding being in the lowest point of the field in 2007 which is incorrect. King Copse has been flooded subsequently in 2014 and 2020. The balancing pond managed by Thames Water struggles to hold water in rain events and any excess run off rain water from the proposed estate increases the likelihood of flooding happening again. I assume the proposed estate would connect to the 450mm outflow pipe to the River Ver, like the balancing pond does, and the pipe already struggles to cope with the outflow in rain events.</p> <p>This proposal must be declined if significant work to upgrade the balancing pond and outflow is not completed.</p>
<p>15 Kingcup Avenue Leverstock Green HP2 4GF</p>	<p>I'm writing to raise an objection to the following planning application - 21/03089/MFA - St Margarets Way.</p> <p>My reasons are as follows;</p> <p>Car parking & vehicle movement issues - The area is overwhelmed with vehicles. Cars are being parked on both sides of the carriageway. The proposed development will only exacerbate the issue, not to mention cause considerable chaos during the build phase - see attached file. Also worth noting that during the flood incidents in 2014 & 2020, Thames Water lorries couldn't access their balancing pond because of parked vehicles in this area.</p> <p>Design not in keeping with the surrounding area - Completely different materials and layout proposed versus developments either side.</p>

	<p>School Access - Significant pressure on the school 100 yards away. Already oversubscribed.</p> <p>Foul Draining - (PLEASE SEE ATTACHED DOCUMENT IN DOCUMENTS TAB) this document suggests this development will connect to the existing drainage system including Kings Copse. Crest Nicholson are yet to hand ownership of our foul system to Thames Water due to outstanding issues. Connecting to this system would only cause further liability issues.</p> <p>Flooding - Whilst materials make it clear this development will not be affected from a Marchmont Pond overflow. Granting permission to build in this area when you know of potential flood risk is comical. I am one of the residents affected.</p>
<p>83 Datchworth Turn Hemel Hempstead Hertfordshire HP2 4PE</p>	<p>Properties - neighbouring properties nos 75-85 Datchworth Turn should be included along with St Margarets Way as neighbouring site and directly impacted.</p> <p>History of objections - you will be aware of the history of written objections to this development. In particular the submission of 265 letters and some 200 questionnaires in evidence of the need for the land for the benefit of the local community and the village green application made to try to protect this land. Please refer to the written witness statement submitted now by 75 Datchworth Turn as comment to this planning application and the evidence therein with which i fully agree. My written objections and submissions over the past 25 years still stand.</p> <p>Flooding and land contamination. The area has a history of flooding and sewage contamination. Flooding and contamination has increased since the Kings Copse development was built. We regularly witness popped manhole covers and sewage contamination as the surface water drainage system is under pressure and since Kings Copse have experienced issues with ground floor back up and patio contamination. The concrete involved in proposed development would increase these surfaxe water drainage strain issues. Land unsuitable for building unless significant investment made into surrounding balancing tanks and drainage.</p> <p>Loss of recreational space listed in Dacorum's Green strategy and known as Barleycroft Open Space at a time when mental health and physical wellbeing are so critical. This recreational space is well used (as evidenced for village green application) and already under strain being now bordered by 3 estates. The open space in the proposed development is inadequate.</p> <p>Environmental impact/loss of wildlife habitat for our bats, badgers, foxes, woodpeckers, frogs, rabbits and deer. How sad that local children will loose this wildlife area where currently they can experience wildlife first hand.</p> <p>Inadequate local resources and facilities to support new development and its residents. If conditions are applied to planning consent to cover these and other areas then lessons must be learnt from the Kings</p>

Copse Development and someone must be made responsible for ensuring that all conditions are fulfilled/completed! Lack of school provision. When Kings Copse was built the school was inadequately consulted. Residents were informed that a reasonable consideration was made and children would be sent by bus to a school in old town hemel which had spaces. This never happened and families who had lived in the village for years lost school places to new estate residents. Better provision for schooling is required as a condition of planning consent. Existing issue of lack of school place provision across Hertfordshire.

Lack of local GP services

Lack of other amenities

Lack of parking - considerable concerns already exist over parking congestion in the area blocking footpaths and ruining grass verges and stopping emergency service vehicles and water authority vehicles having access. Another development with inadequate parking provision would make this danger even greater and open parking areas would encourage even more commercial lorries and vans to be parked in the area overnight.

Traffic impact and congestion- the area is already gridlocked at peak hours. This has been increased recently with conversion of part of lane system to a cycleway. Road rage already presents a danger to local children and another development will increase the pressure on local road network designed for a village not a town as Leverstock Green has now become.

Overlooking and loss of privacy and light. Our property will be impacted by proposed block which will look into our property and garden. We already suffered being overlooked by homes on the kings copse development and vice versa where we look directly into the window of their homes a field away. Proposed development is too close.

Loss of our rented garage which provides secure and sheltered parking.

Demolition plan also shows loss of mature trees. A specimen of a mature horse chestnut tree where local children collect conkers and tree surgeons tell me that this species will become rare in next few years

Planning consent previously not given- i trust the reasons will be upheld and the views of residents who have fought so hard to retain this land for the past 25 years will be taken into consideration and other brownfield sites close by considered as an alternative.

The design materials and look proposed is not in keeping with other development in the area and the neighbourhood of Leverstock Green village.

Lack of information on how social housing will be maintained. Currently council garage doors in area are no longer maintained. They used to be painted biannually. How will bins and parking be screened. The lack of mowing in the area has created a haven for insects and butterflies and bees.

<p>2 Kingcup Avenue Hemel Hempstead Hertfordshire HP2 4GF</p>	<p>My reasons for objecting to the proposed development are 2 fold; the negative impact it would have on my life and my anger as a tax payer for funding such poor design and density of homes and flats, whilst taking away open space from existing homes. No attempt is being made to meet the standards of Net Zero carbon houses.</p> <ul style="list-style-type: none"> - Loss of light and overshadowing <p>My home will be overshadowed by the height of the new development which will be far greater than mine.</p> <ul style="list-style-type: none"> - Adequacy of parking /turning <p>There are severe parking problems in existence on access to St Margaret's Way. Pre Covid in Kingcopse cars regularly blocked access to driveways etc, leaving their vehicles. Stephen Taylor architects replied to concern shared on their online Public Video Presentation "DBC and the design team are aware of the difficulties of parking in the area. To minimize the proposal's impact on existing residents we are providing additional parking above planning standards. We will also be providing secure cycle storage and cycle paths to encourage the use of alternative means of transport" There is no detail of what additional parking it is supposedly providing.</p> <ul style="list-style-type: none"> - Noise and disturbance resulting from use <p>This could be minimized by families, settling down in decent high spec homes, being able to walk their children to school, use a village GP, get a local bus other than early morning to the train station etc. These options will be impossible, as there is no local GP surgery or plans for one. Existing GP surgeries and the local primary school are oversubscribed.</p> <ul style="list-style-type: none"> - Further disturbances from use. <p>The area has pre existing drainage issues, not helped by the recent completion of the Buncefield Lane Quietway with its drainage ditches full, builder's rubble abandoned and cars still accessing it. I have no confidence that the management of surface water drainage and sewerage systems will adequately facilitate the proposed development.</p> <ul style="list-style-type: none"> - Visual intrusion <p>I will be adversely affected. Currently my line of sight overlooks deciduous tree lined park.</p> <ul style="list-style-type: none"> - Design. appearance and type of materials <p>The proposed poor design and appearance is totally incongruous with surrounding homes: red brick as opposed to yellow, concrete columns to support balconies in contrast to the existing steel framed glazed ones, competing roof lines etc</p>
<p>7 Kingcup Avenue Hemel Hempstead</p>	<p>Development too high Height of new development - please show height of adjoining</p>

<p>Hertfordshire HP2 4GF</p>	<p>properties to show proportions. This development looks to be a lot higher than the developments either side. Please add levels and heights of surrounding homes to give understanding of new development height ie section through showing development either side of proposed flats and houses Flats are much higher than adjacent 2 storey houses and 3 storey houses on both adjoining developments</p> <p>General dislike of proposal Elevations of new development are not in keeping with either of the 2 developments adjacent to them to the west approx. 1970s development or east building 2013 Flats are much higher than adjacent 2 storey houses and 3 storey houses on both adjoining developments. Not in keeping with adjacent developments. high turrets and concrete balustrades are ugly and out of date.</p> <p>More open space required New development is very dense more open space should be provided to flats and house have very small gardens and have little outdoor space compared with the surrounding areas By providing new homes you are removing open space for surrounding home Parking although might comply with your requirements Foot paths shown on proposed development leading to Kingcup Avenue 'Kingcove' development have drainage ditches that need to be maintained and are approx. 3 foot deep & wide, people should not be using this route as a public footpath to access new development and steep muddy ground into ditch and out again and not in accordance with approved documents for part M access. Suggest foot path access on part of development that you can provide level access ground suitable with suitable access to include for wheelchair or mobility scooters.</p> <p>Refuse - stores for flats and houses are these all going to be within boundary of properties Suggest foot path access on part of development that you can provide level access ground suitable with suitable access to include for wheelchair or mobility scooters.</p> <p>Inadequate access and car parking and increase in car to existing developments Existing car parking issues Currently on existing development west of proposed site and where you hope to provide access to new development Car and vans park on both side of road and leave single width vehicular access and often not wide enough for a fire appliance to access homes.</p> <p>Also parking of white vans on roads on the existing development from companies based on the industrial estate. Parking prior to covid lock down - Currently as Breakspear park is not in use by companies we are not experiencing this problem but prior to covid Between 20 to 30 cars from staff using this development for parking in day and parking in places that has prevented residents being able to get their cars on to or off of drives or into car parks for the flats. As they</p>
----------------------------------	--

have parked opposite or to close to again access.

Finishes

Red brick may St Margret way houses but kingcopse development has buff or yellow brick with grey upvc window and flats with balconies are PPC steel frames / glazed balconies

Concrete panel and columns to balconies does not match any of the surrounding construction and would be bulky solution to balconies

The elevations of flat show windows with 2 opening lights and and full height glazing onto balconies with no opening light are these fixed?

Pitched roof to flats show sloped areas how will these work gutter drainage wise as RW gutters cannot be laid to extrema falls and function. As water will all run to one point and gutters over flow and run down brick walls

Roof / sky line of flats is not in keeping with any part of adjoining developments and could design of roof could be adjusted to be much more in keeping with adjacent properties

Finishes

Proposed New Development

Balconies columns and balustrades - Concrete acid etches

Roof - red pain tile

Walls - Bricks red multi

Concrete cills acid etched Grey concrete?

Accent brickwork - no mention of type or colour

windows - colour or type not mentioned

Existing Finishes on adjacent developments

Balconies columns and balustrades - PPC steel with glass infill

Roof - Grey Slate or red plain tile. Brown Stonewold or similar

Wall Brick - Red multi or buff yellow

Cills - Precast reconstituted stone cills buff / yellow

Feature cladding - grey timber look alike panels

windows - Grey or white UPVC

Storm water drainage and current use of land

On adjacent development which is lower than the land of the proposed development currently floods say every 6 or 7 years and this is historic, and flood risk assessment was done for planning permission for the kingcup development, one of the planning condition was to provided a suitable layout so the lay of the land would allow any flood water to pass through development. Unfortunately this wasn't upheld or check by the council and 10 houses site on the lowers part of the development which get flooded each time we have extreme prolonged rain so far twice in 7 years.

In providing flats housing carparking and roads on this land that sits above the kingcup development and slopes towards the kingcups development then will the proposed development be adding to this problem and compounding the issues as you will be removing permeable land and adding soakaways for water and making the flooding situation worse and it is rainwater that cannot drain quickly enough into surrounding areas which causes the floods as well as the Marchmont balancing pond over flowing which themes water never

	<p>take responsibility for or maintain as they should. As the ground has a lot of clay the soakaways cannot cope on heavy rain falls</p>
<p>1 Kingcup Avenue Hemel Hempstead Hertfordshire HP2 4GF</p>	<p>Flooding The land where the proposed development will be built is a known flood plain, it is also a flood defence mechanism for the Kings copse development. The developers of Kings copse were to address the flooding as part of planning conditions this was not upheld. The development has been flooded on many occasions. If the council ignores local residents objections, on the basis (per your letter of the 12th August, 21) what compensation may we seek when our homes are flooded, insurance premiums increased and we are unable to sell. Whilst you do not consider property value in our objections, we would ask you consider our quality of life and safety, when our homes are at risk of flooding not only with rain water but raw sewage.</p> <p>Overlooked / Overshadowed / Loss of Light / Loss of Privacy This development will look directly into our property - 2nd and 3rd floor bedrooms which currently look out to hedges and green space. In the winter the taller trees which are not evergreen die back, therefore this development will create a visual intrusion for all properties surrounding it. I find it hard to believe the planning application has appropriately considered overshadowing, a loss of light, and loss of privacy for the surrounding houses of the new proposed development.</p> <p>Loss of green space. Multiple studies have shown that these spaces reduce stress and boost mental and physical health. Green spaces are also associated with better air quality, reduced traffic noise, cooler temperatures, and greater diversity. The land is currently regularly used by the local residents, for walking, exercising, dog walking etc. As mentioned in an objection above there are multiple unused existing buildings in Hemel which could be repurposed and removing eyesores, without creating one and robbing the community of green space.</p> <p>Oversubscribed Infrastructure - There are known sewerage issues in the area especially in the Kings copse development - Local school oversubscribed with a long waiting list. Impact on current residents especially those who can not drive. - No Dr surgery in the village, nearest Dr is not taking new patients.</p> <p>- Busy roads, excessive traffic, noise and lack of parking. We struggle in rush hour and at school drop off times to pull out of our development into Green lane, at school opening and closing Green Lane is parked up, on the school side, and cars need to give way in a one way system. Traffic noise and speed endangering children and pedestrians is already an issue.</p> <p>Objection to Footpath As the current gap in the hedges is used by Kings copse residents to access the green. If the proposed development goes ahead there is no need to create a footpath between the two developments.</p>

	<p>Design Appearance & Type of Materials</p> <p>The proposed development is not in keeping with the surrounding existing homes i.e., height, building materials and density. There is not enough provision for parking which will further impact existing residents.</p>
<p>14 St Margarets Way Hemel Hempstead Hertfordshire HP2 4PA</p>	<p>I would like to object to this proposal for a number of reasons.</p> <ul style="list-style-type: none"> - Additional housing will put a pressure on a local school. - increase of traffic - often local roads get blocked especially in the evenings and mornings it is hard to leave local area in order to join motorway, Leverstock Green way or A 4147 - loss of open outdoor space that has been more important than ever before in a time of global pandemic and increased mental health issues within nation. Lots of people uses that space to walk with dogs or socialise. You can often observe children playing together in the field. There isn't alternative open space like this within the area. Field behind the shops is often trashed and overcrowded and It's about to get worse with development on st Margarets way once again putting pressure on a shared public facilities - parking space it's already an issue for local residents - loose of privacy for existing residents
<p>8 St Margarets Way Hemel Hempstead Hertfordshire HP2 4PA</p>	<p>Object, public consultation was a joke, was minimal and vague details supplied. Feedback was not responded to or answered yet again, and the opportunity to have a face to face consultation rejected even after restrictions allowed and the local school offered outdoor premises to host. Feedback newsletter not addressing of any of St Margaret's way residents concerns and questions and appear to be cherry picked to suit application. Overcrowding and intrusion to current homes being main concern as well as lack of local amenities, flood risk, parking, noise pollution, loss Of Greenland and concerns about ground and tree roots running under current houses. This application has been put in without proper public consultation and it would appear that build now worry about issues later is the approach that's being taken, where I understand there is a need for social housing this should not be to the detriment to the current residents and neighbouring community. I would be happy to forward my objection to original consultation with supporting evidence and concerns if you contact me.</p>
<p>75 Datchworth Turn Hemel Hempstead Hertfordshire HP2 4PE</p>	<p>I, XXXX XXXX XXXX, of 75 Datchworth Turn, Leverstock Green, Hemel Hempstead, Herts. HP2 4PE, HEREBY SAY AS FOLLOWS:</p> <ol style="list-style-type: none"> 1. I have been a resident at 75 Datchworth Turn since May 1992. 2. The facts contained in this, my Witness Statement, are of my own knowledge. <p>Background to the 2018 planning application</p> <ol style="list-style-type: none"> 3. On Thursday 13 December 2018 my neighbour, Mrs. XXXXXX, forwarded to me by text an email which had been sent by XXXXXX XXXXXX of Stephen Taylor Architects to the Headmistress of Leverstock Green Church of England Primary School concerning the proposed social housing scheme for up to 60 new homes at St

Margarets Way and mentioning that a meeting would take place on 10 January 2019 at Holy Trinity Church Hall between 3 and 7 p.m.

4. I was astonished that the Council would take this action so close to Christmas and that it chose to disseminate information about the meeting in this way rather than, as it should, notifying all the residents affected by letter.

5. I therefore endeavoured to establish who the Planning Officer would be for the development, and wrote to Robert Freeman of Dacorum Borough Council. There is now produced and shown to me as Exhibit SJL1 a copy of my email to him of 16 December 2018 together with a copy of his reply.

6. On 10 January 2019 I attended the event at Holy Trinity Church. I expressed my view to Joanne Deacon, the Council's representative, that emailing a headmistress did not amount to proper consultation of local residents, and that it was strange I only received a letter two days after my email had been sent to Mr. Freeman. She claimed the letters had gone out the same day as the email.

7. In any event, I maintain that adequate consultation did not take place and notification of the event should have been disseminated far more widely.

8. It is also of interest to note that despite Mr. Freeman's response, he was mentioned twice at the event in question as being the Planning Officer for the project, once by one of the architect's representatives and again by Joanne Deacon.

9. Many matters were raised by local residents at this event, and a lot of information concerning the development came out, which I shall address below.

Previous events germane to this matter

Planning application for a residential development of 88 homes on a site between Green Lane and Buncefield Lane (hereinafter referred to as "Kings Copse")

10 With regard to this development, I commented on the draft development brief and sustainability appraisal, and there is now produced and shown to me as Exhibit SJL2 a copy of my letter dated 12 September 2007. It will be noted that I comment on flooding in the local area, traffic, and the lack of existing infrastructure. I shall comment on these points as they relate to the proposed development at St Margarets Way further below. It also appears from the comments in my letter that there had been inadequate consultation or notification to local residents at that time as I was clearly not aware of the meeting I refer to in that letter.

11. In April 2009 The Crown Estate wrote to say they had prepared an outline planning application and held a public consultation on 6 and 7 May. I attended that exhibition.

12. There is now produced and shown to me as Exhibit SJL3 a copy of the letter I wrote to the Council dated 10 May 2009 outlining my objections to that proposed development following my attendance at the exhibition. Coincidentally, Mr. Freeman was the Planning Officer for that development.

13. Initially, the Council refused the planning application, and no doubt its reasons for doing so would have included similar considerations. On 10 February 2010 the Council wrote to advise that an appeal had been lodged with the Secretary of State and comments should be made by 18 March 2010. I submitted observations to The Planning Inspectorate.

14. The objections I raised to the above residential development apply equally to the proposed development at St Margarets Way.

Village Green application

15. In 2013 an application was made to Hertfordshire County Council to have the land at St Margarets Way afforded Village Green status.

16. Dacorum Borough Council objected to the application, and there is now produced and shown to me as Exhibit SJL4 a copy of their grounds of objection. Attention is specifically drawn to paragraph 8 of that response where it states:

"Since the AL was transferred to O in 1977 it has been used and, for the whole of the relevant qualifying period commencing on 29/06/1992, has been provided and maintained under section 12(1) of the Housing Act 1985 (*HA 1984) as a recreational ground or open space which serves a beneficial purpose in connection with the requirements of the persons for whom the housing accommodation was provided" (my highlighting).

17. If that was the view of the Council then, it is difficult to see how it now considers the land no longer serves a beneficial purpose for the existing residents.

18. Had there not been a change in the law following the Barkas case, this application may well have been decided differently.

Objections based on the information provided at the event at Holy Trinity church on 10 January 2019

19. It was indicated at that meeting that a planning application is likely to be submitted "in the Spring". I will submit a further Witness Statement setting out my objections once that planning application issues. In the meantime, I have the following comments.

20. Privacy considerations

At present, I am overlooked by the four properties at 23 - 26 St Margarets Way. They can into my property, and vice versa. There is now produced and shown to me as Exhibit SJL5 a photograph of the

view from my lounge window.

21. In addition, as can be seen from the same exhibit, I can also see some of the upper windows of the properties in Kings Copse, which means they can also see my property. The second photograph in this exhibit is the view from my back garden.

22. The proposed development will lead to a further erosion of my privacy.

23. Joanne Deacon mentioned at the event held on 10 January 2019 that one possible plan is to buy out the residents in the flats at 23 - 26 St Margarets Way and then knock the block down, replacing it with three houses. The proposed houses would also be able to look into my home.

24. Parking considerations

I rent the garage at 31 St Margarets Way and there is now produced and shown to me as Exhibit SJL6 a copy of the offer letter from the Council dated 10 January 2007, together with a copy of their latest letter dated 27 February 2019 which shows I still rent two garages.

25. There is now produced and shown to me as Exhibit SJL7 a photograph showing that there are seven garages in total beneath the flats at 23 - 26 St Margarets Way. I asked Joanne Deacon at the event on 10 January 2019 where the cars from these garages are supposed to park bearing in mind that parking is already a problem for residents and has been for some time. Other residents will be providing evidence on this point.

26. Her answer was that there is always parking somewhere. If the Council closes a road for e.g. resurfacing vehicles always find somewhere else to park, so it should not be a problem. However, it is very much a problem, and she fails to appreciate that the closure of a road is only a temporary measure. I commented in my letter of 10 May 2009 (Exhibit SJL3) that inadequate parking had been contemplated for Kings Copse, and the problem has not lessened since then.

27. Traffic considerations

There is now produced and shown to me as Exhibit SJL8 a copy of my letter to the Highways Agency dated 29 March 2009.

28. I also raised the question of traffic in my letters of 12 September 2007 (Exhibit SJL2), 10 May 2009 (Exhibit SJL3) and 15 March 2010 (Exhibit SJL4). The traffic has not improved to any material degree since that time. I am aware from the meeting I attended to discuss the Kings Copse appeal that the Council had consulted Hertfordshire County Council and been advised that it is not necessary to take any local traffic considerations into account. Since then, part time traffic lights have been installed at the top of Green Lane next to Breakspear Park, but they can exacerbate the situation. Other residents will comment further on the traffic situation.

29. Drainage and flooding

Drainage and flooding in the area have been a problem for a very long time. I refer to this in Exhibits SJL2 and 3. Despite the Council assuring everyone that the draining and flooding problems had been fixed, Kings Copse flooded in 2014 not long after the properties were built, and there is now produced and shown to me as Exhibit SJL9 an article from The Leverstock Green Chronicle concerning the flooding of the properties in Kings Copse. I particular draw attention to the following paragraph:

LGVA is concerned about the flooding of new houses in Kings Copse off Green Lane during early January. When the development was originally proposed in 2007, LGVA pointed out very strongly that the area had flooded frequently over many years. Both the authorities and the developer gave assurances that the problem was recognised and that measures would be taken to overcome it. Clearly this did not happen and LGVA has been advised that Thames Water, who are responsible for the drainage of storm water, and the developers are taking urgent action to ensure that the flooding does not recur. DBC is actively involved and our local councillors and LGVA will continue to monitor the situation.

30. Other residents will attest to the fact that there are still regularly problems with raw sewage coming up.

31. Schools

There is now produced and shown to me as Exhibit SJL10 an article from the BBC News website dated 4 March 2019 referring to the lack of school places in Hertfordshire. Where are any children in the proposed new development going to go?

32. Significant disruption to my property

It can be seen from Exhibit SJL6 that the side wall of the garages and flats forming 23 - 26 St Margarets Way forms part of my garden wall. There will be significant disruption if this is pulled down for the three new houses mentioned at the event on 10 January 2019 (see paragraph 23 above) and also security considerations with regard to the side of my property.

33. Maintenance of the proposed social housing

At the event on 10 January 2019 Joanne Deacon argued that because it is the Council, rather than developers, who will own the social housing, the properties will be well maintained. I beg to differ.

34. I draw attention back to Exhibit SJL6 from which it can be seen that (a) paint is peeling off at the top of the properties and (b) the Council failed to paint the strip on the side wall half way down the side of the building. There is now produced and shown to me as Exhibit SJL11 a copy of my exchange of correspondence with Sharon Abbott of the Council in 2015. Although representatives of the Council visited my property in 2015 and took photographs on their iPad, nothing has

been done since.

35. It can be seen that Ms. Abbott alludes to the fact that "due to limited budget availability, the programme is severely delayed and it is unlikely that St Margarets Way will be painted this financial year". I very much doubt that the budget situation will have improved between 2015 and now - if anything, it is likely to have got worse.

36. Social housing and any concerns about tenants' behaviour

At the event on 10 January 2019, I and others expressed concerns about any bad behaviour by tenants. Joanne Deacon said that this would not be an issue because the Council would take action as they would control the properties.

37. My experience does not support this. In April 2009 I had contacted the Council's Noise Pollution department to complain about a resident in a council property nearby. Because the tenant was a Council tenant, responsibility for the complaint was transferred to the Tenant Services Officer. However, in July 2009, rather than resolve the issue, the Council had, in the meantime, granted the tenant in question a fixed tenancy!

Resumption of events in 2020

38. Having been advised that there would be more developments in Spring 2019, I periodically followed up with Councillor Sutton and was advised in May 2019 that:

I can't provide much information at this stage as it is still very much an ongoing situation. The original conceptual ideas have been put on hold as officers are at present considering other options that may well prove to be more apt for the site, in particular, less impact on traffic. I think it is fair to say that it may take a while to sort through the various options. I will make sure that I am kept up to speed and when I have info that I can pass on I will.

39. I continued to send reminders up to October 2019, but no further information was forthcoming.

40. On Thursday 28 May 2020 my neighbour Mrs. Visagie texted me to say that site testing for building commencement had started on the green in front of St Margarets Way. We had not received any notification of this from the Council.

41. I therefore contacted Councillor Sutton the same day and asked for further information.

42. In the meantime, another local resident, Mr. Vince Stone, had written to Councillor Griffiths, and there is now produced and shown to me as Exhibit SJL12 a copy of his email of 3 June 2020 incorporating her reply.

43. On 4 June 2020 Mrs. XXXXXX forwarded to me a text from another neighbour, XXXXX XXXXXXXXXX. The text read as follows:

"The guys that were working here the other day told one of the neighbours that the ground testing outside ours was 2 metered clay followed by 2 metres chalk and would flood and sink if they tried to build on it...".

44. This seems highly relevant, not least in view of other flooding in the same area, as referred to in paragraph 29 above, and also strongly suggests that there should be no development on this land at all.

St Margaret's Way November Newsletter issued by Stephen Taylor Architects on Monday 23 November 2020

45. There is a whole section in this newsletter headed "Flooding". The people of Kings Copse were no doubt assured that flooding issues had been addressed, and look what has happened there (see paragraph 29 above and the reference in this newsletter to further flooding in 2020).

46. As the newsletter acknowledges, there has been a history of flooding on the site, which begs the question as to why the Council still wants to build on this land.

47. In the Sustainability Appraisal Report dated August 2007 it states:

"Flood risk: Increased run off from new development and associated impermeable surfaces and the necessity to undertake a surface water flood risk assessment (SWFRA) as required by PPS25. The site is not located in the Flood Plain as it is within Flood Protection Zone 1 and Groundwater Protection Zone 3. An adequate drainage system will have to be investigated to prevent flooding in the south eastern corner as localised flooding caused by surface run off is an area of concern on this site. Capacity issues at the Thames Water balancing tanks to the north west of the site will also need to be investigated further to ascertain the source of the flooding".

48. In other words, the Council has been aware of flooding issues for the last 13 years and they still have not been adequately addressed.

49. On that basis, the following paragraph:

is of no comfort at all.

50. Hertfordshire County Council should take its responsibilities very seriously in this regard and refuse the proposed development.

Public consultation newsletter despatched 24 May 2021

51. On 24 May 2021 the Council disseminated via email (and subsequently post) a public consultation newsletter.

52. This drew attention to a public consultation video, which comprised various short presentations by the Council, architects, etc.

53. One of the most notable things about these videos is that they

	<p>did not agree on the number of homes which are to be built. At one point, there was a reference to "45+ homes", at another to "50 homes", and in a later presentation on traffic to "46 homes". I would have hoped that the number of homes to be built would be clear by now.</p> <p>54. In one of the presentations, it clearly acknowledges that St. Margaret's Way is a "challenging site", which begs the question as to why alternative, less challenging sites are not being used.</p> <p>55. At one point in the presentation it states that "infrastructure and facilities already exist", but, as usual, no attempt has been made to state how the existing facilities (e.g. the local school) are supposed to cope with this added development.</p> <p>56. Parking is mentioned, but it is not stated how many bays are to be offered per house. If 50 homes are to be built that means potentially 50 additional cars and, as most families have more than one car these days, the figure is likely to be higher. Parking is already a significant problem in Datchworth Turn, and this development has the potential to make it much worse. There is a reference to "car parking standards", but no attempt has been made in the presentation to set out what these are.</p> <p>57. The parking for the three storey development appears to be too close to the rear of the five terraced properties already existing on Datchworth Turn, and may give rise to noise problems.</p> <p>58. The tests referred to with regard to soak-away and discharge from the site are of no comfort at all, bearing in mind my comments in paragraphs 29, 30, and 45 - 49 above.</p> <p>For all the foregoing reasons I request that the proposed development for this site be reconsidered.</p> <p>I believe the facts stated in this, my Witness Statement, are true. Date: 13 June 2021</p>
<p>16 St Margarets Way Hemel Hempstead Hertfordshire HP2 4PA</p>	<p>We object for many reasons.</p> <p>Pressure on local schools</p> <p>Flooding will be a big factor and especially with the climate changing as it currently is!</p> <p>Not enough parking</p> <p>Major loss of privacy</p> <p>Not only will we loose our green space where children play and people walk their dogs, we will now have a road right in front of the houses which is just terrible!</p>
<p>77 Datchworth Turn Hemel Hempstead Hertfordshire</p>	<p>We recently received your letter regarding the development at St Margaret's Way and your invitation to supply comments. I would mention that the letter does not actually include a direct email address</p>

<p>HP2 4PE</p>	<p>for you or the development team. I wouldn't like to suggest that this was deliberate to discourage comments and I'm sure it is simply a typing error.</p> <p>As a resident of 77 Datchworth Turn I am submitting my strong objections to this development covering the specific areas below:</p> <p>Loss of Light and Overshadowing / Overlooking / Loss of Privacy The construction of an apartment building is likely to block light to the back of our property (kitchen/dining room/3 bedrooms). The apartment block and any houses will also result in a complete loss of privacy to our house and garden with residents being able to look directly into our windows and down into our garden.</p> <p>Adequacy of Parkung/Turning The parking situation all around Datchworth Turn is already incredibly difficult as is clear to see when driving along the road. We already have concerns regarding emergency vehicle access when all residents are parked. None of the plans that have been submitted for this development in recent years have adequately addressed this issue. The allocation of 1.5 cars per household which has been mentioned previously is ridiculous given that most families now have at least 2 cars. The new housing plans that have been viewed do not have enough parking allocated for each new house and apartment block, meaning that the new residents will simply add to the congestion that is already near crisis point on our road. The access roads are all small and residential which are not suitable for an increase in traffic and the inevitable act of non-residents using the roads as a cut through route during busier times. Due to the number of families who already live here and school traffic, this increase of traffic presents a real risk to children.</p> <p>Environmental Impact The site allocated for development is an essential green space for the residents of Datchworth Turn and Kings Copse. It provides a safe space for dog walking, exercise, meeting with family/friends and play. This positively impacts on all resident's mental health. Regardless of what the development plan states about 'protecting as much green space as possible', the development will inevitably lead to the decimation of this safe space and the wildlife that use it, replacing it with concrete and tarmac. I find it remarkable that the plans do not highlight flooding as an issue with this site. I believe the same comments were made regarding the Kings Copse estate which subsequently flooded very severely the first winter it was built, with ongoing drainage and flooding issues impacting the school as a result. This does not fill me with great confidence regarding the developer's/council's assurances made that flooding will not be an issue. We have noticed that soil samples have frequently been taken during dry weather spells, presumably to provide the most positive results to support the application.</p> <p>I am very confused as to why the council continues to try and develop this site when every lay person in Leverstock Green can see that the site is not suitable and cannot support 46 dwellings. Due to current climate issues, why is the council not focusing on retaining green</p>
----------------	--

	<p>spaces like this area and re-purposing already concreted sites into functional housing. A brief drive around Hemel Hempstead can identify several disused sites that could be developed into housing. In the 14 years that we have lived in Hemel Hempstead, there has been a huge building behind the ALDI by the A41 that has stood empty and derelict. This could be transformed into housing for many more than 46 dwellings. Driving through Maylands estate, there are warehouses and other areas that are empty and unused. It is much less of an environmental impact to develop an existing building than it is to build from the ground up.</p> <p>Throughout the development process, the council has also failed to identify how local services will cope with this development. Which school are the children to go to as Leverstock Green is already at capacity with a mammoth waiting list? Which doctor's surgery/dentist will the new residents register with as it is already impossible to get an appointment without a 2-4 week wait? I appreciate that this is not a issue for the developers, but it is a major issue for the council that they repeatedly fail to consider when building all new estates across Hemel.</p> <p>I remain hopeful that the council will see the folly of this development and redirect their time and attention to a much more suitable site that will not so negatively impact on all residents.</p>
<p>51 Datchworth Turn Hemel Hempstead Hertfordshire HP2 4PB</p>	<p>I read with interest the leaflet replying to previous concerns. I have talked with a transport planning consultant who could not understand how additional traffic was going to be added to the bottleneck that is Datchworth Turn.</p> <p>Given that there are going to be thousands of houses built within a couple of miles of this land, the suggestion by the council it was required to build 46 dwellings on this open space is questionable to put it mildly</p> <p>There is regular flooding caused by heavy rain There are two videos online showing the results of heavy rain.</p> <p>There is also an issue with stormwater forcing manholes up. The local water board does no seem to have been able to carry out a long term fix as sewage tankers are often to be seen in the area trying to resolve the situation.</p> <p>Parking is a nightmare for many living in Datchworth Turn and St Margarets Way. No everyone has a driveway and the idea that the parking provision should be set at 1.5 cars per dwelling is laughable. There is no point saying that cycleways have been built in the area. They are a white elephant, almost no one uses them. When we go on our bikes from Datchworth Turn the cycleways go nowhere useful. so if this work really has to go ahead access should be straight into Green Lane chopping through the cycle way there. Otherwise at school time it will be impossible to move. Its not great now</p>
<p>2 Chervil Road Hemel Hempstead Hertfordshire HP2 4GQ</p>	<p>There are many reasons why i object to this development, which i have listed above. Currently the area where i reside is a relatively quite development however, with this new proposal i believe this will cause more noise and disruption to the area. In addition to being overlooked and lack of privacy, the traffic on Green Lane which is already busy will be further increased and disruptive. Fianl note: there are enough developments in this area, and so feel the area should not be subject to further increased noise, traffic or pollution.</p>

<p>9 Kingcup Avenue Hemel Hempstead Hertfordshire HP2 4GF</p>	<p>I am writing to you to lodge my formal objection to the proposed development of St Margaret's Way:</p> <p>Application no. 21/03089/MFA - 46 dwellings on land at St Margaret's Way, Hemel Hempstead.</p> <p>As a resident of Kingcup Avenue since 2013, I have seen first hand how the field on St Margaret's Way is an invaluable asset to the community. Both from the perspective of the residents on my estate, as well as the residents on Datchworth Turn and other streets in the neighbourhood.</p> <p>I understand land is a precious commodity, and the plot has been earmarked for housing development. However, I feel there were greater opportunities and wider development scope in other areas of Hemel Hempstead. For example, the recent addition of another McDonalds and Costa Coffee on Maylands Avenue, as well as the current warehouse being built on Maylands. Hemel Hempstead does not need more Warehouses or more fast food outlets. Allowing these plots for commercial use when we are in a housing crisis doesn't feel like the best use of land. That Maylands site was significant and lay vacant for a long time, a lot of properties could have been built on that land.</p> <p>From personal experience, I have used that field every day since moving here. I walk my dog every morning on that field, the open space has allowing him to run free. I play with my very young children on that field, because it's a safe close and enclosed space. While I appreciated the second field is to persist, it is now be left to grow and encourage wildlife. Also, due to the sewage overflows common to that field, it is not a viable space for walking or children. This concerns me that with the addition of the 46 proposed properties connecting to the existing system, the sewage infrastructure will be unable to tolerate the excess, and there will be more consistent overflows.</p> <p>Further to the risk of sewage flooding, the new proposed development, on higher ground presents the risk of flooding to lower developments, in this case Kingcup Avenue. Removing the natural drainage of the field and replacing it with concrete and tarmac increases the risk of surface water to lower positioned developments. Given the Kingcup development has had significant flooding issues in the past, we cannot tolerate the risk this new development poses in terms of a flooding and surface water displacement into Kingcup Avenue.</p> <p>As a development on higher ground, I am also concerned about the proximity of the properties to the existing homes on Datchworth Turn and Kingcup Avenue. Two bedrooms in my property look into the field, with the proposed development, this promotes the risk of new residents being able to see clearly into my property. These rooms are private, and I have a serious concern these proposed properties will overlook and violate the privacy of mine and my wife's bedroom and my child's bedroom. The same issue will affect other Kingcup Avenue and also the residents of Datchworth Turn.</p> <p>I have reviewed the proposition of the development, and I also have a</p>
---	---

concern about the design. While I appreciate striving for an element of modernity, this is not in keeping with the surrounding properties. They are higher than the surrounding two and three storey properties, and their materials create a jarring juxtaposition. A development of this kind should only ever respect and maintain the existing landscape, the proposed development and suggested materials does no such thing. It will not fit with the surrounding developments. Bearing in mind their extreme proximity to Datchworth Turn and Kingcup Avenue, this conflict with the existing properties will create a blot on the landscape.

I also have a serious concern relating to the infrastructure of the roads and the additional burden this development would place on increased traffic levels and parking. I firmly believe the proposed development will not fully account for adequate parking that the 46 properties. Parking is already at a premium on Datchworth Turn, and Kingcup Avenue, does not have the infrastructure to accommodate additional vehicles, nor should it as a private development. The shortfall on parking in this development will bear a significant impact to the surrounding roads, and the encroachment of vehicles into surrounding streets will create a clear and present risk to the current residents.

The existing levels of traffic on Green Lane, and the behaviour and ill-discipline of drivers that use the road and ignore the traffic calming in place is already a concern. The additional levels this proposed development will present cannot be ignored. This doesn't simply affect Green Lane, but also the access routes through Datchworth Turn. I also firmly believe it is not fair on the residents of Datchworth Turn having a road built immediately on their front doorstep after all these years of having a natural green space. Any additional levels of traffic be it via direct or indirect access promotes a higher risk of collisions and accidents. There is a high concentration of families with young children in this community, we must look to safeguard that as much as possible.

Furthermore, this new development puts additional pressure on the local school and will potentially push Kingcup Avenue out of the catchment area. The school does not have the capacity to increase class sizes or the number of forms per year. Again, given the number of families with young children in the area, the lack school places at Leverstock Green is a concern already for many. Some residents on Strawberry Mews have already suffered not being able to secure their child a place at the local school in previous years. This development will potentially take places away from families that have lived here a long time. As a result, this will force families to look at alternative schools and instead of being able to walk to school, they would need to drive or take public transport, creating additional traffic impact.

In summary, my objections are:

- . Poor choice of location given the lack of space
- . Destruction and removal of natural green space for the community
- . Higher risk of sewage overflow
- . Higher risk of flooding
- . Risk of surface water displacement
- . Development proximity looking into private residences

	<ul style="list-style-type: none"> . The design and materials are not in-keeping with the existing estates . Provision for development parking lacking . Additional traffic to a struggling infrastructure . Local school cannot accommodate the new development . New development pushes existing families out of the local school's catchment area . Additional note: Excessive building noise at close proximity to existing properties . Additional note: Access to services such as GPs, Dentists limited
<p>6 Kingcup Avenue Hemel Hempstead Hertfordshire HP2 4GF</p>	<p>The loss of a well used green space at a time when the COVID pandemic has shown how valuable these areas are for peoples well being and mental health, clearly this is a poor choice to shoehorn a development into this area when there are more suitable sites that could be used and not have such a massive impact on surrounding residents.</p> <ul style="list-style-type: none"> • The local school is already massively over subscribed and local infrastructure issues such as the school, and no local doctors surgery should be addressed before any development takes place • The new development will cause privacy issues to both the existing residents and to any new residents should this go ahead. • There is no requirement for a foot path from Kingcup Avenue into the new development, there is no constructed path only a clearing in the hedgerows to allow access onto a green space for exercise and dog walking as this will no longer be available the need for a path is negated. There is no footpath on that side of Kingcup Avenue and therefore would be dangerous for pedestrians as well as cars/delivery drivers if it was constructed. • I am concerned that the flooding risk has not been adequately reviewed, it is already a problem and could be made worst or altered by the new development. • I do not feel the proposed development is in keeping with the surrounding area with regard to both the density and type of dwelling particularly the block of flats
<p>5 Kingcup Avenue Hemel Hempstead Hertfordshire HP2 4GF</p>	<p>The supporting documents as part of this application list many legitimate concerns from residents. I would like to understand how the consultation responses have been considered in the planning application?</p> <p>In the plans there is a proposed pathway between the new development and Kingcup Avenue. The plans misrepresent the size if the gap in the hedgerow today my concerns are as follows:</p> <ol style="list-style-type: none"> 1) Damaging the exiting hedge row and natural boarder 2) Terminating a pathway directly onto a road with limited visibility is a risk to pedestrians and a danger to drivers.

3) The narrow pathway that exists today is use primarily for access to the field for recreation, with the site being developed there will no longer be any need for access.

Schooling

With the addition of the new development this will push the existing developments on Kingcup Avenue and Oakhill Close out of the catchment area from Leverstock Green School.

Data from HCC admission projects that there is shortage of school places in the Hemel Hempstead South East area. With the sibling rule taken into account there are a handful of places available each year.

Local residents without access to cars will be put into an impossible position, as the allocation data does not take into account the public transport routes or walking paths which are unviable. This in turn will further disadvantage those without cars, and for those who do have access to cars it will push more traffic onto an already congested route. There are significant short fallings highlighted in the road safety audit which do not appear to be addressed in any of the existing plans.

Of note:

Numerous points raised regarding access for refuse or emergency services

2.3.3 Summary Lack of details to show how the proposed shared pedestrian-cycleway will tie into the existing footpath
Location Shared pedestrian cycle way connecting to Kingcup Avenue to the east

It is noted from the plans that there is a lack of details to show how the proposed pedestrian-cycleway will tie into the existing footpath along Kingcup Avenue, which is at a significantly lower level. A lack of details setting out the gradient and surfacing of the pedestrian connection would lead to pedestrian, particularly those using a wheelchair, those with a buggy, or a cyclist to lose control and enter the existing footpath or carriageway of Kingcup Avenue injudiciously, increasing the potential to hit another pedestrian or vehicle.

Recommendation

It is recommended that a suitable connection is provided between the site and the verge along the west side of Kingcup Avenue, including appropriate ramped access.

Comment - There is no need for this connection and the recommendation would require the destruction of much of the natural hedgerow to accommodate, which is not in keeping with the current boundary.

2.3.1 Summary It is proposed to create a new footway/parking area at the back of the existing dwellings fronting Datchworth Turn, which is at a lower level than the access road serving the existing garages/flats.

	<p>This could create a significant level difference between the existing residential dwellings, restricting rear access for pedestrians to their properties</p> <p>Location Rear access serving dwellings 75-83 Datchworth Turn</p> <p>It was noted from the site visit that the proposed parking court serving the apartment block will create a significant level difference between the proposed development and the rear of the properties fronting Datchworth Turn (Nos. 75-83). There is a lack of details setting out how existing residents will access the rear of their dwellings once the new parking court is constructed, and it is considered that the provision of stepped access could restrict access for pedestrian, particularly those using a wheelchair or those with a pushchair, from accessing their dwelling.</p> <p>Recommendation</p> <p>It is recommended that the scheme is amended to show how the proposed development will accommodate safe pedestrian access to the existing residential dwellings fronting Datchworth Turn (Nos 75-83).</p> <p>Comment - this appears to be ill conceived and poorly thought-out with potential significant impact to the existing residents.</p>
<p>11 Clinton End Hemel Hempstead Hertfordshire HP2 4PD</p>	<p>This development will have a detrimental effect on this beautiful village. I moved from South London to this much quieter, greener area and have purchased the house i live in. I do not want to live in the middle of a council estate. You are destroying all the green spaces in this area and will cause untold problems with parking and traffic. I love to walk my dog on this green you are planning to dig up. this is also a haven for wildlife and our beautiful Red Kites. I have just lived through a year of houses being built on our local garage land. Have you no shame and no commitment to local residents. Try spending some money on the residents of Leverstock Green. Please do not cause overcrowding in our village. We do not want to be a town and look out of our windows at rows and rows of houses.</p>
<p>3 Bluebell Walk Hemel Hempstead Hertfordshire HP2 4GG</p>	<p>I am writing to object to the proposal of the build on st.margarets way.</p> <p>The surrounding streets are jam packed with cars as it is. To add more vehicles increases the danger to pedestrians who already find it difficult to walk around the community for he amount of cars parked on pavements.</p> <p>The school is already overcrowded and all surrounding schools are at full capacity.</p> <p>No doctors surgeries/dentists locally available or accepting new patients.</p> <p>Plenty of other unused buildings/land that can be used or adapted to suit housing needs rather than taking this piece of green land which so many of us enjoy daily.</p>
<p>5 Strawberry Mews</p>	<p>I object due to the following reasons.</p>

<p>Hemel Hempstead Hertfordshire HP2 4GY</p>	<ul style="list-style-type: none"> -loss of well used green space - increased risk of flooding to the area - pressure on school places (we only live 335 metres from the school and my son didn't get a place in 2019) - increased pressure on parking in the area and also traffic on an already busy area - loss of privacy to many homes nearby
<p>27 Longfield Hemel Hempstead Hertfordshire HP3 8HN</p>	<p>I am objecting to this proposal because:- It contravenes the majority of the Principles of the New Dacorum Local Plan to 2038 (Chapter 10), including:-</p> <ol style="list-style-type: none"> 1. respect the character of the existing settlement pattern and restrict urban sprawl 2. ensure that new development can be served by " necessary"? infrastructure 3. protect the character and value of important landscape heritage and "biodiversity" (" biodiversity" with reference to this development) 4. maximise use of brownfield land for development (therefore minimise green belt developments such as this development) 5.avoid areas of high risk for flooding (look at case study of flooding at adjacent site of Kingcup Avenue) <p>This development would destroy a green belt area of significant biodiversity; increase the likelihood of periodic seasonal flooding; significantly increase traffic congestion in the immediate local area and in the centre of Leverstock Green.</p> <p>The consultation process for this development has not been transparent and is, in my view, unacceptable. There are a significant number of conclusions and comments within the "Ecological Appraisal and Updates" which indicate that this development should not go ahead. The vital issue of the exacerbation of extreme traffic congestion in the local area has not been addressed and this will irreversibly change the character of the local area. (Comments about safe cycle routes and cycle storage will not alleviate this issue, as inevitably, a majority of people will still drive to work and school, according to census figures).</p> <p>This proposal is in direct contravention to the principles and vision for the planning of the New Towns, such as Hemel Hempstead. This vision was to create self sufficient communities (such as Leverstock Green) within the urban area, with a variety of housing, interspersed with green spaces and separated from each other by " green lungs ". The area of the proposed development is one of these, so integral to the success of Hemel Hempstead as a pleasant place to live.</p> <p>I hope that this development can be declined.</p>
<p>19 Kingcup Avenue Hemel Hempstead HP2 4GF</p>	<p>Irreversible, extreme traffic congestion both in the area immediately adjacent to the site and in other areas of Leverstock Green, the additional housing will exacerbate the already heaving traffic on Green Lane. Building more houses will increase the already sparse green areas which take surface water flooding putting even more strain on the Marchmont Pond</p>

ITEM NUMBER: 5b

21/02607/FUL	Conversion of existing 4 bed detached house to 4 self-contained flats.	
Site Address:	9 Neptune Drive, Hemel Hempstead, Hertfordshire, HP2 5QQ	
Applicant/Agent:	Ryan Housing Ltd	Mike Crisell
Case Officer:	Nigel Gibbs	
Parish/Ward:		Highfield
Referral to Committee:	Call-in by Ward Councillor Sammy Barry on basis of "overdevelopment in residential area"	

1. RECOMMENDATION

1.1 That planning permission be granted.

2. SUMMARY

2.1 No. 9 is located within an established residential area of Hemel Hempstead wherein new residential development is acceptable in accordance with Dacorum Core Strategy's (2013) and National Planning Policy Framework's support for new housing.

2.2 The proposal involves altering the dwelling's existing internal and external layout, enabling the provision of 4 self contained flats within this longstanding residential area.

2.3 The application has required the provision of additional plans to address parking/ highway issues and the provision of individual and community facilities for the respective flats.

2.4 The proposal would be in accordance with the NPPF's social objectives, with no overriding environmental objections and would contribute to the Council's Housing land supply.

3. SITE DESCRIPTION

3.1 No. 9 is a link detached extended 4 bedroom two storey gable roof dwellinghouse located on the southern side of Neptune Drive adjoining an amenity area. The dwelling forms the eastern most unit of a row of 5 detached dwellings (nos 1 to 9). It is currently served by an attached garage and driveway, front and rear gardens. Its two storey side extension (Planning Permission 21/01399/FHA) has recently been constructed with parking shown to be provided in the front garden.

4. PROPOSAL

4.1 The proposal is for the dwelling's conversion into 4 one bedroom flats (2 on each floor), served by 4 unallocated parking spaces and a widened access/ crossover, a subdivided fenced rear garden providing individual amenity areas for the 2 ground floor flats and a communal garden area and shed. The existing garage would provide a communal refuse and cycle storage area. There will be no changes to the elevations.

4.2 There have been 2 additional consultations with neighbours regarding additional/amended plans addressing the parking/ access/ sight line and the garden layout respectively.

4.3 Please Note: The Applicant lives at no.18 Neptune Drive.

5. PLANNING HISTORY

Planning Applications

21/01399/FHA - Two storey side extension and single storey rear garage extension.
GRA - 2nd June 2021

6. CONSTRAINTS

CIL Zone: CIL3

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. POLICIES

National

National Planning Policy Framework 2021

National Planning Policy Guidance

National Design Guide

Dacorum Core Strategy 2013

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

CS10 - Quality of Settlement Design

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

CS13 - Quality of Public Realm

CS17- New Housing

CS18- Mix of Housing

CS29 - Sustainable Design and Construction

CS32 - Air, Water and Soil Quality

Hemel Place Strategy

Saved Policies of the Dacorum Borough Local Plan 2004

Policy 10 –Optimising the Use of Urban Land

Policy 13- Conditions

Policy 18- Size of New Dwellings
Policy 19- Conversions
Policy 21 – Density of Development
Policy 51- Development and Transport Impacts
Policy 54- Highway Design
Policy 58- Private Parking Provision
Policy 62- Cyclists
Policy 113- Exterior Lighting
Appendices 3 and 8

Site Allocations 2017

Supplementary Planning Guidance / Documents/ Advice Notes

Parking Standards Supplementary Planning Document (Nov 2020)
Environmental Guidelines Supplementary Planning Document
Refuse Storage Advice Note (2015)
Area Based Policies Supplementary Planning Guidance including HCA 20: Highfield p167 to 171
Energy Efficiency and Conservation Supplementary Planning Document
Sustainable Development Advice Note
Water Conservation Supplementary Planning Document
Planning requirements for waste water Advice Note
Hertfordshire County Council Local Transport Plan 4

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:
Policy and Principle - Residential Use /Housing.
Layout/ Impact upon Residential Amenity.
The highway/ parking implications.

Policy and Principle: Residential Use / Housing

9.2. The site is located within the urban area of Hemel. Through Policies CS1 and CS4 of the Dacorum Core Strategy new residential development is acceptable in principle. CS1 confirms Hemel Hempstead is to support new homes, as expressed through Hemel Place Strategy. CS4 clarifies that in residential areas appropriate residential development is encouraged.

9.3. CS1 explains that Hemel will be the focus of new homes and other development with an emphasis upon a range of factors. These include (d) maintaining the existing neighbourhood pattern. Any new development is required to comply with 3 criteria including being based upon the neighbourhood concept.

9.4 Policy CS2 also supports the development of previously developed land and building, as defined by the NPPF.

9.5 Policy CS17 supports new residential development to meet the Borough's housing needs with saved Policy 10 of the Dacorum Borough Local Plan (DBLP) expecting the optimisation of urban land. This is set against the Framework's emphasis upon delivering sustainable development, with the social objective of providing a sufficient number and range of new homes, as expressed through the NPPF's Part 5. Policy CS18 addresses the requirement to support a choice of homes through the provision of a range of housing types, sizes and tenure. This echoes the Framework's Paragraph 62.

9.6 Saved DBLP Policy 19 relates to the conversion of buildings to residential which includes a range of criteria specifying standards regarding layout.

9.7 Layout is also addressed by the Framework's Parts 12 and 8 relating to high quality design/promoting healthy and safe communities. The NPPF and the National Design Guide are complemented by Policies CS10, CS11, CS12, CS13, saved DBLP Appendix 3 (which establishes the parameters for new development) and the Area Based Policies Supplementary Planning Document, with Area HCA20 being directly relevant.

9.8 These housing based policies are set against the Framework's approach to 'making effective use of land' under its Part 11. This provides a context for saved DBLP Policy 21 regarding Density of Residential Development.

9.9 The NPPF's Para 124 notes:

'Planning policies and decisions should support development that makes efficient use of land, taking into account:

(a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;

(b) local market conditions and viability;

(c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;

(d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and

(e) the importance of securing well-designed, attractive and healthy places.

9.10 Para 125 explains that 'area-based character assessments, design guides and codes and masterplans can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places. Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site'.

9.11 HCA 20 (pp167 to 171) approach to new development is to 'maintain and improve the defined character'. The specified 'Scope for Residential Development' is an 'Area of Minimal Change'. Page 169 addresses the conversion to smaller units which is to be discouraged throughout.

9.12 This policy predates the Framework regarding delivering housing and has to be considered against the Council not having a demonstrable 5-year supply of deliverable housing sites. Under the Framework's paragraph 11 planning permission should therefore be granted unless:

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed ; or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

9.13 The Council's recent support for no. 9's enlargement has enabled scope for its conversion / subdivision in diversifying its housing supply within HCA 20, representing an opportunity to provide

alternative accommodation. Given the NPPF's key objective of delivering new housing it is not considered that HCA 20's approach to discouraging smaller units should be given overriding weight. In this context there is a case for supporting the principle of the subdivision. This also takes into account that HCA 20's Development Principles for Housing confirms that all types of dwelling are acceptable (p170).

Layout

9.14 This is with reference to Policies CS11, C12 and CS13 ,saved DBLP Appendix 3 and HCA 20, saved DBLP Policy 19 ,the Framework's Part 12 and the National Design Guide.

9.15 Policies CS11, CS12 and CS13 are generally consistent with the relevant aims of the Framework. These expect that development within settlements should respect the typical density in the area, integrate with the streetscape character and contribute to the quality of the public realm, reinforced by the Framework's Part 12 and National Design Guide. The Framework's Paragraph 134 explains that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes.

9.16 The National Design Guide notes under H1 the importance of a 'Healthy, comfortable and safe internal and external environment' with reference to the 2019 NPPF's Paragraphs 124 to 128.

9.17 This is also with reference to saved DBLP Policy 19 which supports the conversion of houses to flats in the Borough's towns except in the following circumstances:

(a) in roads where a significant proportion of the houses originally built as single family dwellings are already converted (or have permission for conversion) to flats or other uses. Here a concentration of converted properties in a part of the road will normally be avoided.

(b) in roads where traffic movement would be hindered and the safety of road users and pedestrians prejudiced.

(c) in small houses with an internal floor area of less than 110 sq. m.

d) in terraced houses over 110 sq. m (internal area), unless they contain three or more bedrooms.

9.18 In applying these Policy 19 criteria to the application site , there is no planning record of any other conversions in Neptune Drive, HCC Highways has not objected, the internal floorspace (through Planning Permission 21/01399/FHA) is over 100 sqm and no. 9 is not a terraced unit.

9.19 Saved DBLP Policy 19: Layout Criteria/ Issues. This wide ranging policy specifies:

'All conversions must be designed to a high standard, taking full account of the character of the area. Conversions which would adversely affect the architectural or historic character of a listed building and/or its setting will not be acceptable. In particular where flats are provided, the following criteria must also be satisfied:

(i) flats should be self-contained;

(ii) flats should have a reasonably convenient layout, having due regard to neighbours;

(iii) the layout should include adequate amenities, such as refuse disposal facilities, drying areas and proper access to outdoor amenity space: outdoor amenity space should be provided wherever possible, and most particularly where houses would be converted;

(iv) flats should have a reasonable amount of internal space;

(v) flats should be adequately insulated to limit the transmission of noise; and

(vi) unless the building is within easy walking distance of a wide range of facilities, services and passenger transport, convenient off-street car parking should be provided in accordance with the guidelines set out in Appendix 5 of the Plan. It must be done without detracting from the amenity and character of the property itself or the neighbouring properties. In particular the parking should be landscaped, retaining established trees and where possible shrubs, and should not dominate any gardens. Off-site or prominent front garden parking which spoils the street scene will not be acceptable'.

9.20 In applying these saved Policy 19 criteria to the proposal, it would comply with criteria (i), (ii) and (iii).

9.21 With reference to (iv) the internal space for each flat is just above the 22 sqm as referred to by DBLP Para 19.4 which is part of the Background to Policy 19. It specifies that this requirement is for a reasonable standard of living space. It notes Environmental Health standards recommend the minimum size of flat should not be less than 22 sq. m of habitable floor area (habitable floor area is the internal measurement of all living and kitchen areas, excluding toilets, bathrooms and circulation areas). This is different to the Technical Housing Standards – nationally described space standard which have not yet been adopted by the Council.

9.22 With regard to noise transmission (v) this is addressed through Building Regulations- Hertfordshire Building Control has not responded to the LPA's consultation.

9.23 In respect of criterion (vi) parking is referred to later in the report. The parking would dominate the front garden on a prominent corner and be contrary to HCA 20's 'Development Principles' which discourage the conversion of front gardens to vehicle hardstandings (p170). Notwithstanding some proposed planting the impact of the parking would be visually intrusive within the streetscape. However, it is questionable that this impact would justify as reason for refusal of the application. This takes into account that the parking could be provided now as 'permitted development' as a 'fall- back position and the current character of the locality is already significantly affected by the visual effect of existing parking. The use of the front garden for parking in a more informal and less intense way was shown by the scheme subject to Planning Permission 21/01399/FHA.

The Impact upon the Residential Amenity of the Area

9.24 This is with due regard to the site conditions, the expectations of Policy CS12, saved DBLP Policy 19 and DBLP Appendix 3. It is with reference to the physical impact, privacy, the receipt of day and sunlight and noise and disturbance, the local representations to the application and the Council's Environmental and Community Team's response. It is fully acknowledged that there would be a likely intensification of the building's use/greater activity, including the garden area and vehicular parking implications. However, the Council's Environmental and Community Team raises no objections. Based upon the long established spacing of dwellings and the approach to the extension, it is considered that there would not be a case to refuse the application based upon privacy.

Highway Safety / Access/ Parking Issues

9.25 Hertfordshire County Council Highways raises no objections to the revised approach to the parking layout/ access / sight lines following its initial response. This takes into account that the sight line will be affected by the parking. In this Parking Zone 3 location there is a requirement for 1 unallocated space for each one bedroom flat. Two electric charging points would be required by a condition. The garage provides an inbuilt area for secure cycle storage.

9.26 The ground floor units provide an opportunity to be adapted for access to persons with disabilities and limited mobility. A fire tender can park outside the site.

9.27 The use of the garage for the communal refuse storage is far more acceptable than the initially proposed external storage area. This would have been very visually intrusive and restricted visibility.

Other Matters

9.28. There are no apparent secured by design / security issues. There are no drainage/ water supply implications given the responses from Thames Water and Affinity Water, with the requirement for a drainage related highway condition. There are no apparent contamination or ecological implications. No additional exterior lighting is proposed. An Environmental Impact Assessment is not necessary.

9.29 There are a significant number of local objections. This is indicative of the community's concerns regarding the introduction of flats into the locality with environmental, highway and environmental implications.

9.30 However, set against the NPFF's expectations for LPAs to support new housing, it is not considered that the proposed inclusive alternative use of the approved enlarged dwelling would justify a refusal based upon the impact upon the character of the area by representing an overdevelopment. This overview takes into account the responses from the technical consultees and the most up to date policies. The scheme is workable, providing 4 small flats adding to the Council's housing supply, with adequate accommodation and associated facilities. This overview recognises that the parking area would be visually intrusive but not a reason to substantiate refusal of the application, given that the front garden could be converted to a front parking area as 'permitted development'.

10 . CONCLUSIONS

10.1 The proposal is in accordance with the Framework's social objectives in providing additional housing ideal for those requiring smallscale accommodation. It is an intense use of the site, but very compact with adequate facilities to ensure that the development it is self contained. Any harm to the streetscape from the proposed parking is offset by the fact that such is permitted by virtue of the Town and Country General Permitted Development Order and therefore would not justify a refusal of the application.

10.2 With reference to the lack of a 5 year housing supply, there are significant housing benefits in providing this additional type of housing in accordance with the Framework's paragraph 61. With reference to the tilted balance and National Planning Policy's Paragraph 11 (d), this social benefit is important and on balance is considered to outweigh any environmental reservations.

11. RECOMMENDATION

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

Condition(s) and Reason(s):

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

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

- 2. No flat hereby permitted shall be occupied until the parking and access arrangements and garden layouts have been provided fully in accordance with the approved plans**

subject to Condition 8 . Thereafter the layout shall be retained at all times in accordance with the approved plans and only used for the approved purposes.

Reason: To ensure that the parking, access and site facilities /arrangements are provided at all times in accordance with Policies CS8 and CS12 of Dacorum Core Strategy (2013) and Policy 19 of the saved Dacorum Borough Local Plan (2004).

3. **The garage at the site shall at all times be available for communal refuse storage and cycle storage.**

Reason: To ensure that the permanent provision of facilities to serve the development all times in accordance with Policy CS12 of Dacorum Core Strategy (2013) and and Policy 19 of the saved Dacorum Borough Local Plan (2004).

4. **Prior to the first use of the development hereby permitted the vehicular access shall be completed and thereafter retained at all times in fully in accordance with Drawing Number 089/PR/202 REV A to a maximum of 5.4 metres (4 dropped kerbs and 2 risers) in accordance with HCC Highways 'Dropped Kerbs: Terms and Conditions'. Prior to the first use appropriate arrangements 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 carriage of extraneous material or surface water from or onto the highway in accordance with Policies CS8 and CS12 of Dacorum Core Strategy (2013) and Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and the advice of Hertfordshire County Council Highways.

5. **Prior to the first use of the development hereby permitted a visibility splay shall be provided in full accordance with the details shown by approved Drawing No. 089/PR/202 REV A. The splay shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.**

Reason: To ensure that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety in accordance with in accordance with Policies CS8 and CS12 of Dacorum Core Strategy (2013) and Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and the advice of Hertfordshire County Council Highways.

6. **Prior to occupation of the development hereby permitted 2 Electric Vehicle Charging Points and any associated infrastructure shall have been provided and these measures shall thereafter be retained at all times.**

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. **A tree shall be planted in the garden and bat and bird boxes installed at the site in accordance with details submitted to and approved in writing by the local planning authority within 3 months of the first occupation of any of the flats hereby permitted. The tree and boxes shall be retained at all times.**

Reason: In the interests of sustainable development in accordance with Policy CS29 of Dacorum Core Strategy (2013).

8. **Subject to the requirements of other conditions of this planning permission , the development hereby permitted shall be carried out fully in accordance with the following plans:**

325-7-1-Rev A (Location Plan)
325-7-6-Rev A (Ground Floor)
325-7-7-Rev A (First Floor)
325-7-8 Rev A (Elevations)
089/PR/ 202Rev A (Parking, Access/Dropped Kerbs, Sight Line)
325-8-18-RevA (Layout: Garden)

Reason: For the avoidance of doubt.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Environmental And Community Protection (DBC)	<p>Noise /Air Quality</p> <p>No objection on noise or air quality grounds.</p> <p>Land Contamination</p> <p>Having reviewed the application submission and the ECP records I am able to confirm that there is no objection on the grounds of land contamination. Also, there is no requirement for further contaminated land information to be provided, or for contaminated land planning conditions to be recommended in relation to this application.</p>
Herfordshire Building Control	Response awaited.
Affinity Water - Three Valleys Water PLC	Thank you for forwarding this application. We have reviewed the development and do not have any further comments to make.
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, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.</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</p>

	<p>development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. 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. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. 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: 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>INITIAL ADVICE</p> <p>The proposal is for the conversion of the existing 4 bed detached house to 4 self-contained flats at 9 Neptune Drive, Hemel Hempstead. This is an interim response owing to concern regarding access arrangements for the 4 parking spaces shown on drawing number 325-7-5 A. The current dwelling has a single dropped kerb that accesses a carriage type drive. There is no dropped kerb for the other opening and it is deemed that this opening may be accessed by mounting the kerb which is an offence under the Highways act 1980. HCC Highways only allows up to 5.4 metres (4 dropped kerb and 2 risers) for a single dwellings dropped kerb and 7.2 metres (6 dropped kerbs and 2 risers) for a shared dwelling dropped kerb in some cases. HCC Highways would like to see on detailed drawings the location of dropped kerbs to facilitate the parking of the 4 vehicles shown on drawing 325-7-5 A, all dropped kerbs must be split from another dropped kerb by one single raised kerb and 2 risers (Please see HCC Highways dropped kerbs: Terms and Conditions. If this cannot be achieved without mounting the kerb then HCC Highways would be recommending a refusal for this proposal.</p>

	<p>The interim response is a chance for the applicant to provide additional information before any recommendation is made. Visibility splays for any new access will need to be 2.4 x 22 metres owing to the bend and illustrated on detailed drawings. Once this has been completed then HCC Highways can make an informed recommendation for this proposal.</p>
<p>Hertfordshire Highways (HCC)</p>	<p>AMENDED PROPOSAL Conversion of existing 4 bed detached house to 4 selfcontained flats.</p> <p>Decision</p> <p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <p>1) Prior to the first use of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number 089/PR/202 to a maximum of 5.4 metres (4 dropped kerbs and 2 risers) in accordance with HCC Highways Dropped Kerbs: Terms and Conditions.</p> <p>Prior to use appropriate arrangements 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><u>Reason:</u> To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <p>2) Provision of Visibility Splays - Dimensioned on Approved Plan Prior to the first use of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved drawing 089/PR/202. The splay shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.</p> <p><u>Reason:</u> To ensure that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <p><u>Highway Informatives</u> HCC as Highway Authority recommends inclusion of the following</p>

Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN 1) New or amended vehicle crossover access (section 184): Where works are required within the public highway to facilitate a 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 County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

AN 2) 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 County Council website at:

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

AN 3) Obstruction of highway: 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 County Council website at:

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

AN 4) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. 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 and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

Comments

The proposal is following amendments for the conversion of existing 4 bed detached house to 4 self-contained flats at 9 Neptune Drive, Hemel Hempstead. Neptune Drive is a 30 mph unclassified .Local access route that is highway maintainable at public expense. HCC Highways has previously commented on this application in relation to a lack of detail for the new accesses.

Vehicle Access

HCC Highways has decided to recommend approval for this application but with the inclusion of condition 1 above. This is because the plans show that the two new dropped kerbs will be larger than 5.4 metres total including the risers which is what is expected by HCC. Therefore, although not shown on the plans, it is deemed that the two access can be constructed to 5.4 metres (4 dropped kerbs and 2 risers) independently within the guidelines of a section 184 agreement. Therefore, these issues will need to ironed out at the section 184 agreement when the applicant officially applies for the two new dropped kerbs for the 4 flats (new drawings may need to be provided). The dropped kerbs must be completed by a contractor who has been chosen by HCC Highways - please see informative 1 above.

Parking is a matter for the local planning authority and as such any parking arrangements will need to be agreed by them.

Drainage

The proposed new driveways would need to make adequate provision for drainage on site to ensure that surface water does not discharge onto the highway. Surface water from the new driveway would need be collected and disposed of on site.

Refuse / Waste Collection

Provision would need to be made for an on-site bin-refuse store within 30m of each dwelling and within 25m of the kerbside/bin collection point. The collection method must be confirmed as

	<p>acceptable by DBC waste management.</p> <p><u>Conclusion</u> HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informative (in relation to entering into a Section 184 Agreement) and conditions.</p>
Environmental And Community Protection (DBC)	Following the re-consultation on this one, I am just confirming that the advice provided below remains valid.
Affinity Water - Three Valleys Water PLC	Please see above.

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
11	23	0	22	1

Neighbour Responses

Address	Comments
24 Neptune Drive Hemel Hempstead Hertfordshire HP2 5QE	<p>The objection is based on the following:</p> <ol style="list-style-type: none"> 1) Parking - There is limited parking on the road as it is and this could be dangerous for emergency vehicles. 2) Drainage - the drainage is not designed to come with such a vast volume of waste 3) Noise - the road is tranquil and is a road filled with young families, noise pollution is a concern 4) Keeping in line with existing property - The houses are detached and are not converted flats, this could de-value the property <p>We still object to the development. The parking remains a huge stumbling block; we would struggle to reverse off of our drive and the view would be restricted. A further concern is noise pollution, having a significant increase in residents would raise the level of noise pollution. The area has lots of young families and an increase in traffic would by default increase the risk posed to the children on the road.</p>
18 Neptune Drive Hemel Hempstead Hertfordshire HP2 5QQ	<p>The properties on Neptune drive consist of 2 bedroom maisonette flats ,block of two bedroom flats, two bedroom houses and 3-4bed houses. All of which when standing in the street can be easily identified/seen. But No.9 Neptune Drive is at this moment identified as a large house. This would not change with the internal proposal of 4 flats. Hence the street scene would not change as all four flats would share the same front door to enter the property.</p>

The bins can share the bike storage area and would therefore not be seen from the street. No one would know No.9 was four flats unless they were made aware of it.

Local Area Jupiter Drive has a street scene consisting of bungalows 3 storey town houses terraced housing and flats.

The back of the property has remained unchanged so privacy unaffected and remains the same .

I would like to comment in regards to the local area within 300 yards from 9 Neptune Drive there has been two blocks of flats built one within 10 years and the most recent one within 3 years both of which are modern builds. Number 9 from the front would still look like a house you would not know there were flats inside.

In address to the misunderstanding noted from my previous comment regarding the local area, the intention was to clarify that the local area inhabits several mixed properties. Both modern flats,one which was built 10 years ago and the most recent, three years ago. All of which reside within 300 yards of number 9,Neptune Drive.

Number 9 is one of 5 houses, with the next property on that side of the road being number 43 Neptune Drive. Which is some 340 yards away.

Number 20 is a 3 bedroom house with a separate small single persons annex at the back. Number 9 has already been granted planning for a 2 story extension which nobody had no comments from neighbours regarding size. The extension was completed 4 months ago and matches the exterior of the property to its original shell. There is also a large plot of grass and a large tree next to number 9, balancing the visual aesthetics.

As previously mentioned in comments, all properties on Neptune Drive are defined by the outside profile. This was taken into deep consideration when constructing its development and one we did not wish to change. Number 9 Neptune Drive is at this moment identified as a large house. This would not change with the internal proposal of 4 flats. Hence the street scene would not change as all 4 flats would share the same front door to enter the property.

In address to the misunderstandings noted from my previous comment regarding the local area, the intention was to clarify that the local area inhabits several mixed properties. Both modern flats, one which was built ten years ago and the most recent, three years ago. All of which reside within 300 yards of Number 9, Neptune Drive.

Number nine is one of five houses, with the next property on that side of the road being Number 43 Neptune Drive. Which is some 340 yards away.

Number 20 is a three-bedroom house with a separate small single person's annex at the back. Number 9 has already been granted planning for a two-story extension which notably, had no comments from neighbours regarding size. The extension was completed four months ago and matches the exterior of the property to its original shell. There is also a large plot of grass and a large tree next to number 9, balancing the visual aesthetics.

As previously mentioned in comments, all properties on Neptune drive

	<p>are defined by the outside profile. This was taken into deep consideration when constructing its development and one we did not wish to change. Number 9 Neptune drive is at this moment identified as a large house. This would not change with the internal proposal of four flats. Hence the street scene would not change as all four flats would share the same front door to enter the property.</p>
<p>7 Neptune Drive Hemel Hempstead Hertfordshire HP2 5QQ</p>	<p>I object to this planning application for the following reasons:</p> <p>Potentially eight cars if four couples move in, plus visitors, not enough parking, parking on the kerbs/pavement not enough room for emergency services in the case of an emergency, and pedestrians potentially obstructed by more parked cars along the footpath.</p> <p>The drainage system was designed for houses and not flats. Drainage system could therefore be put under strain affecting the drainage run serving neighbouring houses.</p> <p>The houses in the near vicinity are detached family houses therefore four flats would not be keeping with the character of the area.</p> <p>There will be an invasion of privacy with flats overlooking our private garden.</p> <p>Increased general noise levels. Further to the revised information update notice (bin storage to be re-located to the existing garage). I object to this scheme as per my previous comments and comments below. This would mean 8 nr bins and 4 nr small food bins (12 bins in total plus the green garden bin as well) Most if not all the houses along the street only have a maximum of 3 bins plus a small food bin which take up enough room as it is with same plot sizes etc..... i.e. not enough room to facilitate 13 nr bins on one plot/house. Bins stores containing multiple bins should really be kept as far away as possible from where people are living, in a separate purpose built area due to noise generated from general use of bins and collections, high risk of attracting rats and other vermin which can be hazardous to health and a pest nuisance, unwanted smells/odors which are un-pleasant, access for refuge collection and overall aesthetics.</p> <p>My property situated directly next door and would mean the bin store would be right next to my property. Keeping the bins in the existing garage has the high potential of attracting rats and other vermin which carry diseases, cause bad un-wanted smells with my upstairs bedrooms situated in close enough proximity, it will be more noisy with garage door constantly opening and closing and bin lids banging. Its noisy enough at the moment and that just with 3 bins per property.</p> <p>Inadequate access, if the garage door needs to open for the access and egress of the bins not really sure how the parking space in front of the garage is going to work. Which could mean less parking at the property.</p> <p>Further to the latest revised proposed plan, I still object to this planning</p>

	<p>application. My previous comments outline my concerns... I.e parking, noise, bins, loss of privacy with the proposed flats overlooking into my private garden.. This is directly next door to my house and I think this would invade mine and my family which I have 2 young daughters privacy. The whole proposal is totally out of character with the street with houses in and around the development are 3 bedroom detached houses. I feel this could also set a precedent, plus the bins are directly beneath my daughters bedroom window which could cause unwanted smells and noise.</p>
<p>28 Neptune Drive Hemel Hempstead Hertfordshire HP2 5QE</p>	<p>I am objecting to this application for the following reasons</p> <p>1) I believe parking arrangements for this property if converted to 4 flats would be a issue, there is a high potential of cars of up-to 6-8 would be permanently parked if some of the flats had and most likely would have more than 2 cars per household, the property is located on a very tight part of the street therefore there would be parking on the curbs, let alone the parking problems there would be when visitors attend.</p> <p>The street is already very narrow so this would make problems for any emergency vehicles that would need to enter the street.</p> <p>2) there would be problems with noise nuisance, we have had problems in the past on the street with a HMO where there were constant noise and problems and that property was only 2 dwellings let alone a 4 self contained flats. This is mainly a quite family based street with small children in the area who currently feel safe and are happy.</p> <p>3) waste issues would also arrive as there would have to be several bins and caddy's to cater for the number of people living at the property, that would visually have an affect on the street.</p> <p>i understand this may seem like a good investment opportunity for the applicant and i respect this, but I believe this is not a suitable street for such conversion and hope you will take this and other objections seriously thank you.</p>
<p>3 Neptune Drive Hemel Hempstead Hertfordshire HP2 5QQ</p>	<p>In view of the 9 Neptune Drive development location which presents a serious traffic hazard when the refuse collection vehicle trying to maneuver around that corner of the Neptune Drive. At present the vehicle has very limit room to maneuver without adding another ostacle of potentially extra eight cars parked around that area.</p> <p>At the moment the development of four self-contained flats is by no means of adding value to the area but pose a disturbance of local harmony. I do firmly believe it is a mistake to allow such development to go ahead.</p>
<p>22 Neptune Drive Hemel Hempstead Hertfordshire HP2 5QE</p>	<p>This can't happen surely? As a neighbour in the area next to the Supported Housing, that has been bad enough. That property is divided into two flats and with visitors and health visitors etc it was mayhem reversing off my drive. Unsightly with an overload of parked cars on the paths and kerbs and of course a huge obstruction for everyone. The main concern must also be the pricing of the property. These are primarily all detached properties, I have nothing in front or</p>

	<p>behind my property and that was one of the main attractions when buying. 4 flats would bring the average price down which is no good for anyone including the applicant. Now potentially looking at 4 flats, god knows how many tenants and extra vehicles for which there is just no space. All in all, not a great look for the overall keeping of the area.</p> <p>I reject to the application as even with the provision for the parking of 4 cars there could well be upto 8 cars. The owner of this property already has 3-4 cars which already obstructs our view coming off the drive. 20 is also two flats which is currently vacant but before the place was bombarded with careworkers parking and visiting at all sorts of hours. Once 20 becomes occupied, again you could be adding 2-4 further vehicles. There is then the further additional vehicles regardless. There are lots of young kids here, I have a newborn and a 7 year old and my neighbour also has two very young kids. What has been a quiet residential area safe for kids runs the risk of becoming dangerous and overcrowded.</p> <p>I reject to the application as even with the provision for the parking of 4 cars there could well be upto 8 cars. The owner of this property already has 3-4 cars which already obstructs our view coming off the drive. 20 next door is also two flats for Supported Housing which is currently vacant but before the place was bombarded with careworkers parking and visiting at all sorts of hours. No doubt they will be rented again at some point also meaning at least another 2-4 cars + visitors. There is then the further additional vehicles regardless. There are lots of young kids here, I have a newborn and a 7 year old and my neighbour also has two very young kids. What has been a quiet residential area safe for kids runs the risk of becoming dangerous and overcrowded.</p> <p>I reject to the application as even with the provision for the parking of 4 cars there could well be upto 8 cars. The owner of this property already has 3-4 cars which already obstructs our view coming off the drive. 20 next door is also two flats for Supported Housing which is currently vacant but before the place was bombarded with careworkers parking and visiting at all sorts of hours. No doubt they will be rented again at some point also meaning at least another 2-4 cars + visitors. There is then the further additional vehicles regardless. There are lots of young kids here, I have a newborn and a 7 year old and my neighbour also has two very young kids. What has been a quiet residential area safe for kids runs the risk of becoming dangerous and overcrowded.</p>
<p>5 Neptune Drive Hemel Hempstead Hertfordshire HP2 5QQ</p>	<p>My understanding is that the original plan was to extend the existing 3 bedroom house to be a 5 bedroom single occupancy dwelling. In principal I had no objection to this plan. Permission for this original plan has been granted by D.B.C.</p> <p>I now find a further request for planning that changes what was a 3 bedroom house to 4 self-contained flats. I list my objections to this proposal as follows.</p> <p>(a) Parking arrangements - the 4 flats could have a total of 8 vehicles not including visitors making parking inadequate within the property boundaries, resulting in more road/pavement parking (1 drop kerb entrance only existing).</p> <p>(b) This property is situated on a tight bend in the road resulting in loss of vehicle sightlines. With greater numbers of vehicles reversing from the property this has to be a greater risk of accidents including pedestrians.</p> <p>(c) The submitted plans shows the extension extending to the D.B.C.'s</p>

	<p>corner plot of land making rear access either through the house or garage meaning the storage position of 8 household bins together with 4 food waste bins would stand facing the road and would be detrimental to the street scene.</p> <p>The housing in this area is mainly made up of 3 bedroom family homes that I understand are in great demand. In my opinion making a good family home into 4 very small flats is not the best way to deal with this demand. I feel this would set a precedent!</p> <p>I trust the items of objection (a) to (c) will be seriously considered.</p> <p>Further to my previous objection I have read the additional information addressing concerns already raised. This only goes to show that there will be additional parking required for this proposal of four flats admitting to all the issues this will raise.</p> <p>The storage of bins located in the garage (to be kept out of sight) is unlikely to be adhered to.</p> <p>As to comments regarding the type of housing in Neptune Drive and surrounding area these were built around the 1960's and when houses were purchased over the years since buyers had full knowledge of the type of housing in their area. They were not expecting any houses to be converted to 4 flats.</p> <p>I would like to state again these are family homes and it was never envisaged that these types of houses would be converted into a "multiple occupancy property".</p> <p>I again strongly object to this planning application.</p>
<p>1 Neptune Drive Hemel Hempstead Hertfordshire HP2 5QQ</p>	<p>We do not feel this proposal fits the neighbourhood. A family home area would not be served well by a block of single bedroom flats.</p> <p>Parking provision is inadequate and Neptune Drive cannot support the high number of vehicles associated with this development.</p>
<p>16 Neptune Drive Hemel Hempstead Hertfordshire HP2 5QQ</p>	<p>Further to my previous comments submitted in connection with proposals to 9 Neptune Drive.</p> <p>The recent revised plan shows an area adjacent to both sides of the lobby noted "Ground Floor Plan" with a 1.8m high fence enclosure. I presume these are open patios and not designated building lines for future extension proposals.</p> <p>The bin storage would, I feel, still be a problem ie 4 no. blue plus 4 no. grey together with 4 no. food waste bins all contained within a closed area could still become a health hazard, particularly from food waste also difficult when required for collection.</p> <p>Neptune Drive area is mainly for family homes consisting of 3 or 4 bedrooms, side garage and front hardstanding, but no.9, the original dwelling, together with the 2 storey side extension converted into 4 no. flats appears to present a much over developed plot of land.</p> <p>Points to be seriously considered with all other items of objections submitted.</p> <p>In connection with comments submitted from No.18 Neptune Drive, I can understand "their" support as the applicant Ryan Housing Ltd are occupants of No.18 and owners of No.9 opposite, the property in question.</p> <p>Adjacent housing No.1 to No.36 Neptune Drive are all private family homes and I cannot see what properties in Jupiter Drive are relevant i.e. 3 storey flats, bungalows and terraced houses to this application.</p>

	<p>My original objections submitted, parking, bin storage etc. together with the above paragraphs I sincerely hope will be seriously considered by the Planning Committee.</p>
<p>22 Neptune Drive Hemel Hempstead Hertfordshire HP2 5QE</p>	<p>I object the planing of building 4 flats. My main concern is parking space and safety. My property is on the bending curve opposite the site, even the plan have 4 car parking space but potential of another 4 cars parking opposite my property will obstruct the view of incoming vehicles on both side also obstruct the view when I reverse my car out of my drive which could cause the accident or collision which this would be direct impact on my day to day living which the problem will never gone away. Furthermore more it won't have enough space for our family and friends when they visit us.</p>
<p>14 Neptune Drive Hemel</p>	<p>14 Neptune Drive</p> <p>Original</p> <p>The property is currently being extended from three-bedroom property to a four bedroom, planning application 21/01399/FHA. The extension is built right up to the boundary of Council land and there is no access to the rear garden other than through the house or garage.</p> <p>I object to the application regarding the conversion into four flats. The refuse bins will have to be located at the front of the property and four flats could equate to eight vehicles within the curtilage of the property.</p> <p>The property is situated on an approach to the bend in the road and in the past past, emergency vehicles have been unable to get through due to parked cars.</p> <p>Response 2</p> <p>Thank you for your letter dated 19 August advising me that the Council has received amended/ additional information for the above proposal.</p> <p>The amendments are not described in your letter and the proposals is the same as the original. As you are aware the property has been extended from a three bedroom property to a four bedroom, planning application 21/01399/FHA. The extension is built right up to the boundary and there is no access to the rear garden other than through the house or garage,</p> <p>My original objection to the planning still strands, as I cannot see how parking of up to eight vehicles and the placement of refuse bins for four households could be located anywhere other than at the front of the property.</p> <p>The property is situated on an approach to the bend on the road and the past, emergency vehicles have been unable to get through due to parked vehicles. We already have problems with 'pavement ' parking and the constriction of one dwelling in to four would only create an even more dangerous situation.</p> <p>Response 3</p>

	<p>These include:</p> <p>This includes reference to a procedural issue regarding details on the website and the following:</p> <p>I have also been aware of comments regarding the make-up of housing in the area by the occupants of No. 18 Neptune Drive who own and are developing no. 9.</p> <p>The details are totally inaccurate. For instance, 'The Planets' area is a development, which was NTS housing and is the east side of the Highfield area. The west side is DBC development where there are a number of elderly peoples' bungalows.</p> <p>There are no bungalows in Jupiter Drive, but there were bungalows in Achilles Close that were converted into houses.</p> <p>Neptune Drive, Apollo Way, Uranus Road and Pluto Rise consist of three or four bedroom detached family houses, a small development of maisonettes, which have gardens and garages and a small development of semi/ terraced houses. The remainder of the estate comprises terraced houses of 2, 3 and 4 bedrooms, toggeries with low level a high level blocks of flats. With a dire shortage of family homes and ever increasing development of 'high rise; flats in Hemel Hempstead we should be looking at retaining as many real family homes as possible.</p>
<p>16 Neptune Drive , Hemel</p>	<p>Representation 1</p> <p>Further to your letter dated 5.7.2021 in connection with the above proposed planning application I wish to my comments of objections , as listed below, be considered:</p> <p>(a).Parking Arrangements. The 4 flats could have a total of 8 vehicles not including visitors making parking inadequate within the property boundaries, resulting in road parking (1 dropped kerb entrance only existing).</p> <p>(b).This property is situated on a tight bend resulting in the loss of vehicle sight lines bur also causes problems for emergency and refuse collection as occurred in the past.</p> <p>(c).The submitted plans shows the extension extending to the DBC's corner plot of land making rear access either through the garage or dwelling..</p> <p>(d).Storage position of eight household bins together with four waste bins has not been identified, which from the plans indicate they would otherwise stand fronting onto the road. This would face my lounge window presenting am unsightly visual conglomeration and also would be detrimental to the street scene.</p> <p>(e). Until the receipt of your letter there has been no notice of the proposed application i.e. extension of a 3 bedroom dwelling into 4 bedrooms (construction ongoing) followed by conversion into 4 self contained flats.</p> <p>Trusting items (a) to (e) will be seriously considered.</p> <p>Representation 2</p> <p>Please find enclosed further information added to my objections already submitted tpo the above application.</p>

	<p>1. Item 7 (application form) ie Trees and hedges should red YES!! A large Wild Cherry Tree standing within falling distance of the property (height approx . 7.5m) -2m above ridge line of extension.</p> <p>2. Item 8 (application form) not completed.</p> <p>3. Parking amd bin storage. Although 4 parking spaces have been indicated on the representative sketch occupration of one flat by 2 professionals could result in an extra car which multiplied by 4 flats increases the numbers of cars with insufficiemnt area for parking.It also shows an additional dropped kerb acces opposite my garage and hardstanding entrance.</p> <p>4. I presume the garage dopor is to be removed and replaced with some sort of screen walls? Access to waste bins will be extremely difficult when required for collection ie moving cars etc. Communal bin storage would also cause even more problems.</p> <p>5. As bins will be stored internally tris could become a health hazard especially from kitchen waste (smells and vermin).</p> <p>6. Regarding parking , although 4 cars are shown whre are visitors expected to park? At present vehicles already park on the bend , restricting visibilty making it difficult foe pedestrians to pass.</p> <p>When I selected this area and purchased my property, it was for a quiet location, private detached dwellings not expecting to face a block of flats. Once again trusting these comments will be given serious consideration.</p>
16 Neptune Drive, Hemel	<p>In connection with comments submitted from No.18 Neptune Drive, I can understand "their" support as the applicant Ryan Housing Ltd are occupants of No.18 and owners of No.9 opposite, the property in question.</p> <p>Adjacent housing No.1 to No.36 Neptune Drive are all private family homes and I cannot see what properties in Jupiter Drive are relevant i.e. 3 storey flats, bungalows and terraced houses to this application.</p> <p>My original objections submitted, parking, bin storage etc. together with the above paragraphs I sincerely hope will be seriously considered by the Planning Committee.</p>
5 Neptune Drive, Hemel Hempstead, Hertfordshire HP2 5QQ	<p>Reasons for comment: - General dislike of proposal</p> <ul style="list-style-type: none"> - Inadequate access - Inadequate parking provision - Increase in traffic - Increase of pollution - Loss of parking - Noise nuisance - Out of keeping with character of area - Over development <p>Comments: My understanding is that the original plan was to extend the existing 3 bedroom house to be a 5 bedroom single occupancy dwelling. In principal I had no objection to this plan. Permission for this original plan has been granted by D.B.C.</p> <p>I now find a further request for planning that changes what was a 3 bedroom house to 4 self-contained flats. I list my objections to this proposal as follows.</p>

	<p>(a) Parking arrangements - the 4 flats could have a total of 8 vehicles not including visitors making parking inadequate within the property boundaries, resulting in more road/pavement parking (1 drop kerb entrance only existing).</p> <p>(b) This property is situated on a tight bend in the road resulting in loss of vehicle sightlines. With greater numbers of vehicles reversing from the property this has to be a greater risk of accidents including pedestrians.</p> <p>(c) The submitted plans shows the extension extending to the D.B.C.'s corner plot of land making rear access either through the house or garage meaning the storage position of 8 household bins together with 4 food waste bins would stand facing the road and would be detrimental to the street scene.</p> <p>The housing in this area is mainly made up of 3 bedroom family homes that I understand are in great demand. In my opinion making a good family home into 4 very small flats is not the best way to deal with this demand. I feel this would set a precedent!</p> <p>I trust the items of objection (a) to (c) will be seriously considered.</p>
<p>28 Neptune Drive, Hemel Hempstead, Hertfordshire HP2 5QE</p>	<p>Reasons for comment: - Affect local ecology</p> <ul style="list-style-type: none"> - Conflict with local plan - Inadequate parking provision - Increase danger of flooding - Increase in traffic - Increase of pollution - Loss of privacy - Noise nuisance - Out of keeping with character of area - Over development <p>Comments: I am objecting to this application for the following reasons</p> <p>1) I believe parking arrangements for this property if converted to 4 flats would be a issue, there is a high potential of cars of up-to 6-8 would be permanently parked if some of the flats had and most likely would have more than 2 cars per household, the property is located on a very tight part of the street therefore there would be parking on the curbs, let alone the parking problems there would be when visitors attend.</p> <p>The street is already very narrow so this would make problems for any emergency vehicles that would need to enter the street.</p> <p>2) there would be problems with noise nuisance, we have had problems in the past on the street with a HMO where there were constant noise and problems and that property was only 2 dwellings let alone a 4 self contained flats. This is mainly a quite family based street with small children in the area who currently feel safe and are happy.</p> <p>3) waste issues would also arrive as there would have to be several bins and caddy's to cater for the number of people living at the property, that would visually have an affect on the street.</p> <p>i understand this may seem like a good investment opportunity for the applicant and i respect this, but I believe this is not a suitable street for such conversion and hope you will take this and other objections</p>

	seriously thank you.
1 Neptune Drive Hemel Hempstead Hertfordshire HP2 5QQ	<p>Reasons for comment: - Inadequate parking provision</p> <ul style="list-style-type: none"> - Increase in traffic - Noise nuisance - Out of keeping with character of area <p>Comments: We do not feel this proposal fits the neighbourhood. A family home area would not be served well by a block of single bedroom flats.</p> <p>Parking provision is inadequate and Neptune Drive cannot support the high number of vehicles associated with this development.</p>
3 Neptune Drive, Hemel Hempstead, Hertfordshire HP2 5QQ	<p>Reasons for comment: - Inadequate parking provision</p> <ul style="list-style-type: none"> - Increase in traffic - Over development <p>Comments: In view of the 9 Neptune Drive development location which presents a serious traffic hazard when the refuse collection vehicle trying to maneuver around that corner of the Neptune Drive. At present the vehicle has very limit room to maneuver without adding another ostacle of potentially extra eight cars parked around that area.</p> <p>At the moment the development of four self-contained flats is by no means of adding value to the area but pose a disturbance of local harmony. I do firmly believe it is a mistake to allow such development to go ahead.</p>
16 Neptune Drive, Hemel Hempstead, Hertfordshire HP2 5QQ	<p>Reasons for comment: - Inadequate parking provision</p> <ul style="list-style-type: none"> - Increase in traffic - Increase of pollution - Over development <p>Comments: Further to my previous comments submitted in connection with proposals to 9 Neptune Drive.</p> <p>The recent revised plan shows an area adjacent to both sides of the lobby noted "Ground Floor Plan" with a 1.8m high fence enclosure. I presume these are open patios and not designated building lines for future extension proposals.</p> <p>The bin storage would, I feel, still be a problem ie 4 no. blue plus 4 no. grey together with 4 no. food waste bins all contained within a closed area could still become a health hazard, particularly from food waste also difficult when required for collection.</p> <p>Neptune Drive area is mainly for family homes consisting of 3 or 4 bedrooms, side garage and front hardstanding, but no.9, the original dwelling, together with the 2 storey side extension converted into 4 no. flats appears to present a much over developed plot of land.</p> <p>Points to be seriously considered with all other items of objections submitted.</p>
16 Neptune Drive, Hemel Hempstead, Hertfordshire HP2 5QQ	<ul style="list-style-type: none"> - Inadequate parking provision - Increase of pollution - Over development <p>In connection with comments submitted from No.18 Neptune Drive, I can understand "their" support as the applicant Ryan Housing Ltd are occupants of No.18 and owners of No.9 opposite, the property in question.</p>

	<p>Adjacent housing No.1 to No.36 Neptune Drive are all private family homes and I cannot see what properties in Jupiter Drive are relevant i.e. 3 storey flats, bungalows and terraced houses to this application.</p> <p>My original objections submitted, parking, bin storage etc. together with the above paragraphs I sincerely hope will be seriously considered by the Planning Committee.</p>
<p>7 Neptune Drive, Hemel Hempstead, Hertfordshire HP2 5QQ</p>	<ul style="list-style-type: none"> - Close to adjoining properties - Conflict with local plan - Development too high - General dislike of proposal - Inadequate access - Inadequate parking provision - Inadequate public transport provisions - Increase danger of flooding - Increase in traffic - Increase of pollution - Information missing from plans - Loss of light - Loss of parking - Loss of privacy - More open space needed on development - No opinion expressed on development - Noise nuisance - Not enough info given on application - Out of keeping with character of area - Over development - Residential amenity - Strain on existing community facilities - Traffic or Highways <p>Comments: Further to the latest revised proposed plan, I still object to this planning application. My previous comments outline my concerns... I.e parking, noise, bins, loss of privacy with the proposed flats overlooking into my private garden.. This is directly next door to my house and I think this would invade mine and my family which I have 2 young daughters privacy. The whole proposal is totally out of character with the street with houses in and around the development are 3 bedroom detached houses. I feel this could also set a precedent, plus the bins are directly beneath my daughters bedroom window which could cause unwanted smells and noise.</p>
<p>24 Neptune Drive, Hemel Hempstead, Hertfordshire HP2 5QE</p>	<ul style="list-style-type: none"> - Inadequate parking provision - Increase in traffic - Increase of pollution - Loss of parking - Noise nuisance <p>We still object to the development. The parking remains a huge stumbing block; we would struggle to reverse off of our drive and the view would be restricted. A further concern is noise pollution, having a significant increase in residents would raise the level of noise pollution. The area has lots of young families and an increase in traffic would by default increase the risk posed to the children on the road.</p>

Agenda Item 5c

ITEM NUMBER: 5c

21/01058/FUL	Conversion of the existing water tower (sui generis) to residential (C3), incorporating the infilling of the concrete pillars at the base of the tower and the construction of a flat roof canopy; and the construction of new access road.	
Site Address:	Water Tower Luton Road Markyate Hertfordshire	
Applicant/Agent:	R Gill	Mr David Lomas
Case Officer:	Colin Lecart	
Parish/Ward:	Markyate Parish Council	Watling
Referral to Committee:	Objection received from Parish Council	

1. RECOMMENDATION

That planning permission be GRANTED.

2. SUMMARY

2.1 Overall, it is considered that the proposed development would not result in greater spatial or visual harm to the openness of the Green Belt, especially when taking into account the five main purposes of including land within the Green Belt contained within the NPPF. The assessment has taken into account the individual site context, profile of the existing building and the proposed building works of which the majority to not expand or 'sprawl' beyond the established built envelope of the existing building.

2.2 There is no objection to the design of the dwelling and it is considered that the proposal represents an opportunity to create a high quality, innovative and distinctive dwelling. It is also considered that the development would not have an adverse impact on the residential amenity of the surrounding dwellings and provide an acceptable level of amenity for future occupants.

2.3 The Trees and Woodlands Officer has no objection to the protection measures for retained trees contained within the application. Likewise, Hertfordshire Highways has no objections to the proposal, noting that an existing access of Luton Road is to be used.

2.4 As such, the proposal is recommended for approval subject to the conditions contained within this report.

3. SITE DESCRIPTION

3.1 The application site comprises a disused Water Tower Located on the southern side of Luton Road, Markyate. The site is part of a wider woodland which is protected by two separate Tree Preservation Orders and is also located within the Green Belt.

3.2 To the north lies open fields with a Rights of Way running through these. Ribbon development comprising residential dwellings is located just to the north east of the site, along Luton Road with what appears to be commercial related development located to the rear of these. More residential dwellings are located along Caddington Common as well as on Markyate Road to the north east. Caddington Hall, a former care home, is located to the south west of the site. The wider area comprises primarily agricultural fields with Markyate located to the west.

4. PROPOSAL

4.1 The application seeks planning permission for the conversion of the existing water tower (sui generis) to residential (C3) including the construction of a new access. The infilling of the lower portion of the water tower is proposed to accommodate this conversion.

5. PLANNING HISTORY

Planning Applications:

4/01691/05/FUL - Conversion to four/five bedroom house
WDN - 23rd September 2005

4/01449/03/TEL - Six pole-mounted dual polar antennae located around top of water tower with six dishes and ten equipment cabins
PRQR - 12th August 2003

6. CONSTRAINTS

CIL Zone: CIL2

Green Belt: Policy: CS5

Parish: Markyate CP

RAF Halton and Chenies Zone: Red (10.7m)

Parking Standards: New Zone 3

EA Source Protection Zone: 3

Tree Preservation Order: 406, Details of Trees: A1 Trees various within area Various

Tree Preservation Order: TPO 563, Details of Trees: A1 All trees of whatsoever 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 (2021)

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

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

Relevant Policies:

Core Strategy (2013)

NP1 - Supporting Development

CS1 - Distribution of Development

CS5 – Green Belt

CS8 – Sustainable Transport

CS9 – Management of Roads
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS17 – New Housing
CS18 – Mix of Housing
CS24 – The Chilterns Area of Outstanding Natural Beauty
CS26 – Green Infrastructure
CS27 - Quality of the Historic Environment
CS28 – Carbon Emission Reductions
CS29 - Sustainable Design and Construction
CS31 – Water Management
CS32 – Air, Soil and Water Quality
CS35 – Infrastructure and Developer Contributions

Local Plan (2004):

Policy 10 – Optimising the Use of Urban Land
Policy 18 – The Size of New Dwellings
Policy 21 – Density of Residential Development
Policy 51- Transport Impacts
Policy 58 – Private Parking
Policy 99 – Preservation of Trees, Hedgerows and Woodlands
Policy 111 – Building Heights

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2020)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal;
The impact on the openness of the Green Belt;
The quality of design and impact on visual amenity;
The Impact on Heritage Assets
The Impact on the Chiltern Hills AONB;
The impact on residential amenity;
The impact on highway safety and car parking
The impact on trees; and
Other material planning considerations (such as ecology, flood risk, ground contamination etc).

Principle of Development

9.2 The application site is located within the Green Belt where Policy CS5 of the Core Strategy (2013) seeks to protect the openness of the Green Belt in accordance with national policy.

9.3 Paragraph 138 of the National Planning Policy Framework (NPPF) (2021) sets out the five purposes of including land within the Green Belt which are:

- To check the unrestricted sprawl of large built-up areas
- To prevent neighbouring towns merging into one another
- To assist in safeguarding the countryside from encroachment
- To preserve the setting and special character of historic towns
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

9.4 Paragraph 149 of the NPPF states the construction of new buildings should be regarded as inappropriate in the Green Belt. However, a number of exceptions to this are listed, one of which being the limited infilling or 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.

9.5 It is considered the building is of substantial and permanent construction and therefore it, and its curtilage, come under the definition of previously developed land as contained within Annex 2 of the NPPF.

9.6 Paragraph 80 of the NPPF states that planning policies and decisions should avoid the development of isolated homes in the countryside. Both *Braintree District Council v SSCLG [2018]* and *Bramshill v SSHCLG [2021]* are judgements which provide meaning on 'isolated homes in the countryside'. Overall, the judgements point to the fact that the decision maker should consider whether the development would be physically isolated, in the sense of being isolated from a settlement. The extent of the formal village boundary in a development plan should not be used as a sole determinant in assessing whether a dwelling is isolated from a settlement.

9.7 Markyate, located to the west of the site, is identified as a large village within the Core Strategy (2013) and it is considered there is no doubt with regards to its status as an established settlement. The application site is located approximately a 3 minute drive to Markyate's high street, approximately a 15-20 minute walk, or 4 minute cycle. In this context, it is not considered that the site is physically isolated from the settlement. On the ground, it is considered that a dwelling at the site, and indeed those already existing along Luton Road, can be considered to be functionally part of the village in that residents would have reasonably quick access to services/amenities contained within the village and likely maintain social ties within the settlement due to their proximity and use of these services/amenities. Thus, it is considered the application would not result in an isolated home in the countryside when having regard to the relevant case law.

9.8 Policy 10 of the Local Plan (2004) also states that vacant or underused land and buildings should be brought into the appropriate use(s) as soon as practicable through new building, conversion, adaptation or other alteration. Section 11 of the NPPF also places an emphasis on making effective use of land, noting that planning decisions should promote and support the development of under-utilised land and buildings.

9.9 As a result of the above, it is considered the principle of the development is acceptable in principle.

Impact on the Openness of the Green Belt

9.10 The concept of 'openness' is taken to mean the state of being free from built development, the absence of buildings – as distinct from the absence of visual impact (*R (Lee Valley Regional Park Authority) v Epping Forest DC [2016] EWCA Civ 404, Treacy, Underhill, Lindblom LJJ*).

9.11 However, in the case of *Goodman Logistics Developments (UK) Ltd v Secretary of State for Communities and Local Government and another [2017]* it was determined that visual harm and/or perception was an "obviously material" consideration and that the perceived effect upon openness

could be less than might be expected because, for example, the development would have a limited effect upon people's perception of openness from beyond the boundary of the site. In this sense, the visual impact has to be viewed through the concept of openness itself, rather than in more general terms.

9.12 Despite this, it is important to note that *R.(oao Samuel Smith Old Brewery) v Yorkshire County Council [2020]* determined that matters relevant to openness in any particular case are a matter of planning judgement, not law.

9.13 Case law generally establishes that there can be a spatial and a visual aspect to the openness of the Green Belt. It is considered the individual context of the site, existing buildings and this area of the Green Belt and its 'openness' are paramount in applying a planning judgement.

Spatial Impact

9.14 The agent has provided the figures for the existing and proposed Gross Internal Area (GIA), Gross External Area (GEA) and volume figures for the development. These are provided below along with the associated percentage increases.

	<u>Existing</u>	<u>Proposed</u>	<u>% Increase</u>
<u>Gross Internal Area (GIA) (m²)</u>	114	372	226%
<u>Gross External Area (GEA) (m²)</u>	215	470	119.0%
<u>Volume (m³)</u>	1237	2238	81%

9.15 The figures above show that there would be significant increases as a result of the development. However, the context of the existing building and the proposed works in relation to it on the ground have to be taken into account with respect to this. It is considered that the figures are somewhat distorted in that a large portion of the increases would relate to the infilling of the water tower between its existing concrete legs.

9.16 Overall, the building is significant in mass as existing. A central element extends to the ground with the main drum located above this. This drum is then in turn supported by several concrete beams which extend to the ground along the outer edges. The proposal would infill the areas between the central element (that serves as access to the upper building), and the outer concrete legs. This infilling would not extend past the already established concrete legs that form the outer rim of the existing development at ground level. Therefore, the works that are necessary in order to convert the building would not extend outwards of the established built envelope of the existing building.

9.17 The existing water tower measures approximately 17.75m in height. The proposed elevations show the finished height of the development as approximately 19.8m. Thus, there would be a height increase of approximately 2.05m. However, this height increase would not occur across the full expanse of the upper water tower and largely occurs to accommodate a very shallow pitched roof to the building.

9.18 A canopy would be provided to shelter parked vehicles and this would expand from the outer edge of the proposed development, and therefore the existing envelope of the building. However, this would be a slim feature that simply extends outward from the side wall of the finished development and would not be an enclosed structure. Therefore it is considered this element would not have an impact on the spatial openness of the Green Belt.

9.19 The development would include the construction of a new access road within the site. The extent of the access road (post construction) would not extend disproportionately outwards from the proposed building. Furthermore, it would be positioned between an existing access road directly to the northeast, Luton Road to the frontage, and the existing Caddington Hall access to the west. Engineering operations like these are considered an appropriate form of development in the Green Belt under Paragraph 150 of the NPPF and the inclusion of this access road would not have a wider impact on spatial openness nor conflict with the purposes of including land within the Green Belt.

9.20 Therefore, while the calculations of the existing and proposed development would indicate increases in built form, this would largely occur due to the infilling of the lower areas of the water tower which would not expand beyond the existing built envelope of the building. Furthermore, the site is located in close proximity to built development along Luton Road, with a commercial related development located to the rear of these dwellings, Caddington Hall to the south west, as well as existing residential and commercial development located to the north east, along Markyate Road. As such, it is considered the existing building, as well as the proposed development, is and would be well contained within existing built up pockets of development on the approach to Markyate.

9.21 Overall, despite the numerical calculations, regard has to be paid to the existing site context, existing building, and the proposed development within these confines when assessing the development's relative impact on the spatial openness of the Green Belt compared to the existing built form. Due to the context surrounding the proposal, it is considered that the proposal would not result in greater harm to the spatial openness of the Green Belt above and beyond the existing situation. As such, it is considered the proposal does not conflict with the overall purposes of including land within the Green Belt, which are again shown below:

- To check the unrestricted sprawl of large built-up areas
- To prevent neighbouring towns merging into one another
- To assist in safeguarding the countryside from encroachment
- To preserve the setting and special character of historic towns
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land
-

9.22 Overall, the infilling of the water tower would not result in significant sprawl beyond the existing envelope of the development. It is considered the height increase would not materially impact the overall spatial openness of the Green Belt when having regard to the existing scale of the building, and the shallow pitched nature of the roof which it largely accommodates, which means the full height increase referred to above would not occur across the entirety of the existing envelope of the building.

Visual Impact

9.23 As stated previously, the issue of the visual impact on the Green Belt must be assessed through the concept of openness, rather than from a visual amenity or character aspect, which will be covered below.

9.24 It is considered that the primary public views of the existing water tower are offered from along Luton Road, as well as the rights of way to the north. The submitted Landscape and Visual Impact Assessment (LVIA) confirms this. It is noted that many of the views contained within the LVIA were taken on days which were poorer than usual visibility. However, the site and its surroundings have been visited on multiple occasions, in different seasons, and it is not considered the water tower is widely perceived from long range views.

9.25 Due to heavy landscaping along Luton Road, the water tower is not perceived from long range distances when travelling from the north east or south west along Luton Road. It is perceived from perforated views through the landscaping once in closer proximity to the site and then more openly

outside the access. From the rights of way to the north, views are obscured depending on times of the year. The most recent site visit took place in October 2021 and at this time the tower was largely still obscured by landscaping along the boundary with the field. However, the site was first visited in January 2019 and it is noted that the tower was more visible at this time of year.

9.26 As previously stated, it is not considered the height increase, which largely accommodates the shallow pitched roof, would lead to a marked increase in perceived height of the water tower, especially when considering its current scale. From the Rights of Way, it is considered the infilling of the lower portion of the tower would not be widely perceivable. Even during the winter, it was mainly the highest portions of the tower which were perceivable. The lower portion would become more visible as one approaches the access to the Right of Way along Luton Road.

9.27 From the access to the Rights of Way as well as the access to the site itself, the infilling would be clearly visible. However, from these views, one would perceive the infilled building in close proximity to the existing ribbon development located on Luton Road, as well as the access route to Caddington Hall. Thus, from this view the site would be perceived in a context defined by existing pockets of built development on approach to Markyate.

9.28 The development would be larger in scale and massing than these existing dwellings. However, this scale and massing above the existing dwellings is already experienced as per the existing situation. As mentioned previously, the building works associated with the conversion of the tower would not extend beyond the existing built envelope of the existing building at ground level (with exception of the vehicle canopy which is open in nature). It is not considered that the existing slot views between the central element (used for access) and outer legs of the tower contribute significantly to a sense of openness whereby this loss would have a marked impact on the perceived openness of the site. The existing water tower dominated the immediate site context. A condition removing Schedule 2, Part 1, Class A Permitted Development Rights will be imposed on any permission given to ensure no extensions are constructed following completion of the development under these rights.

9.29 It is not considered that the increase in height would have a wide ranging visual impact on openness from long range views, due to the roof form and shallow pitch of this, which accounts for the majority of the increase. From outside the site, the angle at which the roof would be perceived, combined with its shallow pitch, would not ultimately result in a significant increase in the perceived scale of the building over and above the existing situation.

9.30 Any vehicle parking or other residential paraphernalia would be viewed against that which is already visible along the road due to the existing dwellings.

9.31 The floor plans show that there would be limited window openings on the northern elevation of the tower, which faces the road, reducing light splay at the higher levels. Details of non-reflective glazing to be used as well as an external lighting plan will be secured by condition to further reduce light splay.

9.32 Due to the above, it is considered that the development would not have greater harm on the visual openness of the Green Belt than the existing building.

Quality of Design / Impact on Visual Amenity

9.33 Policies CS11 and CS12 of the Core Strategy (2013) aim to ensure development respects the overall character and appearance of the area. Section 12 of the NPPF also provides an overarching objective of achieving well-designed places. Paragraph 130 of the NPPF states that planning policies and decisions should ensure developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

9.34 There is no objection to the design of the proposed development. The proposal would largely retain the form of the existing feature but the use of some contrasting materials (such as timber cladding), carefully positioned glazing, and the low profile of the roof which forms a silhouette would effectively break up the mass and bulk of the existing structure while retaining its existing form as far as possible.

9.35 The majority of the new glazed openings serving the development would face southwards, away from the road. The design and access statement indicates that the windows serving the bedrooms would have flush slim line profile frames. The statement also refers to the proposed use of anti-reflective glazing (Saint Gobin = Vision Lite anti-reflective coated glass). The combination of limited glazing facing the road (as well as the Rights of Way to the north) and the use of anti-reflective glazing would minimise light splay into the surrounding area. Existing landscaping on site would also assist with this as well as any proposed planting scheme. As previously stated, full manufacturers specifications of the anti-reflective glazing will be secured by condition.

9.36 The Conservation and Design Officer has no objection to the design in principle, though has commented that the proposed roof should be metal roof rather than the proposed asphalt and that any finish should be a dull matt colour. Final details of the finishes and materials will be secured by condition as a result, as well as details of hard and soft landscaping and the full manufacturer's specification of the proposed anti-reflective glazing to be used. A condition removing Schedule 2, Part 1, Class C Permitted Developments Rights will be imposed on any permission given, to ensure additional glazing in the form of roof lights are not inserted following completion of the development.

9.37 A cell web root protection access road is proposed during construction to ensure the protection of tree routes during this process. The majority of this access would be removed post construction, with an element around the water tower and access to Luton Road being retained and made good post construction. It is noted that the cell protection membrane may have to be built up with several layers during construction. There is no objection to this for the purposes of construction. However, a condition will secure details of the existing and final proposed levels of the site, to ensure that the access road does not rise significantly above the land level of the road.

9.38 As such, there is no objection to the design of the proposal. It is considered the proposal represents an opportunity to convert an existing disused building to create an innovative and high quality home while retaining the general form the former water tower.

Impact on Heritage Assets

9.39 Policy CS27 of the Core Strategy (2013) states that the integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced.

9.40 Markyate Cell, a Grade II* Listed Building is located west of the application site. However, it is located a significant distance away and as a result views of the development would not be available from the Listed Building or its associated grounds. Furthermore, the conservation officer has not objected to the proposal on grounds related to harm to a designated or undesignated heritage asset.

9.41 Therefore, having regard to Section 16 and 66 of the Listed Buildings and Conservation Areas 1990 (as amended), Section 16 of the NPPF (2021) and Policy CS27 of the Core Strategy (2013), it is considered the proposal would not result in harm to any heritage assets.

Impact on Chiltern Hills AONB

9.42 Policy CS24 of the Core Strategy (2013) states that the special qualities of the Chilterns Area of Outstanding Natural Beauty will be conserved. The site is not located within the AONB, however this designation is located west of the site.

9.43 Due to the distance between the AONB designated land to the west and the application site, it is considered the development not be perceived to any significant extent from the Chiltern Hills AONB. Existing built form along Luton Road is positioned between the application site and the AONB designation. Furthermore, paragraph 3.31 of the Chilterns Buildings Design Guide (2004) states that the other policies within the guide do not mean that there is no place for contemporary and innovative architecture.

9.44 As previously stated, the site is mainly experienced along the road frontage and the rights of way to the north. The submitted Landscape and Visual Impact Assessment also recognises this and notes that the “*introduction of development within the existing landscape framework would be considered similar to the nature of the current visual baseline*”. Overall the report states that the assessment of the local character area of the site and its context, overall is assessed as having a low sensitivity to this proposal. As found by the case officer, the report suggests visual change would be mainly limited to the access of the site, the residential dwellings along Luton Road, of which there is no right to a private ‘view’ in planning policy, and the Rights of Way to the north. All of these areas lie outside the Chiltern Hills Area of Outstanding Natural Beauty.

9.45 Thus, having regard to Section 85 of the Countryside and Rights of Way Act 1990 and Policy CS4 of the Core Strategy (2013), it is considered the proposal would not result in harm to the Chiltern Hills AONB.

Impact on Residential Amenity

9.46 The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan and Policy CS12 of the Core Strategy, seek to ensure that new development does not result in detrimental impact upon the neighbouring properties and their amenity space.

9.47 The proposed development would be located approximately 50m from the nearest dwelling along Luton Road to the north-west. At this distance, it is considered that the proposal would not result in an adverse impact on the residential amenity of the properties fronting onto Luton Road by way of loss of light, privacy or outlook. Existing vegetation along the boundaries would also partially screen any views from the converted tower towards these properties.

9.48 The application site’s southern boundary sits adjacent to land owned by Home Farm, to the south. However, this property is located a significant distance away from the water tower and it is again considered the converted building would not have an impact on the residential amenity of this property. While the land adjacent the southern boundary is owned by Home Farm, it is not considered this land forms part of the residential property’s residential curtilage in planning terms, which would be more tightly knitted around the dwelling further to the south.

Amenity for future occupiers

9.49 It is considered the development would provide an acceptable level of internal space for future occupants. The plans also indicate that occupants would have access to amenities such as an indoor swimming pool, steam and sauna rooms and a home gym. A daylight/sunlight survey which takes into account the positioning of trees around existing water tower has been submitted in support of this application. British Research Establishment Guidance provides transparency values for individual tree species (i.e. the amount of sunlight which penetrates through particularly canopies) which can be inputted in calculations for daylight/sunlight reports. This essentially acknowledges that shadows cast by trees are experienced much differently to that which is cast by buildings, as well as the fact ambient daylight will still diffuse through the canopies. The findings of the report show that the habitable windows of the development would all receive adequate levels of daylight/sunlight.

9.50 With respect to outdoor amenity space, Saved Appendix 3 of the Local Plan (2004) states that the garden depths of new dwellings should be at least 11.5m and that these should normally be positioned to the rear of the dwelling. The depth of land available directly between the rear of the conversion and the southern boundary would be limited to approximately 2.3m. However, it is noted that areas to the front and side of the dwelling would also be available. These areas would still benefit from a reasonable amount of privacy and be acceptable in size.

9.51 It is noted that the outdoor areas would experience more shade than average due to the woodland context of the site though as previously stated, this is experienced differently to shade cast by that of buildings and the submitted light report, which takes this into account, shows that habitable windows would receive adequate levels of sunlight/daylight. It is therefore considered that the trees themselves would not have an overtly significant impact on the surrounding areas if they do not have an unacceptable impact on more enclosed internal rooms. Furthermore, it is considered more consistent sunlight levels could be received on the proposed fourth floor terrace, which faces southwards. The converted building itself may cast heavier shadows on the outdoor areas throughout the day, though it is noted that there are multiple areas located at different orientations to the building through the site and the wider woodland to the west. Thus future occupants could enjoy different parts of the outdoor amenity spaces at different times of the day to avoid the heavier shadows cast by the dwelling itself.

9.51 Future occupants would also benefit from an outdoor terrace area on the fourth floor of the converted tower. Furthermore, while the submitted curtilage plan shows what the planning authority would consider the ordinary residential curtilage of the development, future occupants would still have access to the western portion of the woodland which is significantly beyond the size of a garden that most residential dwellings enjoy. The curtilage plan was requested in order to formally record what the planning authority considers the residential curtilage of the development in terms of ordinary residential paraphernalia being stored in this area. The intention of this plan is to assist the Local Planning Authority in the future, should structures that do not have permission be erected within this portion of the woodland.

9.51 Overall, it is considered the development would not have an adverse impact on the residential amenity of the surrounding properties in terms of loss of light, outlook or privacy. Furthermore, the development would provide an acceptable level of residential amenity to future occupants, due to the extensive amenities that could be made available internally (home gym, pool etc), the fourth floor terrace, and the extent of outdoor space that would be available to future occupants.

Impact on Highway Safety and Parking

9.52 Policy CS12 of the Core Strategy states that on each site development should provide a safe and satisfactory means of access for all users.

9.53 Furthermore, Saved Policy 51 of the Local Plan (2004) states that the acceptability of all development proposals will always be assessed specifically in highway and traffic terms and should have no significant impact upon the nature, capacity and use of the highway network and its ability to accommodate the traffic generated by the development and the environmental and safety implications of the traffic generated by the development.

9.54 The scheme initially proposed a new access road leading through the site and adjoining onto the private access route from Caddington Hall. It has now been amended, where sole access would be from the existing access onto Luton Road. This is to reduce the footprint splash of the development and would also result in the western portion of the woodland remaining as existing post development. An access route would be laid from the Caddington Hall site during the construction process, however, this element would be removed post construction, with only the road positioned

within close proximity to the completed dwelling and Luton Road being retained. Plan 20-19-D001B shows the extent of the temporary construction access road to be retained post development.

9.55 Hertfordshire Highways have no objection to the application, noting that the existing bell mouth access on Luton Road would be used to access the existing dwelling and that the existing access as good visibility to either side. The development would also not generate significantly high trip numbers which would have an impact on the overall capacity of the adjacent highway network.

Fire access

9.56 Ongoing discussions between the case officer, Hertfordshire Highways, and Hertfordshire Fire and Rescue have taken place throughout the determination of the application. It has been clarified that a fire appliance would park along the road frontage in an event of an emergency to access the dwelling.

9.56 Overall, building regulations state that access for a fire appliance should be within 45m of all points of the dwelling, this can be increased to 75m with the installation of fire sprinklers. If parked along access from Luton Road, a fire appliance would be approximately 80m away from the furthest point within the fourth floor in the dwelling. As such, the applicants have confirmed the proposed the installation of dry risers, a scheme of which would be submitted at building regulations stage. Fire and Rescue have initially commented on the feasibility of dry risers within the building due to the staircase. However, the applicants have confirmed that this can be overcome through multiple risers being installed in the building.

9.57 A specific scheme for the installation of the dry risers would be reviewed at during the building control stage, should permission be granted. At this stage, it is considered acceptable for a fire appliance to stop outside the site and that the entire building could be appropriately accessed by fire personnel with the use of dry risers. The applicants are aware of the need for dry risers due to the distances involved and have confirmed they have explored this option at an initial stage. Thus, with respect to fire access, there is no objection to the application.

9.58 The building control stage is a separate regulatory process and thus it is considered that a planning condition relation to details of the dry risers does not pass the planning conditions tests contained within Paragraph 56 of the NPPF. Furthermore, government guidance states that *“Conditions requiring compliance with other regulatory regimes will not meet the test of necessity and may not be relevant to planning”* – (<https://www.gov.uk/guidance/use-of-planning-conditions#Application-of-the-six-tests>). Therefore, in this instance, a condition requiring details of the scheme to install dry risers within the building will not be pursued.

9.59 In addition to the above, Hertfordshire Fire and Rescue have confirmed that if a fire appliance did access the site, a fire appliance would be within 75m of all points of the dwelling where the installation of fire sprinklers would be satisfactory. It is also acceptable for a fire appliance to reverse if this is for no more than 20m in distance. While this could occur, it is considered that a fire appliance reversing onto Luton Road would not be the preferred option. Moreover, it is considered that in an event of a fire emergency, a fire appliance would be unlikely to stop within the site, in close proximity to the tall building. As previously stated, the applicant’s intention is to submit a scheme to building regulations based on a fire appliance parking along Luton Road.

Parking

9.60 The floor plans for the proposal indicate that the development would be a 3 bedroom dwelling. Under the Parking Standards SPD (2020), a 3 bedroom dwelling would require 2.25 parking spaces in this location. There would be enough room within the car port and the hard surfaced area of the

development to accommodate this provision plus extra vehicles. As a result, there is no objection to the proposed parking provision.

9.61 The provision of electric vehicle charging infrastructure will be secured by condition.

Impact on Trees and Landscaping

9.62 The immediate setting around the water tower is covered by Tree Preservation Order 406, served in 2003. The western portion of the woodland (where the temporary construction access would be installed) is covered by Tree Preservation Order 563, served in 2017 and extending further west and south west into the Caddington Hall site.

9.63 A tree report including details of protection methods, a tree protection plan, and several plans showing the extent of the temporary access road to be constructed using Cell Web Tree Root Protection System.

9.64 Trees and Woodlands were consulted on the application and had no objections to the protection measures included within the application, noting that the road system proposed is suitable to the use proposed and for construction purposes, as well the positions of proposed tree protection fencing being acceptable. Furthermore, a conveyor belt system is proposed along the temporary construction route to further reduce vehicle movements along the access during construction.

9.65 Elements of the cell web protection road way will be retained post construction and made good to serve as hardstanding for the development. The tree officer has raised no objection to this.

9.66 The agent has confirmed that an existing services route that runs from the water tower to Luton Road would be used. This has been witnessed on site and the tree officer has no objection to this in principle. However, a condition will secure details of the current condition of the services route and any repairs that may be required to run new services. This would also include a scheme for laying the new services to ensure any tree roots are not damaged.

9.67 It is noted all trees are to be retained on site, with lateral pruning occurring to T5 and T14, positioned close to the tower. The tree officer has noted two category U trees, a Beech and Larch, have been recorded close to the temporary access route from the Caddington Hall site. While these are category U (dead), they are not proposed for removal and the agent has confirmed this. These trees would be located a significant distance from the water tower and therefore would not pose a risk to the proposed development.

9.68 As covered previously, it is considered the trees would not place undue future pressure on the development in terms of residential amenity. A submitted daylight/sunlight report, which takes into account the trees, shows that all habitable rooms of the development would receive adequate levels of daylight/sunlight. As the trees would not have a significant impact in terms of light ingress to these more enclosed areas, it is considered that they would also not have a significant impact on light diffusion to the outdoor amenity areas or the fourth floor terrace. British Research Establishment Guidance on sunlight and daylight recognises that different tree canopies allow differing levels of light transmittance through them, and as a result shadows cast by trees are experienced differently to those cast by buildings.

9.69 Furthermore, the trees provide a level of screening and therefore element of privacy from the road. Potential future occupiers would be well aware woodland context of the site and local land searches would show that the trees are protected. Therefore, the local planning authority would retain control over proposed maintenance works to any of the trees on site post development.

9.70 It is noted that a site survey submitted with the application notes two 'saplings' positioned close to the western boundary of the site, where the temporary access road from the Caddington Hall site is to be constructed. However, the tree protection plan does not show these. The western portion of the site is protect by TPO 563, served in 2017. Only trees that existed on site prior to 2017 would therefore be protected. These saplings were not observed on a site visit undertaken in October 2021, which would have been of a moderate size if they existed prior to 2017. The case officer does not have any evidence that saplings that existed prior to 2017 have been removed from the site. This would primarily be an enforcement matter and the case officer is not aware of any formal enforcement action in relation to these trees having been taken. Therefore, the contents of the tree protection plan have been given more weight in respect of the assessment, as it appears these saplings are not currently on site.

9.71 Due to the above, there is no objection to the application on grounds regarding tree protection or post development pressure caused by retained trees.

Other Material Planning Considerations

Ecology

9.72 A Preliminary Ecological appraisal has been submitted in support of the application. Hertfordshire Ecology have no objection to the proposal, noting that no trees are proposed for removal and that the permanent ground areas of the development would comprise a relatively small proportion of the wider woodland. The ecological officer has not raised any concerns relating to protected species.

9.73 A Landscaping and Ecological Management Plan condition has been requested alongside a condition securing a lighting plan. The management plan condition will stipulate that the plan should be informed by a spring botanical survey to better inform the proposed landscaping plan and management measures.

Structural Integrity

9.74 The application is accompanied by a letter from the applicant's structural engineers which confirms that the existing water tower can be converted with regards to its structural integrity. This is largely due to the original construction of the water tower, which was designed to accommodate heavy loads within the upper drum.

9.75 There is no objection in principle to the findings of the letter, which prove that structural engineers have been engaged early in the design process to ensure the architectural plans presented at planning stage can be implemented. Approved Document A of the Building Regulations would cover structural integrity.

Contamination

9.76 The scientific officer has no objection to the application, noting that the land use history of the site means there is a low probability of ground contamination present on site. Therefore, no conditions relating to the submission of further Environmental Risk Assessments has been requested. Instead, appropriately worded contamination informatives will be attached to any permission given.

Waste Management

9.77 There is adequate space within the site for bin storage which would also meet the carry distances contained within Dacorum's Refuse Storage Guidance Note (2015).

Flood Risk

9.78 The site is located within Flood Zone 1, where there is a low probability of surface water flooding. As such, there is no objection to the development on flooding grounds.

Waste Management

Sustainability and Energy

9.79 The development will be constructed to meet the latest Building Regulations Approved Document L1A (conservation of fuel and power) and Approved Document G (sanitation, hot water safety and water efficiency). However, the agent has indicated the intention is to significantly reduce the total CO₂ emissions beyond the required standard, incorporating a range of passive design and energy efficiency measures.

9.80 A report by a renewable energy consultancy has been submitted with the proposal. The aims of this report are to review and refine a range of renewable heating and hot water solutions to simplify the range of choices for the appointed architects and help them understand the practical feasibility, economic considerations and long term benefits of a final strategy. The report covers a range of options from ventilation technology, air source heat pumps, ground source heat pumps and so forth.

9.81 The commissioning of the report is welcomed and as a result, it is considered the energy consumption and options to reduce this have been considered from the onset of the design stage of the proposal with a view to going above and beyond the current building regulations minimum requirements.

Response to Neighbour Comments

9.82 It is considered that the above report considers the material planning considerations regarding this proposal. However it is noted that a number of points have been raised by residents which have not been directly addressed within the previous sections. It is noted that procedural issues relating to the location plan and red outline, appeal decisions and a set of 2005 comments for the site written by an officer at the council have been raised.

9.83 The red outline on the location plan has changed since the initial submission. New consultation letters have been sent out on each occasion this has changed. The extent of the red outline around the western portion of the site was reduced to only cover the temporary construction access route proposed. Towards the water tower end of the site, the red outline has extended out to cover the access onto Luton Road as a means of access, though it is noted no new access here is proposed, only the internal access road which connects onto the existing access from Luton Road. The site location plan is not a legal document regarding boundaries, as the title deeds would serve this purpose. Its purpose is to identify the site in its surrounding context to the planning officer, consultees, and surrounding residents. The case officer is satisfied that the site location has been identified both for their own purposes and for consultation purposes.

9.84 An appeal decision (APP/J1915/W/19/3237241) for the conversion of a water tower at Golden Way, Goldings Estate, Waterford, Herts has been raised. Two more recent appeals at the same site APP/J1915/W/20/3262433 and APP/J1915/Y/20/3262436 have also been raised. The first appeal referenced was dismissed on Green Belt grounds, though it is noted that the proposal also included an external extension to serve a staircase as well as lower infilling. One of the two latter appeals referenced is related to a Listed Building Consent application and so is not relevant. The other latter appeal was dismissed on Green Belt grounds as well as heritage reasons. However, it is considered the context of that site, as well as the existing structure, is materially different to that of the application site. The building relating to the appeals was a water tower that is less substantial in massing and form than that on this application, consisting of a steel drum and slim metal legs. The

site context for the scheme on those appeals is also more open, where the extent of visual openness below the drum can be seen more prominently and is also experienced to a greater extent due to the slim profile of the legs. As such, the assessment within this report concentrates on the specific context created by the structure of this individual water tower and its surroundings.

9.85 A set of comments written in 2005 in response to a previously withdrawn application on site has also been raised. These were written by an officer working in the Strategic Planning Team as a consultation response, not by the case officer dealing with the application. Furthermore, the comments precede changes to both local policy and national policy. The National Planning Policy Framework was first adopted in 2012 for example, with the current Core Strategy being adopted in 2013. The comments largely refer to Policy 110 of the Local Plan (2004), which has not been 'saved' by the council as it is considered inconsistent with the NPPF. Therefore, it is not considered these comments are currently relevant and a decision must be based on currently adopted local and national policy.

Community Infrastructure Levy (CIL)

9.86 The application is CIL liable.

10. CONCLUSION

10.1 Overall, it is considered that the proposed development would not result in greater spatial or visual harm to the openness of the Green Belt, especially when taking into account the five main purposes of including land within the Green Belt contained within the NPPF. The assessment has taken into account the individual site context, profile of the existing building and the proposed building works of which the majority do not expand or 'sprawl' beyond the established built envelope of the existing building.

10.2 There is no objection to the design of the dwelling and it is considered that the proposal represents an opportunity to create a high quality, innovative and distinctive dwelling. It is also considered that the development would not have an adverse impact on the residential amenity of the surrounding dwellings and provide an acceptable level of amenity for future occupants.

10.3 The Trees and Woodlands Officer has no objection to the protection measures for retained trees contained within the application. Likewise, Hertfordshire Highways has no objections to the proposal, noting that an existing access of Luton Road is to be used.

10.4 As such, the proposal is recommended for approval subject to the conditions contained within this report.

11. RECOMMENDATION

11.1 That planning permission be GRANTED, subject to the following conditions.

Condition(s) and Reason(s):

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

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

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

20-19-A02B
20-19-A04B
20/19/06A
20/19/07A
20/19/08A
20/19/09A
20/19/10A

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

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

The above details shall include full manufacturers specification and details of the non-reflective glazing to be used.

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

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

- **all external hard surfaces within the site;**
- **other surfacing materials;**
- **means of enclosure;**
- **soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs and how suitable these are for the woodland context of the site;**
- **minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.); and**

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

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

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

5. **No development (excluding ground investigations or archaeological investigations) shall take place until a Landscape and Ecological Management Plan for biodiversity purposes, which include timescales for implementation and future management, shall be submitted to and approved in writing by the Local Planning Authority. The**

approved scheme of enhancements shall be implemented in accordance with the approved details and thereafter so retained.

The management plan should be informed by a spring botanical survey of the woodland carried out by a suitably qualified ecologist and any mitigation including the proposed planting and landscaping plans under condition 4 updated accordingly.

Reason: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to Policy CS26 of the Dacorum Borough Core Strategy and Paragraph 174 of the National Planning Policy Framework (2021).

- 6. Tree protection measures prior to the commencement of development and during the construction phases of the development shall be carried out in accordance with the protection measures within the submitted Arboricultural and Planning Integration Report (GHA Trees - 8th March 2021), as well as the submitted Tree Protection Plan (GHA trees, March 2021).**

The tree protection measures shall be the first items installed on site and the last to be removed.

Reason: In order to ensure that damage does not occur to trees and hedges during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 174 of the National Planning Policy Framework (2021).

- 7. Prior to the commencement of the development hereby permitted, a scheme detailing the methods for the laying of underground services shall be submitted and approved in writing by the Local Planning Authority. This scheme shall include the current condition of the existing services route and the feasibility of using this, repairs that may be required, and how damage to tree routes while laying services will be avoided.**

Reason: In order to ensure that damage does not occur to trees and hedges during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 174 of the National Planning Policy Framework (2021).

- 8. Construction of the development hereby permitted shall be carried out in accordance with plan 20-19-A020C (Construction Management Plan). Within three months of the first occupation of the residential dwelling hereby approved, the western extent of the temporary access road, as well as the surfacing for the construction depot, shall be removed in accordance with plan 20-19-D001B (Temporary Road Detail).**

Reason: In order to protect highway safety and the amenity of other users of the public highway, ensure appropriate protection of retained trees on site, and for the avoidance of doubt and interests of proper planning in accordance with Policies 51, 54 and 99 of the Dacorum Borough Local Plan (2004), Policy CS8 of the Dacorum Borough Core Strategy (2013) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

- 9. Prior to the commencement of the development hereby permitted, full details of the finished site levels, above ordnance datum and of the slab level and ground floor of the proposed building, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. These details shall include a final section of the finished access road post construction which will supersede the**

indicative section contained within plan 20-19-D0001B referenced under condition 8. The development shall be carried out in accordance with the approved levels and road section.

Reason: 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).

10. **Prior to the construction of the buildings hereby permitted, details of any floodlighting, security lighting or other external means of lighting the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to first occupation of the development. No external lighting shall be erected other than that approved by this condition.**

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 [CS12 / Policies CS26 and CS29] of the Dacorum Borough Core Strategy (2013) and [Paragraph 130 / Paragraph 174] of the National Planning Policy Framework (2021).

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

Schedule 2, Part 1, Classes A and C.

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality as well as the openness of the Green Belt, in accordance with Policies CS5 and CS12 of the Dacorum Borough Core Strategy (2013).

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.
3. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical

means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.

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

5. WASTE:

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, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

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, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

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

WATER:

With regard to sewerage and sewage treatment, this comes within the area covered by the Severn Trent Water. For your information the address to write to is Severn Trent Water, 2308 Coventry Road, Sheldon, Birmingham B26 3JZ Tel - (0121) 7226000

6. 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.

7. In the event that ground contamination is suspected or encountered at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed. This is because the safe development and secure occupancy of the site lies with the developer.

8. Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to:

Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Hertfordshire Ecology	<p>Thank you for consulting Hertfordshire Ecology on the above, for which I have the following comments:</p> <p>The application is supported by a Preliminary Ecological Appraisal by Windrush Ecology (report date Jan 2021) which also include a Preliminary Roost Assessment of the water tower structure, this assessed the tower to have negligible potential for roosting bats. I have no reason to doubt this conclusion.</p> <p>The site is composed mainly of woodland and appears from photos on Google Street View, the Landscape Impact Assessment and the Tree Report to be an area of seminatural woodland composed mainly of native species such as oak and beech, although it is acknowledged that it also contains species such as cherry laurel which are non-native. The woodland is not recorded as ancient woodland and is likely to be secondary in nature. It is shown on the Magic Website as being an area of lowland mixed deciduous woodland a priority habitat and must be considered as part of the LPAs biodiversity duty.</p> <p>The walk over survey which informed the Preliminary Ecological Appraisal recorded no protected species or species of importance. However, this was carried out in December outside the optimal period, March to early June, for botanical surveys of woodlands and so is of limited use in assessing the character of the existing ground flora. In order to accommodate the proposed access and the change of use to the water tower part of the existing woodland will be lost. This loss impacts on only a relatively small proportion of the existing woodland area affecting mainly the ground habitat and with minimal tree loss.</p>

	<p>Given the limited direct impact on the wood, notwithstanding the inadequacies of the survey, I do not consider these represent a fundamental ecological constraint to the proposed development.</p> <p>I am glad to see that the proposal aims to retain a 100% of the existing woodland canopy and that provision of additional planting to add increased biodiversity is planned. Any additional planting should be with native species typical and consistent with the habitats present. I advise that if the LPA is minded to approve the application that an ecological management plan should be secured by condition, detailing how the woodlands semi natural habitats will be conserved and any negative effects of the new dwelling, such as increased disturbance and trampling, mitigated.</p> <p>Furthermore, this management plan should be informed by a spring botanical survey of the woodland carried out by a suitably qualified ecologist and any mitigation including the proposed planting and landscaping plan updated accordingly. The ecological report makes recommendations to safeguard nesting birds, and these should be followed in full. Likewise, the recommendations relating to lighting should be adhered to and evidenced by a lighting plan submitted to the LPA for their consideration, either prior to determination or secured by Condition.</p>
Markyate Parish Council	<p>We do not agree with any buildings on Green Belt. Trees have been destroyed. This should be referred back to the Enforcement Officer due to potential infringements. There is a TPO around the site. Parish Council strongly object to this application. What about the wildlife etc. Bat survey and tree survey is incomplete. Dangerous due to access onto Luton Road, adding to traffic problems.</p>
Trees & Woodlands	<p><u>Design & Access Statement</u></p> <p>5.1 Notes that existing woodland will be added to using 'indigenous species'. Good idea but can't see further detail yet about what / where.</p> <p>5.2 States that a 'no dig' driveway will be installed. This is definitely necessary through the woodland site and the system chosen is probably the market leader / most often used in the UK.</p> <p><u>Construction Management Plan</u></p> <p>17.3 'Raised road' system is proposed for access, using Mabey Tuff Trak Heavy Duty Road Mats. This type of ground protection system is suitable to the use proposed.</p> <p>17.4 Also proposed to use the same system for designated off-site compound and materials storage. This is acceptable.</p> <p>It is stated that the use of a conveyor belt and limited vehicle</p>

	<p>movements will reduce the impact of construction through the site - both welcomed. However, there's no confirmation that tree protection measures should be the first item installed on site and the last removed. This needs to be stated / conditioned.</p> <p><u>Arb & Planning Integration Report</u> Notes a variety of tree species on site, with all trees recorded as being in BS5837 categories B or C (high and moderate quality).</p> <p><u>Tree Protection Plan</u> This plan notes that Eve Trakway is to be used for ground protection purposes, whereas the Construction Management Plan states Mabey Tuff Trak. These products are similar and either is acceptable if installed and used correctly. Protective fencing positions shown on the plan are acceptable. Whilst the Arb Report states that all trees are category B or C, the TPP shows two U (unsuitable for retention) cat trees, a Larch and a Beech, on site. It is usual for cat U trees to be removed, but only minor pruning is noted within the app (to T5 and T14). As no felling is proposed, the status of trees T5 and T14 needs to be clarified, positioned close to the site entrance.</p> <p>I can't see any information about the run of services to the Water Tower. Obviously, the route chosen is of importance through a TPO site, with 'no dig' construction being used for the driveway and the site compound and materials being kept off site. All this good work would be undone if services are installed via a poorly chosen route. Are there any further details? Are older services routes to the tower being reused? Have tree roots impacted upon these?</p>
<p>Environmental And Community Protection (DBC)</p>	<p>No objection on noise or air quality grounds.</p> <p>01.04.2021:</p> <p>The proposed development will not involve significant ground works and is not close to land with a potentially contaminative land use history, it is, however, for a change in land use and so the following informative is recommended.</p> <p>Land Contamination Informative</p> <p>In the event that ground contamination is encountered at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed because, the safe development and secure occupancy of the site lies with the developer.</p>

	<p>22.11.2021:</p> <p>No change to the advice previously provided (01/04/2021) just an update to the wording of the contaminated land informative.</p> <p>Contaminated Land Informative 1: In the event that ground contamination is suspected or encountered at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed. This is because the safe development and secure occupancy of the site lies with the developer.</p> <p>Contaminated Land Informative 2: Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to: Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.</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 subject to the following conditions:</p> <p>1) No development shall commence on site above slab level until additional layout plans, drawn to an appropriate scale, have been submitted to and approved in writing by the Local Planning Authority, which clearly demonstrate that all on-site parking spaces can be accessed by a vehicle, and that on-site turning space is sufficient to enable an 11 metre fire appliance and all other vehicles to enter and exit the site in forward gear.</p> <p><u>Reason:</u> 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><u>Highway Informatives</u></p> <p>HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works</p>

within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN 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.

AN 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.

AN 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.

AN 4) Construction standards for works within the highway: All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's publication "Roads in Hertfordshire - Highway Design Guide". Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website

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

Comments

The proposal is for the conversion of the existing water tower (sui generis) to residential (C3) including the construction of new access at Water Tower, Luton Road, Markyate. Luton Road adjacent the proposal is a 30 mph classified B secondary distributor route that is maintained at public expense. The conversion will include that of a single dwelling.

Vehicle Access and Parking

The water tower has not been in use for some time and has an existing gated bellmouth junction onto Luton Road. The applicant is proposing that this access be kept but not used for the dwelling, instead it would be used as a stopping area for refuse vehicles to collect the dwellings waste. The existing access has good visibility either side owing to the straight nature of Luton Road adjacent. The proposal stated that a new access will be created for the dwelling which will access a private route to the south west of the site. The private route accesses the highway network via a large bellmouth junction onto Luton Road with good visibility either side. The newly proposed access from the private route to the dwelling will be via a long private drive leading to a parking area as seen in drawing.

20-19-D001. The private drive lacks details on its width, parking spaces and potential turning space to enter and exit the site in forward gear which is deemed necessary owing to the dwellings proximity to Luton Road. Therefore, condition 1 have been included above to ensure that all vehicles can manoeuvre on site with the inclusion of a 11 metre fire appliance in case of an emergency.

The new access will not be onto the highway network, however, HCC Highways would still recommend that the access be built to standards stipulated in Hertfordshires Design guide section 4.

Parking is a matter for the local planning authority (LPA). However, HCC Highways would comment that the applicant has stated that there will be 4 vehicle parking spaces, although theses have not been presented on any drawings.

Refuse / Waste Management

The applicant is proposing that the existing access be utilised as a refuse collection vehicle stopping point. This is not seen as an issue in terms of highway safety. However, it must be confirmed acceptable by DBC waste management team.

Emergency Vehicle Access

	<p>As part of the highway authority's assessment of this planning application, we have identified emergency access issues which may benefit from input from Herts Fire and Rescue. These include the dwelling being greater than 45 metres from the highway to all parts of the building and the inability for a large fire appliance to manoeuvre on site. Therefore, details of the proposal have been passed to them for attention. This response will be sent separately to the case officer by the fire service. HCC would like to back any comment made by the fire service for this application.</p> <p><i>Conclusion</i></p> <p>HCC as Highway Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the highway subject to a pending comment from Herts Fire and Rescue regarding the access for emergency vehicles with subject to the above highway informatives and condition.</p>
Thames Water	<p>WASTE:</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, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.</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, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. 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:</p> <p>With regard to sewerage and sewage treatment, this comes within the area covered by the Severn Trent Water. For your information the address to write to is Severn Trent Water, 2308 Coventry Road, Sheldon, Birmingham B26 3JZ Tel - (0121) 7226000</p>
<p>Hertfordshire Highways (HCC)</p>	<p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.</p> <p><u>Highway Informatives</u></p> <p>HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:</p> <p>AN 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.</p> <p>Further information is available via the County Council website at: 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>AN 2) Obstruction of highway: 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.</p> <p>Further information is available via the County Council website at: 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>

AN 3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. 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 and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

Comments

The proposal is for amendments regarding the conversion of the existing water tower (sui generis) to residential (C3) including the construction of new access at Water Tower, Luton Road, Markyate.

Luton Road adjacent the proposal is a 30 mph classified B secondary distributor route that is maintained at public expense. The conversion will include that of a single dwelling.

Vehicle Access

HCC Highways previously commented on this application when the access route would be via a private side street. The amendments state that this side road will be used for construction only and once construction is over then the existing access onto Luton Road will be utilised for all the dwellings movements (see drawing number 20-19-A04B). The existing access onto Luton Road is a bellmouth that used to serve as maintenance access for the water tower. The access has adequate visibility either side and is wide enough to facilitate the passing of vehicles. The hardstanding for the dwelling allows vehicles to turn on site and enter the highway network in forward gear which is required. As light issues raised previously was that HCC Highways was unsure if a fire appliance can turn on site in case of an emergency. It is now apparent that without the side access route, there will be no area for the fire appliance to turn on site. It is my understanding that the LPA has been in contact with the fire department who should make any final decision in relation to fire safety. The fire appliance in the hopefully unlikely event of an emergency can use the bellmouth adjacent the access to stop during an emergency, this will mean that it would not block the highway network and would now not need to turn on site. This would need to be agreed by the fire service.

Refuse / Waste Management

The applicant is proposing that the existing access be utilised as a refuse collection vehicle stopping point. This is not seen as an issue in terms of highway safety. However, it must be confirmed

	<p>acceptable by DBC waste management team.</p> <p><u>Conclusion</u> HCC as Highway Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the highway subject to a pending comment from Herts Fire and Rescue regarding the access for emergency vehicles with subject to the above highway informatives and condition.</p>
<p>Conservation & Design (DBC)</p>	<p>The existing water tower is a large 20th century concrete structure typical of similar water towers elsewhere. It is located close to Caddington Hall on a hill above Markyate.</p> <p>We would not object to the design in principle although it would be useful to consider a number of minor alterations. Given the prominence within the landscape a condition should be imposed or ideally it noted on the application form that any glass be non reflective. This is to reduce the visual impact of its new use in particular during the winter months. In particular from the nearby heritage assets. It would also be recommended that the roof be a shallow metal roof rather than the proposed asphalt. This would be to ensure the quality of the scheme. Any finish should be a dull matt colour.</p> <p>The landscaping to this scheme is of importance particularly in relation to nearby heritage assets. It would be recommended where possible that the trees be retained and additional trees and planting be introduced to help conceal the change from woodland to a more domestic character. If the proposed access road for construction is to be removed additional planting should be considered as it forms the access to the Caddington Hall site and may detrimentally impact on this development and its setting. It may be more beneficial overall to close the existing water tower access and form a boundary with planting and use the new access road to reduce the proposals visual impact from the road.</p> <p><u>Recommendation:</u> No objection. Materials subject to approval and in particular the finish to the glazing should be conditioned. The landscaping scheme should be conditioned.</p> <p>It would be recommended that permitted development rights be removed to ensure that the character of the water tower is maintained and it does not have detrimental extensions constructed at a later date or outbuildings which would harm the setting of it and other heritage assets in the area.</p>
<p>Hertfordshire Fire & Rescue</p>	<p>With regards to the application for Water Tower at Markyate, there are a number of factors that we would like to agree with and also raise at this</p>

point.

Access and Facilities

1. Access for fire fighting vehicles should be in accordance with The Building Regulations 2000 Approved Document B (ADB) Vol 1, section B5, sub-section 13.
2. Access routes for Hertfordshire Fire and Rescue Service vehicles should achieve a minimum carrying capacity of 19 tonnes.
3. The minimum width of the access road should be 3.7m for the full length. Any gated entrance should not be narrower than 3.1m.
4. It is not fully clear if there are entrances to the site from both ends. In the event there is a dead end, or the access road does not meet the full requirement throughout, turning facilities should be provided in any dead-end route that is more than 20m long. This can be achieved by a hammer head or a turning circle designed on the basis of Diagram 13.1 in section B5.
5. Distance to appliance - Approved Document B (Vol 1) B5 Section 13 Vehicle Access.
'For dwelling houses, access for a pumping appliance should be provided to within 45m of all points inside the dwelling house'.
6. Vehicular access can be increased significantly if a sprinkler system is installed and where the arrival time for the fire service is not more than ten minutes.

BS 9991 - 2015 Residential Buildings 50.1.2 states:

Where sprinklers, in accordance with BS 9251:2014 or BS EN 12845 (see 11.2, Table 2) are fitted throughout a house or block of flats:

- . the distance between the fire appliance and any point within the house (in houses having no floor more than 4.5 m above ground level) may be up to 90m;
- . the distance between the fire and rescue service pumping appliance and any point within the house or flat may be up to 75 m (in houses or flats having one floor more than 4.5 m above ground level).

As the building has multiple points above 45m from the entrance to the building and floors are above 4.5m above ground level, in order to comply with regulations, this will need to be fitted with sprinklers in the appropriate areas.

08.06.2021:

Thank you for your email today. Further to the amended proposal, the plans show that if Luton Road was used as the stopping point for Fire & Rescue Services access, the following would apply:

. According to the plans, the distance from the fire appliance parked on Luton Road to the top of the ground floor measures approximately 45m. Therefore sprinklers would be required to be fitted in all floors above the ground floor.

Approved Document B (Vol1) Section B5 Section 13 Vehicle Access

For dwelling houses, access for a pumping appliance should be provided to within 45m of all points inside the dwelling house.

. Vehicular access can be increased significantly if a sprinkler system is installed and where the arrival time for the fire service is not more than ten minutes.

BS 9991 - 2015 Residential Buildings 50.1.2

Where sprinklers, in accordance with BS 9251:2014 or BS EN 12845 (see 11.2, Table 2) are fitted throughout a house or block of flats:

. the distance between the fire appliance and any point within the house (in houses having no floor more than 4.5 m above ground level) may be up to 90m;

. the distance between the fire and rescue service pumping appliance and any point within the house or flat may be up to 75 m (in houses or flats having one floor more than 4.5 m above ground level).

With the current proposal, these conditions are not met, as there is living on the 4th floor which is over 4.5m above ground and the distance to the furthest point within this floor is 80m from the fire appliance.

If the access road to the building was to withstand 19 tonnes of weight and include the appropriate turning facilities (as detailed in ADB (Vol1) B5 Section 13, table 13el.1), this will allow fire crews to park closer to the building and access all areas within 75m from the fire appliance. Therefore meeting the requirements of a building with sprinklers above 4.5m.

Please do not hesitate to contact me if you any questions.

09.08.2021:

You have asked for the view HFRS would take to the installation of a dry riser in the proposed development of the water tower. Dry risers are normally sited in a protected area to allow fire fighters to set up and plug in, I am not sure the design of this dwelling would facilitate this. The

	<p>other point I would note is that a riser normally travels vertically in a straight line and has no more than 20m horizontal travel. With the staircase running round this building it may prove problematic unless several risers were to be installed. There would also have to be an adequate water supply to the risers.</p> <p>It may be that with the provision of an adequate access road leading in from Luton Road the appliance would be able to enter the grounds to a point where it would not have to reverse more than 20m. The distance for measuring hose laying from would then start at the rear of the appliance and this may assist in meeting the 75m when sprinklers are installed and maintained.</p>
<p>Environmental And Community Protection (DBC)</p>	<p>No change to the advice previously provided (01/04/2021) just an update to the wording of the contaminated land informative.</p> <p>Contaminated Land Informative 1: In the event that ground contamination is suspected or encountered at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed. This is because the safe development and secure occupancy of the site lies with the developer.</p> <p>Contaminated Land Informative 2: Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to: Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.</p> <p>Although the load bearing aspects of the development will be below the existing concrete structure there will presumably be floor slabs and services etc. needing to be installed. Nonetheless the historical land uses, environmental setting and the inherently low contaminating potential of the most recent water tower land use is such that the informative is still an appropriate recommendation.</p>

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
12	5	0	5	0

Neighbour Responses

Address	Comments
Home Farm Luton Road Markyate St Albans Hertfordshire AL3 8QB	<p>My property, Home Farm, lies to the south of the application site.</p> <p>PROCEDURAL MATTERS It took me some while to get the LPA to put the pre-application advice (given prior to the submission of this application) into the public domain, despite providing a ruling by the Information Commissioner on this issue. The information released did not include any of the drawings etc. discussed/commented on during pre-app. In response to Q23 of the application form reference is made to a "subsequent email chain" which contains further details. We are still seeking access to this additional information. I also note that no CIL form has been submitted despite the Planning Portal website clearly stating that one must be provided.</p> <p>THE APPLICATION The application is described as "conversion of existing water tower (sui generis) to residential (C3) including construction of new access". The "conversion" only relates to the existing drum. I would have expected this description to have been more comprehensive, to include the infilling between the stilts, the insertion of cladding/glazing etc. I also note that no mention has been made of the increase in height of the existing tower/drum. There is conflicting information regarding the number of bedrooms the conversion will house. The Design and Access Statement (DAS), the drawings and the PS state/show 3 bedrooms, whereas the application form states there will be 4+ bedrooms. This requires clarification.</p> <p>CONSULTATION I note that in the latest pre-app for this site the officer advised that "you discuss the proposed development with the neighbours prior to submitting a formal planning application". I have spoken to several local residents and can confirm that no such consultation took place.</p> <p>THE APPLICATION SITE The application site is in the Green Belt and is surrounded on all sides by Green Belt land. It lies to the north of my property, Home Farm, on ground which is raised approx.24m above the front courtyard of my property. The site is well populated with mature trees which are covered by two TPOs. TPO 406 covers the original water tower site (Parcel A) and TPO 563 covers Parcel B. The former came into effect on 4 August 2003, and the latter on 15 September 2017.</p>

Appraisal of the proposed development is hampered as a detailed site plan has not been submitted, as noted by the Highways Authority. To get some idea of the site layout it is necessary to piece together information from various documents including the Tree Protection Plan (TPP), the Planning Statement (PS), Root Protection Details and Access Road Detail.

Thus, there is no definitive details that can be approved.

The pre-app clearly stated that "a metrically scaled (1:100 or 1:200) proposed site plan showing the layout of the site, including the footprint and roof plan(s)" must be submitted. It was not. As a result, it is unclear where two of the four parking spaces will be located, the position and size of the garden/amenity space, as well as the extent of the wall around the car port.

Furthermore, I note that the access shown on the Tree Protection Plan is labelled as temporary (see below) so where will the permanent access be? Is it to follow the exactly the same line?

EXTRACT FROM TREE PROTECTION PLAN

The Renewable Energy Feasibility Study (REFS) also refers on page 4 to an outdoor swimming pool. Where will this be sited?

Para.2.1 of the Planning Statement gives a site area of 0.12ha. (which I presume is the area of Parcel A), whereas a site area of 0.54ha is stated in Q4 the application form (I take this to be the combined areas of Parcels A and B).

There is more conflicting information in the Design & Access Statement, which gives an area of 0.48ha.

According to the red line the site is made up of two parcels of land (see Figure 2). Parcel A was the original water tower site previously owned by Three Valleys Water. Parcel B was previously part of the Caddington Hall site. Reference to documents relating to App.Ref. 4/02140/19/MFA clearly shows Parcel B as being contained within the red line outlining that site (see right). As the applicant owns both Parcel A and B (as well as the rest of the Caddington Hall site) he is entitled to combine the two to form one site.

However, Caddington Hall (and therefore Parcel B) falls within Use Class C2 (Residential Institutions) whereas the water tower falls under the heading of sui generis. The change of use of Parcel B from C2 to C3 does not constitute permitted development.

The case officer has expressed the initial view that Parcel B was only included as part of the application site as the new access was to be taken through it. If that is the case surely the red line should have been drawn around the access road, not the whole parcel of land. Once again if any part of Parcel B is to be taken into the proposed residential curtilage officer must consider this as a change of use, and this should have formed part of the application. It is critical that clarification is sought on this issue.

It should also be noted that, whilst it is intended to access the site from the private driveway leading to Caddington Hall, this is not correctly indicated on the site 1:1250 site location plan. The red line on the site plan does not include the section of access road to Caddington Hall, off which the access road to the water tower is to be taken.

Guidance notes on the Planning Portal website clearly states that the red line must "include all land necessary to carry out the proposed development (e.g. land required for access to the site from a public highway, visibility splays (access around a road junction or access, which should be free from obstruction), landscaping, car parking and open areas around buildings".

The red line identifying the site also appears to include the verge to the side of Luton Road i.e. outside the site boundary. A certificate should, therefore, have been served on the Highways Authority. A blue line enclosing the rest of the Caddington Hall site should also have been included on the site location plan as this is also owned by the applicant.

There is also a sub-station on Parcel B.

As a result, in the previous applications no. 4/02140/19/MFA, a certificate was served on UK Power Networks.

No such certificate has been served for this application

Given the above it is abundantly clear that the application cannot be determined in its current form.

THE EXISTING STRUCTURE

The description of the water tower, given in the Planning Statement (PS) is incomplete and also contains some errors.

It incorrectly states that the tower is "roughly central to the site".

It can be clearly seen from the site plan that the tower is not "roughly central to the site".

Indeed, it is less than 3m from the southern boundary with my property.

MSC also state that the structure has "4 heavy concrete stilts" when reference to the drawings show there are eight. It states in para.2.5 that the that the concrete stilts are approx.11m high and the drum approx.8.0m deep thus giving an overall existing height of approx.19m. The drum diameter, scaled off the submitted plans, is approx.14m.

It is important, at this juncture, to establish a precise nomenclature for the existing water tower. Both the agents, architects and officer's pre-application advice (ref.4/03061/18/PRE) refers to the water tower as a "building". It is critical to my argument that this is incorrect.

The dictionary definition of a water tower is a "structure supporting elevated tank to secure necessary pressure for water supply".

The key word is structure, not building, the definition of the latter being "a structure with a roof and walls, such as a house or factory". The water tower does not have a roof (it is topped by a tank) and does not have walls. These elements are to be added as part of the conversion.

PLANNING HISTORY

Firstly, I must question why the Planning history of my property was listed in the pre-application advice dated 20 November 2020, when it

has no relevance whatsoever to the proposed development.

The current application is the second application to be submitted for the conversion of the water tower. Planning Application Ref.4/01691/05/FUL was submitted in August 2005 for the conversion of the water tower into a 4/5 bedroom house (right). The application did not receive a favourable response from officers. Concerns were raised in an internal memorandum dated 25 August 2005, the two main issues being the effect the development would have on the Green Belt and the impact it would have on the protected trees. In the light of this unfavourable response the application was withdrawn.

The water tower site was subsequently sold, and the new owner submitted a pre-app ref.4/03061/18/PRE in 2019. This did not give a favourable response, citing similar opinions to those set out in the 2005 application, and the pre-app was not followed up with a formal application.

SIZE OF PROPOSED DEVELOPMENT

Measuring off the drawings the structure will be increased in height by approx.1.35m, though this is not stated on any of the design drawings or supporting information. Taking the existing height stated in the PS, this increases the overall height of the tower to approx.20.35m. I would submit that the overall height as proposed is a key dimension, and in accordance with the LPA's validation requirements should be shown on the drawings.

I note that in the latest pre-app the officer advised that "glazing at a higher level on the frontage of the building would make it more prominent (my underlining), and this could be an area for concern".

The pre-app indicates that this problem may have been 'designed out', but I would submit that the marked-up drawings (Figure 3) clearly show that is not the case.

Saved Policy 111 of the Local Plan seeks to limit the height of buildings. This policy should be applied to the current application as the existing structure is to be converted to a building. It states that "the development of buildings over two storeys in height will not be permitted in the countryside or in small villages unless there are exceptional reasons related to the particular use of the site and the visual impact is limited".

Some exceptions are then listed, but I would submit (a), (b) and (c) of the aforementioned policy would all be harmed by the current proposals. These relate to openness, a key feature of Green Belt policies. The proposed development fails to comply with this policy.

The pre-app states that "the plans provided suggest that the dwelling would largely stay within the footprint if the existing building".

I have already submitted that it is not "an existing building". My understanding of the footprint of a building is that it should include all cantilevered elements. In this instance that would include the water tank. The proposed footprint must include the area of the two canopies

that project beyond the existing footprint.
 MSC set out comparative measurements in para.6.36 of the PS.
 I have set these out, alongside mine, for comparison.

TABLE 1		MSC Figures		My Figures	
	Existing	Proposed	% Increase	Existing	
	Proposed	% Increase			
Footprint	Not stated	154m2	207.9m2	35%	
GIA	144m2	372m2	158%*	150.4m2	511m2 240%
Volume	1237m	2238m	81%*	1174m3	2240m2**
	90.8%				

* My calculation (not stated by MSC)

** Excluding volume of canopies

I would submit that all three percentage increases are significant.
 The area covered at ground floor is also increased significantly.
 The existing coverage is approx.10.5m2. The proposed is approx.
 99m2. This represents an 842% increase.

The pre-app advised that "if the overall footprint/height of the proposed is to be increase, this should be outlined at full submission explaining why no greater harm would occur from a special perspective".
 No such explanation has been provided.

THE IMPACT OF THE WATER TOWER CONVERSION

One of the major issues to be considered when appraising the current application is the impact it will have on the openness of the Green Belt.

Policy CS5 of the Core Strategy (2013) and para.145 of the NPPF (2019) specifically address this issue.

The NPPF states that "the construction of new buildings should be regarded as inappropriate in the Green Belt". There are limited exceptions including "the partial or complete redevelopment of previously developed landwhich would not have a greater impact on the openness of the Green Belt than the existing development", and also "the re-use of buildings provided they are of permanent and substantial construction in the Green Belt, providing they preserve its openness". I note that the officer providing the latest pre-app advice fell short of giving an opinion on this issue. That was not the case in the 2005 where an internal memorandum from a Planning officer states that

- The proposals involved "substantial (my underlining) new building work.
- The "dramatic increase (my underlining) in the bulk and height of the proposed building".
- That the proposed development would "significantly (my underlining) harm the openness of the Green Belt".
- A handwritten side note in the memorandum states that " It is also difficult to argue that this is consistent with Policy 4 which only allows the reuse of an existing building (officer's underlining) where it does not have a greater impact on the Green Belt."

These were comments made by a professional officer. They are not

policy related and must still hold true today.

In the latest pre-app the officer noted that "From a visual perspective, a Right of Way runs across the fields to the north of the site. Thus, the dwelling and any associated residential paraphernalia would be highly visible (my underlining) on approach from the open countryside". He then advises that "information relating to any increase in height/footprint/width of the development should be highlighted at full submission, perhaps through an overlay plan of the existing and proposed building accompanied by any relevant figures outlining the increase taking place". Only the figures set out in Table 1 (page 5) of my submission were submitted. Due to clearance of the site, which was carried out in August 2020, it is now far more open than it was previously.

The photos below clearly show how visible the water tower is in the landscape, in contrast to the photos submitted in the LVIA. The latter appear to have been taken on a misty/foggy day from very selective positions. Even then the PS had to acknowledge that the water tower, at its existing height, was visible from "3 out of the 9 receptor sites".

I have set out further comments on the LVIA which can be found in Appendix A. Section 8 of the DAS refers to the water tower as being "a minor landmark in the countryside" and acknowledges "the distant views of the water tower on the horizon". It then goes on to refer to "carefully restrained views through the canopy to the south".

Para.3.9 of the PS advises that "all habitable levels are relatively above the tree canopy". I take habitable rooms to be those on the third and fourth floors.

Below are the views from the south as existing and as proposed. These are views from my garden. I would submit that views are hardly "restrained" as claimed by the applicant.

I will comment later on how trees have been removed along the southern boundary of the application site to improve the views from the upper floors. The site photos on page 5 and 6 of the PS were taken prior to August 2020 and are, therefore, misleading. This has been mentioned by the consultation response from the owners of 'Oaklands',

Luton Road.

Below are photos I have taken recently of the site. It should be remembered that these are taken when the trees are not fully in leaf, and represent how the site will be visible for around 7 months of the year.

The picture (left) was recently taken from Luton Road, to the north of the site. This clearly shows the openness of the site, with views through the 'stilts' to the countryside beyond. The proposed development would infill this area and increase the height of the tower. There would also be two canopies projecting from the finished building, as well as a garden wall/s and parked vehicles which would further decrease the transparency of the site. Below are other photos recently taken of the site.

I will now refer to Planning Appeal APP/J1915/W/19/3237241 for the

conversion of a water tower at Golden Way, Goldings Estate, Waterford, Herts. The decision letter, dismissing the appeal, is dated 17 February 2020. This is, therefore, a relatively recent decision and a material consideration of which officers providing pre-application advice on this application may not have been aware.

The appeal site was, like the Luton Road site, is in the Green Belt. The infilling of the structural frame is similar to that proposed at Luton Road, but the Golden Way development also included the addition of a stair tower. By comparison with the current application the drum was only 4.9m in diameter (as is the spaces between the legs) and the tower had an overall height of 17.6m. The heights are, therefore, comparable, but the footprint of the Luton Road site is far greater, resulting in more infilling. When it comes to the space to be infilled, however, the current proposals will infill a gap of approx.4.0m both sides of the central core.

In his appeal decision the Inspector noted that "these works would fail to preserve the openness of the majority of the existing structure (the steel frame of the tower) because they would enclose the four sides of the frame". He continued "what is now an open tower would become a four-sided building, with a consequential impact on visual openness"...."the existing steel frame indicates the presence of a building , but its complete enclosure and extension clearly impacts on openness simply as a matter of fact (my underlining)".

The Inspector took account of the "large windows on ground and first floor level" that would "allow some vision.....but only if the blinds in these windows were not down" (i.e.through the building).

Thus, even where the structure was infilled only with glass the Inspector still took the view the openness of the site would not be preserved. It should be noted that these comments were made before the Inspector proceeded to address issue relating to the stair tower, so they clearly do not relate to that part of the development. Although the structure that is the subject of the current application is circular rather than square the Inspector's comments are nevertheless relevant to the application under consideration. Furthermore, it should be noted that views will not be possible through the proposed scheme because of the internal walls.

AMENITY/GARDEN SPACE

I have previously mentioned that the lack of a site plan means that the size/location of the amenity/garden space is not available.

Most local authorities require such space to :-

- be capable of accommodating activities such as sitting, play, clothes drying etc.
- be of a useable shape and level.
- Receive direct sunlight for some of the day.

A typical average figure set by other authorities is approx.100m² but the size of such space is very much dependent on the number of bedrooms and the number of people occupying the dwelling. I have not been able to find criteria for the provision of such space on the Dacorum website, other than that a new dwelling should have a rear garden depth of 11.5m min. This distance is not achievable between

the water tower as converted and the two mutual boundaries with my property.

If only Parcel A forms the site such a distance as also not achievable to the west (towards Caddington Hall). If parking spaces are to be provided immediately inside the gated entrance to the site off Luton Road this depth cannot be achieved in that direction either. The water tower on Parcel A is fully surrounded by trees, and no usable amenity/garden space can be provided. It must, presumably be provided on Parcel B assuming that is indeed part of the application site. But this parcel is also well stocked with mature trees.

25:05.21:

Since this application was originally submitted no less than eight additional documents have been accepted by your Council. Six of these were accepted after the original decision deadline. This is totally unacceptable, and I would submit that the applicant should have been advised to withdraw the application and make a resubmission, particularly as an ownership certificate was only served on 5 May 2021, just three days prior to the determination date. Whilst the additional information submitted provides clarification on some issues, there are still errors, omissions on contradictions such that the application can still not be determined.

These are as follows: -

Site Definition

I still have concerns about the red line that is intended to define the application site. The newly submitted Site Plan Proposed (drg.no.20-19-A02) shows a change in the line of the boundary with Luton Road (see A opposite), that change being approx. where the existing site entrance is positioned. This offset is also shown on the recently submitted Construction Management Plan (drg.no.20-19-A02), the Curtilage Plan (drg.no.20-19-A05) and Landscape Plan (drg.no.20-19-A05). However, it is not shown on the amended Site Location Plan (drg.no.20-19-A01) or the 1:1250 Site Plan.

To complicate matters further the red line is taken to the edge of the road on the Access Road Detail (drg.no.20-19-D001) and the Cellweb Root Protection Detail (drg.no.20-19-D002). The corner of the site (B) is shown as on the Site Plan Proposed (opposite) on the Curtilage Plan, the Construction Management Plan and the (unnumbered) 1:1250 Site Plan. However, it differs on the Site Location Plan.

There is also a minor variation in the line of the boundary with my property (see C above). This offset is not shown on either the Site Location Plan or the Site Plan. So which of these drawings are we to assume correctly defines the boundaries of the site?

Central Government guidance states that the site should be edged in red on a 1:1250 or 1:2500 location plan. That would be drawing no.20/19/01 or the Buy A Plan O.S.map, which are not consistent anyway. Officers must seek further clarification on this conflicting information.

In my previous submission I identified the site as being made up of two parcels of land, Parcel A being the Water Tower site, and Parcel B part of the Caddington Hall site that has been 'transferred' to the Water Tower site to facilitate access. I must express my concern about the red line being taken around all of Parcel B as shown above, particularly given that the Curtilage Plan clearly shows that the only part of that parcel i.e. the access road, is to be incorporated into the proposed site.

Why has the red line not been drawn only along the sides of the proposed access instead? As shown (subject to later comments on change of use) all of Parcel B would, if the application is approved, fall into use class C3, and could be used as such. I would refer officers back to the comments in my previous consultation response regarding the non-inclusion of Parcel B in the arboricultural report and root protection drawing.

Central Government advice states that "a blue line must be drawn on the plan around any other land owned by the applicant, close to or adjoining the application site". Gleneden Plant Hire owns the Caddington Hall site, and this should ,therefore be indicated accordingly. Central Government advice also states that all plans should include a scale bar and should show the direction of North. None of the drawings recently submitted include a north point, and only two have a scale bar. Site Plan and Site Location Plan

Description of Proposed Development

In my previous consultation response I pointed out that Parcel B, as it currently forms part of the site of Caddington Hall Care Home, falls within use class C2. Even if, as the Curtilage Plan suggests, only the area required for the access road is to 'transferred' to the Water Tower site, that would still require permission to be sought for a change of use from C2 to C3. The revised application form submitted has not changed the description of the proposed development, so this issue has not been addressed. The application cannot, therefore, be determined in its present form.

The Curtilage Plan clearly shows three protected trees on the route of the proposed new access road (see opposite). Whilst these are shown on some of the previous drawings submitted, their position was not apparent. Indeed, the canopies of these three trees has been omitted from the Tree Protection Plan. They are identified the Site Survey drawing as saplings. I believe these trees have a diameter greater that 75mm and their removal, therefore, requires consent, and I would submit that this should have been included in the current application.

Cross referencing sheet 2 of the Site Survey drawing and the Construction Management Plan clearly indicates the need for the crown of protected trees to be cut back to provide space for scaffolding and construction operations. I attach a copy of a Topographical Survey Plan produced for South East Water (dated 20 June 2019) which verifies this information. These drawings suggest that either the Tree Protection Plan understates the crown spread of some of these trees, or they have already been cut back. The trees in question, as identified on the Tree Protection Plan, are T5, T14 and T15 as well as two further trees to the south of the Water Tower (probably T11 and T12).

The Landscape Plan show the service run from Luton Road. I should be noted that this runs through the root protection area of trees T1, T2 and T15 (as identified on the Tree Protection Plan.

Cell Web Road

The extent of the road varies between drawings 20-19-D001, 20-19-D002 and the20-19-A05. Which is correct?

The Construction Management Plan (drg.no.20-19-A02) states that the entrance from Luton Road will provide emergency vehicle access but does not show this area being protected by Cell Web. Likewise, drg.no.20-19-D002 does not show protection.

Drg.no.20-19-D001, on the other hand, shows the Cell Web taken to the edge of Luton Road. This must be on land outside the site (despite the positioning of the red line on this drawing).

If it is the intention to build the access road as shown on this drawing the requisite notice should have been served on the Highways Authority. It should also be noted that as the access drive must be raised above ground level it would be raised above the level of the road where they abut.

Site Access

It is intended to access the site from the private road serving Caddington Hall. Drawings submitted clearly show a wall and gates to the north of the substation, but no detailed plans of this element of the proposed development has been submitted for approval. I also note that according to drg.no.20-19-A04 the sections of wall either side of the gates are not included in the residential curtilage.

Should Caddington Hall be sold, however, that access could be denied by the future owner. This would lead to pressure for the permanent access to be via the gate off Luton Road. It is important, therefore, that there is a binding legal agreement to retain the access via Caddington Hall. The Tree Protection Plan and the Construction Management Plan both state that the "site entrance gate to be closed, and operated only when materials need to be delivered to the tower". Which gate does this refer to?

As gate is in the singular I have a suspicion that this may relate to the gate off Luton Road. If the note is intended to refer to gates, then does this mean the existing gates at the entrance to Caddington Hall, or those at the new entrance to the Water Tower site?

28.06.2021:

Since this application was originally submitted no less than fifteen additional/amended documents have been accepted by your Council.

The comments set out below relate to the seven documents submitted on 16 June 2021. Even with this latest set of amendments there are still errors, omissions and contradictions such that the application can still not be determined.

These are as follows: -

Application Description

The intention now seems to be that the existing water tower access directly off Luton Road will be used as a permanent access for the converted water tower. The application form now describes the proposed development as the 'conversion of the existing water tower (sui generis) to residential (C3) including the construction of new access'. The access across part of the Caddington Hall is only temporary, and this should be included in any wording.

The application form still states that the site area is 0.54ha, whereas the design and access statement gives a figure of 0.16ha.

Site Definition

I still have concerns about the red line that is intended to define the application site. It has been amended on the site location plan (drgs.20/19/01B and 20-19-AO2B) so that parts of the adjoining Caddington Hall site are only to be used for a site access and storage during the construction period. However, the red line shown on the site location plan steps back at this access.

I would submit that this red line should be taken beyond the line shown to incorporate the full access from the highway, and should include the sight lines for the access .

The curtilage plan (drg.20-19-AO4B) contradicts the above-mentioned information, with the red line not being stepped back at the entrance.

To add to the confusion the revised site plan submitted on 11 May 2021 (Buy A Plan drawing) still shows all of parcel B (as identified in my previous consultation responses) included within the red line.

Despite my previous representations the adjoining Caddington Hall site is not edged in blue. This is owned by the applicant, Mr.R.Gill (Gleneden Plant Sales). National validation requirements clearly state that any other land owned by the applicant must be edged in blue.

Proposed Access off Luton Road

The revised design and access statement still refers to the new access from the west i.e. as shown on the previous scheme. This is also the access route still referred to in the planning statement .

However, it is clear from the drawings submitted that access is now to be directly off Luton Road. It is acknowledged that there is an existing access off Luton Road for the redundant water tower. This is barred by a swing gate which provides access to only to a footpath. The gate was only used to provide pedestrian access for maintenance purpos

I would comment on the latest amendments to this application as follows:-

28.11.2021:

RED AND BLUE LINES

The revised site location plan, submitted on 8 November 2021 still fails to comply with the national information requirements.

As I have pointed out on several occasions the mandatory requirement

is that 'The application site should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (eg land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings).'

The sight lines are still not included within the red line and does not meet the mandatory requirements.

Furthermore, the requirements state that 'a blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site'.

The blue line drawn does not include all the Caddington Hall site and does not, therefore, meet the mandatory requirements.

Revised plans must again be requested, and these again put out for further consultation before this application can be determined.

I have just been advised of a very recent appeal decision which further supports my view regarding the impact the proposed development would have on the Green Belt.

Co-joined appeals ref: APP/J1915/W/20/3262433 and APP/J1915/Y/20/3262436 relate to the conversion of a water tower at Devey Way, Goldings Estate, Waterford, Hertfordshire.

This was the proposed development referenced in my first consultation response.

Revised proposals were submitted and dismissed on appeal on 4 November 2021.

Firstly, it should be noted that the Inspector goes out of his way to avoid referring to the water tower as a building. Instead, he carefully picks his words, and describes it as 'a sizeable piece of functionable apparatus'.

This clearly supports my view that a water tower is not a building.

The Inspector then addresses the impact the proposed development would have on the Green Belt.

He opines in para.25 of his decision that 'By infilling the sides of the structure beneath the water tank, the tower would have the appearance of a tall, 4-sided building as views through the supporting legs would no longer be possible. This means it would erode rather than preserve the openness of the Green Belt (my underlining) that is currently enjoyed in the vicinity of the structure.

Later comments made by the Inspector are also relevant to the application under consideration by your council.

Specifically in para.26 he states that 'Openness though has a special aspect as well as a visual one, and so whilst views through the structure at present are limited I still find the works before me fail to preserve openness'.

It should be noted that the area to be infilled under the drum of the Luton Road water is considerably greater than that covered by the appeal (width approx.4.0m either side of central core, compared with approx. 5.0m in total).

The impact on the Green Belt will, therefore, be even greater.

CONCLUSIONS

The latest appeal decision I have submitted is a material consideration when determining this application.

It supports the previous appeal decision referenced in by first

	<p>consultation response, and the comments made by Mr.Freeman back in 2005 relating to a similar development. All of the above clearly reinforce my previous submissions that the proposed development fails to preserve the openness of the Green Belt, and there are no very special circumstances which outweigh this.</p> <p>I would strongly urge officers to carefully read this latest appeal decision and give it due weight when arriving at a final decision. Given the overwhelming evidence submitted to prove that the development would harm the Green Belt there is only one reasonable outcome, the refusal of permission for this development.</p>
<p>Oaklands Luton Road Markyate St Albans Hertfordshire AL3 8QD</p>	<p>There are many references to the density of the tree cover and vegetation in the supporting documents but the truth is that this cover is now sparse compared to what it was before multiple trees were removed or damaged by the developer, despite TPOs being in place on these trees.</p> <p>Therefore the statements about privacy and light are not accurate. I am currently looking at one felled tree and one tree stripped of bark, both conveniently in the path of the proposed access road.</p> <p>The water tower is an imposing structure. It is mentioned that the struts would remain exposed but infilled. The infill would make this an even more dominant building and would also block the early morning sun which currently comes through in the winter months.</p> <p>The water tower is currently very visible from my property, with very clear views from my bedroom. Due to the height it would mean that my rear garden, currently very private would be overlooked.</p> <p>I am concerned that the developer's disregard for tree preservation to date has created a precedent and I have little confidence that planning subject to restraint in order to protect the existing trees will be adhered to.</p> <p>I'm not clear about the proportions of the proposed building. Are the dimensions to remain exactly the same, including the height? This tower is very visible from surrounding areas, but any increase in height would make it even more imposing and intrusive.</p>
<p>Herts and Middx Wildlife Trust, Grebe House St Michaels Street St Albans AL3 4SN</p>	<p>The ecological information supplied is in the form of a Preliminary Ecological Appraisal. The CIEEM guidelines on PEA states:</p> <p>'1.5 Under normal circumstances it is not appropriate to submit a PEA in support of a planning application.'</p> <p>BS 42020 states: '8.1 Making decisions based on adequate information The decision-maker should undertake a thorough analysis of the applicant's ecological report as part of its wider determination of the application. In reaching a decision, the decision-maker should take the following into account:</p> <p>h) Whether there is a clear indication of likely significant losses and</p>

	<p>gains for biodiversity.</p> <p>'6.3.1the final report submitted with the application should provide as much certainty as possible (see 6.6.1) and be prepared specifically with the aim of enabling the decision-maker to reach a sound and lawful determination of the application.</p> <p>6.6.1 The ecological report should provide sufficient detail and clarity to enable both the applicant and the decision-maker to establish whether the report's proposals and/or recommendations:</p> <p>a) provide a practicable, deliverable and acceptable means of incorporating biodiversity into the proposed development.</p> <p>6.6.2 An ecological report should avoid language that suggests that recommended actions "may" or "might" or "could" be carried out by the applicant/developer (e.g. when describing proposed mitigation, compensation or enhancement measures). Instead, the report should be written such that it is clear and unambiguous as to whether a recommended course of action is necessary and is to be followed or implemented by the applicant.'</p> <p>As the report is a PEA, no definitive mitigation or compensation measures are provided. A series of recommendations are made, but these are not enforceable. The application cannot be determined without this information.</p> <p>In order for a decision to be made, the ecological recommendations must be resubmitted with definitive and measurable outcomes. This includes the requirement for measurable net gain, by reference to the Defra biodiversity metric. As stated in the PEA a 10% increase in habitat units is required to prove net gain. If these are acceptable they can then be enforced through the decision or via a condition.</p>
<p>Tanglewood Luton Road Markyate St Albans Hertfordshire AL3 8PZ</p>	<p>We object to this proposal on the following grounds:</p> <ul style="list-style-type: none"> - this developer has already acted with complete disregard for Green Belt, TPOs and the environment. - this will have a significant adverse effect on the openness of Green Belt land. The development will cause further damage to the remaining trees around the water tower - the proposal involves a substantial increase in the height and volume of the existing structure as well as a change of use. We are particularly concerned about the increased height and its effect on the privacy of neighbours
<p>Markyate Village Hall Cavendish Road Markyate St Albans Hertfordshire AL3 8PS</p>	<p>We do not agree with any buildings on Green Belt. Trees have been destroyed. This should be referred back to the Enforcement Officer due to potential infringements. There is a TPO around the site. Parish Council strongly object to this application. What about the wildlife etc. Bat survey and tree survey is incomplete. Dangerous due to access onto Luton Road, adding to traffic problems.</p>

Agenda Item 5d

ITEM NUMBER: 5d

21/02078/ROC	Variation of condition 2 (approved plans) attached to planning permission 20/01667/FUL - Demolition of 4 single story barns currently used as dwelling. Erection of a low carbon 1.5 storey 4 bed family home, annex and garage.	
Site Address:	Greenings Farm, Stocks Road, Aldbury, Tring, Hertfordshire, HP23 5RX	
Applicant/Agent:	Mr Simon Booth	David Kirkland
Case Officer:	Colin Lecart	
Parish/Ward:	Aldbury Parish Council	Aldbury & Wigginton
Referral to Committee:	Objection received from parish council	

1. RECOMMENDATION

That permission to vary condition 2 (approved plans) attached to permission 20/01167/FUL is GRANTED.

2. SUMMARY

2.1 Overall, it is considered the proposed amendments do not result in harm to the character and appearance of the surrounding Chiltern Hills AONB and Conservation Area. The building would still be positioned approximately 45m from the boundary with Stocks Road, with enough space in the paddock for a comprehensive planting scheme to take place, which would further reduce the prominence of the development. From longer range views from the Right of Way to the north east, it is not considered that the moderate re-positioning of the development would significantly increase its prominence above the original approval.

2.2 The two additional rear windows would not be prominent from the surrounding area nor would the roof lights on the flat roof element serving the boot room and pantry. The additional roof light on the northern elevation would be seen from the Right of Way to the north east. However, this would sit on the lower portion of the pitched roof alongside three other roof lights, and be of a moderate size. It is not considered the addition of this roof light would result in the northern pitched roof becoming significantly dominated by glazing.

3. SITE DESCRIPTION

3.1 The application site is located on Greenings Farm in Aldbury and is accessed via a private unsurfaced road. Aldbury village recreation ground is located to the south. The site is located outside of the Green Belt but within the Chilterns AONB and the Rural Area. The Aldbury Conservation Area boundary runs along the southern edge of the access road. A public Right of Way runs along the southern boundary of the site as well as through the fields to the north east.

4. PROPOSAL

4.1 The application seeks to vary condition 2 of planning permission 20/01167/FUL.

4.2 The positioning of the building would be altered by approximately 2m northwards and 2m eastwards due to advice from UK Power Networks regarding a proposed services route and the room required for this. There would also be an additional roof light on the northern elevation, two roof lights on the roof of a single storey element of the proposal serving the boot room and pantry, and one additional window on the ground floor of the rear elevation, as well as a new window serving the annexe on the front elevation.

4.3 There are also other minor revisions on the floor plans, whereby a former plant room is now indicated as a games room and the original studio has been reduced in size to make way for a small gym room. It is important to note that once built, usually internal changes to a dwelling house would not require planning permission.

5. PLANNING HISTORY

Planning Applications (If Any):

20/01667/FUL - Demolition of 4 single story barns currently used as dwelling. Erection of a low carbon 1.5 storey 4 bed family home, annex and garage.
GRA - 16th October 2020

21/04155/FHA - Construction of two dormer windows to front roof slope, insertion of rooflight to side and enlargement of two rooflights to rear, replacement of door and window to side elevation with patio doors. Construction of swimming pool with associated plant and landscape works
Construction of oak framed gazebo
PCO -

4/02256/12/FHA - Timber framed car shelter and log store
GRA - 12th April 2013

4/00430/10/TCA - Works to trees
RNO - 21st April 2010

4/03034/07/DRC - Details of materials required by condition 2 of planning permission 4/0096/07 (replacement dwelling)
GRA - 10th March 2008

4/02330/07/DRC - Details of phase 1 environmental study and site completion report required by conditions 8 & 9 of planning permission 4/00096/07 (replacement dwelling)
GRA - 7th December 2007

4/00096/07/FUL - Replacement dwelling
GRA - 26th April 2007

4/01310/03/FHA - Two storey extension
REF - 24th July 2003

4/00204/03/FHA - Two storey extension
WDN - 27th March 2003

4/00046/02/DRC - Details of landscaping required by condition 3 of planning permission 4/00408/01 (manege)
GRA - 6th March 2002

4/00408/01/FUL - Formation of manege
GRA - 8th May 2001

4/01058/00/FHA - Boundary wall and gates
REF - 31st July 2000

4/00599/99/FUL - Conversion of barn to residential unit and tack room
GRA - 17th June 1999

4/00091/97/LDC - Unrestricted residential occupancy(lawful development certificate - existing use)
GRA - 30th April 1997

Appeals (If Any):

6. CONSTRAINTS

Area of Outstanding Natural Beauty: CAONB outside Dacorum
CIL Zone: CIL1
Aldbury Conservation Area
Parish: Aldbury CP
RAF Halton and Chenies Zone: Green (15.2m)
RAF Halton and Chenies Zone: RAF HALTON: DOTTED BLACK ZONE
Rural Area: Policy: CS7
Parking Standards: New 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 (2021)
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Core Strategy (2013):

NP1 - Supporting Development
CS1 - Distribution of Development
CS7 - The Rural Area
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS24 – The Chiltern Hills of Outstanding Natural Beauty
CS27 – Quality of the Historic Environment
CS29 - Sustainable Design and Construction

Local Plan:

Saved Appendix 3

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of 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

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 the surrounding Chilterns Hills AONB and Conservation Area;
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 the Chiltern Hills of Outstanding Natural Beauty and the Rural Area. Policy CS7 of the Core Strategy (2013) states that the replacement of existing buildings for the same use and the redevelopment or previously developed sites are acceptable within the Rural Area provided it has no significant impact on the character and appearance of the countryside.

9.3 Policy CS24 states the special qualities of the Chilterns Area of Outstanding Natural Beauty will be conserved. Development should have regard to the policies and actions set out in the Chilterns Conservation Board's Management Plan and support the principles set out within the Chilterns Buildings Design Guide.

9.4 The principle of the development has been established under planning permission 20/01667/FUL. The report for this permission outlined information submitted by the applicant, as well as historic planning permissions, which indicated that the site is, and has been for a significant period, been in a mixed equestrian/residential use.

9.5 As such, the land is considered previously developed land under Annex 2 of the NPPF (2021). As such, the principle of the development of the land is considered acceptable.

Impact on Surrounding Chiltern Hills of Outstanding Natural Beauty and Conservation Area

9.6 Policy CS7 states that the redevelopment of previously developed sites in the Rural Area is acceptable provided that it has no significant impact on the character and appearance of the countryside. Policy CS24 states that the special qualities of the Chilterns AONB should be conserved. The site is also adjacent to the Aldbury Conservation Area where Policy CS27 states development should favour the conservation of heritage assets.

9.7 The scale, massing, bulk and form of the dwelling would not change with regards to the previous permission. As such, this assessment will not make another overarching assessment with regards to the impact on the surrounding area as this can be found within the committee report for planning permission 20/01667/FUL. Overall, the conservation officer had no objection to the proposals on heritage grounds and it was considered that while the dwelling would be visible from the Rights of Way to the north, it would be appreciated on a lower land level as an innovative design as one begins to perceive other built form on the approach to Aldbury. The Chilterns Building Design Guide (2010) also allows room in its policies for high quality, innovative designs in the area.

9.8 The conservation officer has confirmed that they have no objection to the current application on heritage grounds.

9.9 It is considered the inclusion of one additional ground floor window and widening of two of the originally approved windows on the rear elevation would not result in harm to the surrounding area. It is considered these windows would not be widely perceived as one walks the Rights of Way to the south west nor would they appear out of context with regards to the overall built form of the dwelling. These windows would not be seen from the Rights of Way to the north/north east. The new roof light serving the family bedroom would not be widely perceived from the surrounding area.

9.10 The additional roof light in the northern elevation would face towards the northern rights of way. However, from the Rights of Way to the north, any specific view of this would be seen at a significant distance whereby it would not disrupt the overall appearance of the flank elevation above and beyond that previously approved. The roof light is a proportionate size to the overall size of the pitched roof and would sit on the lower portion of it, alongside the other roof lights included on the original planning permission.

9.11 The two roof lights serving the boot room and pantry would be positioned on a flat roof of a single storey element of the proposal. It is not considered these would be perceived from the surrounding area. However, it is noted that condition 3 (materials) of the original permission requested details of the tinted glazing to be used within the pitched roofs of the eastern elevation. This condition will be reproduced if this application is to be granted, but it will be reworded to included details of tinted glazing to these roof lights as well, to reduce light splay across the front elevation.

9.12 The proposed dwelling would be repositioned approximately 2m north and 2m to the east to make way for the running of underground services along the southern boundary as well as to the rear of the dwelling. Despite this proposed movement, The principal elevation of the property would still be positioned approximately 45m away from the boundary with Stocks Road. As on the previous application, it is considered that the dwelling would not be prominently viewed from Stocks Road due to the level of the road, boundary vegetation, and the overall distance of the dwelling from the boundary.

9.13 The dwelling would be more visible from the Right of Way to the north east. However, it is not considered that the slight repositioning would result in the dwelling being significantly more prominent than the previous approval which would result in harm to the Area of Outstanding Natural Beauty. The dwelling would move closer to the eastern boundary, whereby a post and rail fence is currently located. Despite this, the indicative landscape masterplan shows that a new mixed hedgerow will be planted along this boundary, softening the boundary of the development site which would be improvement upon the existing situation. A stone wall would form some length of the boundary where a sunken terrace and amenity area is proposed but these would not appear out of context in the surrounding area.

9.14 Due to the above, it is considered that the proposed amendments would not have a significant impact on the character and appearance of the surrounding area above and beyond the original permission. Therefore, the proposal complies with Policies CS7, CS11, CS12, CS24 and CS27 of the Core Strategy (2013).

Impact on Residential Amenity

9.15 Policy CS12 of the Core Strategy (2013) and Saved Appendix 3 of the Local Plan (2004) state that development should not have an adverse impact on the residential amenity of surrounding properties in term of light, outlook and privacy.

9.16 It is not considered that the additional fenestrations or the moderate re-positioning of the dwelling will result in adverse impacts on the residential amenity of any surrounding properties.

Impact on Highway Safety and Parking

9.17 Under the Parking Standards Supplementary Planning Document (2020) a four bedroom dwelling in this location would require 3 parking spaces. Beyond four bedrooms, the parking requirements for a development will be assessed on the individual circumstances.

9.18 The dwelling would (as previously approved) would provide sufficient parking space on the drive as well as within the triple garage.

9.19 Since the last application was approved, the Parking Standards SPD (2020) has been adopted, as such an additional condition securing details of electric vehicle charging infrastructure will be attached to any permission given.

9.20 Hertfordshire Highways have no objection to the amendments, noting the change in positioning will not impact on the ability of vehicles to enter/exit the site, as well as turn within it.

Other Material Planning Considerations

Impact on Trees and Landscaping

9.21 A protected tree is located on the entrance into the site. A Tree Protection Plan will be secured by condition to ensure that no works or storage of materials take place within the root protection zone of this tree. It is not considered the positioning of the dwelling itself will have an impact on this tree.

9.22 The proposed repositioning of the dwelling is to allow for the run of underground services to take place outside of the Root Protection Area of an existing tree located on the southern boundary.

9.23 The proposed site plan appears to indicate that one tree will be removed to the rear of the proposed dwelling. No tree report has been submitted and Trees and Woodlands have not commented on the application. However, it is noted that this tree is not protected. Due to its positioning and grouping with a number of other trees on the other side of the boundary, it is considered that its removal would not have a significant detrimental impact on the surrounding area. While its removal is unfortunate, it has been indicated that substantial planting will take place on land forward of the principal elevation of the dwelling. It is considered that there is more than enough space on this land whereby a net increase of trees to mitigate against the one removed can be achieved. Details of the final landscaping scheme will be secured by condition.

Ecology

9.24 Hertfordshire Ecology had no objection to the original application. They have not commented on this application but it is considered the amendments do not have an impact on ecological assets above and beyond what was original assessed.

9.25 As before, a Landscape and Ecological Management Plan will be secured by condition. Due to the amount of land available for potential planting/ecological features, it is anticipated the biodiversity net gain can be achieved.

Sustainability

9.26 As stated on the assessment for the previous application: *“The dwelling has been designed around low energy principles. The building would be highly thermally and acoustically insulated beyond current building regulation requirement. The dwelling will benefit from a ground or air source*

heating system, solar powered systems on the garage roof with a battery storage system, passive solar gain via the southern glazed facades, high levels of internal thermal mass. The materials used for the building fabric will be low processed and natural allowing for easy deconstruction, recycling and biodegradable waste management. The building materials specified will tend to be towards being A+ rated by the Green Guide to Specifications. Overall, the development would accord with the principles set out in Policy CS29”.

9.27 The parish has raised a concern that a room originally indicated as a plant room has now been indicated as a games room. The agent has confirmed that “*Technical design development has enabled us to distribute the services around various locations within the dwelling including the boot room and attics as well as the garage roof void*”. Overall, Building Regulations Approved Document L1A would control the standards relating to conservation of fuel and power. In addition, it is still considered the development intends to go beyond these regulations and there is no substantial evidence to the contrary that the development does not intend to install the above measures.

Other matters

9.28 Class A, B and C (Schedule 2, Part 1) Permitted Development Rights will be removed from the proposal by condition should permission be granted. Class E (outbuilding) rights will not be removed. It is considered the east facing elevation towards Stocks Roads is the principal elevation of the development. Thus, Permitted Development Rights would not extend to outbuildings forward of this elevation, within the former paddock area.

9.29 A number of comments have noted the building would be outside the footprint of the existing buildings and thus the application would be unacceptable. The buildings, including their curtilage – which would include the paddock land, would be considered previously developed land and therefore the development is acceptable in principle. The primary consideration is the impact on these amendments on the character and appearance of the area. As previously stated, the building would still be located a significant distance away from Stocks Road, with large areas still available for a comprehensive landscaping scheme which would further reduce the prominence of the building. From longer views from the Rights of Way to the north east, it is considered the moderate change in positioning would not be significantly perceived in terms of prominence, beyond what was originally approved.

Community Infrastructure Levy (CIL)

9.30 The application is CIL liable.

10. CONCLUSION

10.1 Overall, it is considered the proposed amendments do not result in harm to the character and appearance of the surrounding Chiltern Hills AONB and Conservation Area. The building would still be positioned approximately 45m from the boundary with Stocks Road, with enough space in the paddock for a comprehensive planting scheme to take place, which would further reduce the prominence of the development. From longer range views from the Right of Way to the north east, it is not considered that the moderate re-positioning of the development would significantly increase its prominence above the original approval.

10.2 The two additional rear windows would not be prominent from the surrounding area nor would the roof lights on the flat roof element serving the boot room and pantry. The additional roof light on the northern elevation would be seen from the Right of Way to the north east. However, this would sit on the lower portion of the pitched roof alongside three other roof lights, and be of a moderate size. It is not considered the addition of this roof light would result in the northern pitched roof becoming significantly dominated by glazing.

10.3 As such, the application is recommended for approval.

11. RECOMMENDATION

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

Condition(s) and Reason(s):

1. **The development hereby permitted shall begin before the expiration of three years from the decision date of permission 20/01667/FUL .**

Reason: To comply with the requirements of Section 73 of the Town and Country Planning Act 1990

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

**2265-11-01
PL-03 Rev P3
PL-04 Rev P3
PL-05 Rev P2
PL-06 Rev P3**

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

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

Please note these details shall include details of the tint of the windows within the pitched roofs of the eastern elevation as well as the roof lights serving the proposed boot and pantry rooms.

Reason: To ensure satisfactory appearance to the development and to safeguard the visual character of the area in accordance with Policies CS7, CS12 and CS27 of the Dacorum Borough Core Strategy (2013).

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

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

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

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

5. **Prior to the commencement of the development details of a management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas including the proposed orchard planting and wildlife pond. The plan should also show the location of the artificial bird nests requested by the ecology officer. The details should be built upon the submitted Master Landscape Plan and Design Binder.**

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).

6. **No work (including site clearance) in relation to the development hereby approved shall be undertaken until full details setting out how retained trees shall be protected, in accordance with BS5837:2012 (Trees in relation to design, demolition and construction), have been submitted to and approved in writing by the Local Planning Authority. Details shall include:**

- **A scaled Tree Protection Plan showing the approved development layout and retained trees (surveyed in accordance with BS5837:2012), to include their accurate crown spreads and root protection areas (RPAs).**
- **The sequential order of events required for tree protection.**
- **The position and specification of tree protection fencing in accordance with BS5837:2012 (as applicable).**
- **The position and specification of ground protection in accordance with BS5837:2012 (as applicable).**
- **Details of hard surfacing constructed using no-dig techniques where proposed over the RPA of retained trees (as applicable).**
- **Details of proposed levels.**
- **The position of service routes and drainage (to include soakaways), and means of installation if these encroach through the RPA of retained trees.**
- **The position(s) of welfare site cabins and areas for the storage of materials.**
- **Tree protection measures during the landscaping stage(s).**
- **Details of arboricultural site supervision to include timing and how each site visit shall be recorded.**

There shall be no excavation, changes in levels, storage of materials or access within the RPA of retained trees unless previously specified and agreed.

The works must then be carried out according to the approved details.

Reason: In order to ensure that damage does not occur to trees and hedges during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 174 of the National Planning Policy Framework (2021).

7. **The clearance of trees and demolition of buildings 3 and 4 (as shown on the Greenings Farm site plan within the ecological report by the Wildlife Conservation Partnership (WCP) October 2019), should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of these areas should be made no more than two days in advance of clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.**

Reason: To protect breeding birds, their nests, eggs and young in accordance with Paragraph 175 (a) of the National Planning Policy Framework (2019) and the Wildlife and Countryside Act (1981).

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

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

9. **Any contamination, other than that reported by virtue of Condition 7 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.**

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

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

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

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality in accordance with Policies CS7, CS12 and CS24 of the Dacorum Borough Core Strategy (2013) and Paragraph 127 of the National Planning Policy Framework (2019).

Informatives:

1. Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.
3. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.
4. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.
5. 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.

6. 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.
7. 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.
8. 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
9. Any excavations left open overnight should be covered or have mammal ramps (reinforced plywood board >60cm wide set at an angle of no greater than 30 degrees to the base of the pit) to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
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><u>Comment</u></p> <p>The proposal is for the variation of condition 2 (approved plans) attached to planning permission 20/01667/FUL - Demolition of 4 single storey barns currently used as dwelling. Erection of a low carbon 1.5 storey 4 bed family home, annex and garage. Condition Number(s): N/A – relocation permission being applied for. Conditions(s) Removal: To create better access for building utilities installation at Greenings Farm, Stocks Road, Aldbury.</p> <p>HCC Highways commented on the original application (20/01667/FUL) with a recommendation of a grant of permission finding no highways issues with the site. This variation of condition is concerning a change of layout in relation to the location and structure of the dwelling. The access from the adjacent highway will not be changed from that of the original plans. Within the new plans cars will still be able to turn on site to exit and enter the site in forward gear.</p>

	Therefore, HCC Highways would like to reiterate our previous comments (20/01667/FUL) for this application and would not wish to restrict a variation of condition 2 in relation to the movement of the
Conservation & Design (DBC)	We would not have any objection to the proposals as it would not detrimentally impact on the overall scheme previously approved provided that the same conditions were added to those previously imposed.
Parish/Town Council	<p>Aldbury Parish Council object to the Application to move the building. In moving the building from a location on which already sits a number of buildings, the proposed location is on land which has not been previously built on. It is closer to Stocks Road which will have a detrimental impact on the street scene in an AONB.</p> <p>We would also like to note that there is a substantial increase in the number of windows and roof lights which have been added to this application, again affecting the visual impact on the rural landscape and reducing the size of the green roof which was designed to minimise the buildings impact on the environmental.</p> <p>The Parish Council is also concerned that the revised plans appear to show the removal of a number of additional mature trees.</p>
Environmental And Community Protection (DBC)	<p>Having reviewed the application submission and the ECP Team records I am able to confirm that there is no objection to the variation of condition 2 (approved plans).</p> <p>However, please recognise there are still conditions attached to planning permission 20/01667/FUL relating to contaminated land that are still relevant and are expected to be retained.</p>

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
4	4	0	4	0

Neighbour Responses

Address	Comments
Little Stocks Stocks Road	Further slippage on building on green belt affecting the local environment, well away from the original huts that this development

<p>Aldbury Tring Hertfordshire HP23 5RX</p>	<p>was mean to replace. The proposal is out of keeping with the local area and will be a significant negative influencer on a well used and popular walk for many both local to Aldbury and those new to the village. As ever further creepage and we will end up with a material blot closer to the road and more in view that was ever proposed. The proposal is much closer to the road, closer to the footpaths, and more in view that ever before. A 9.5metre high construction on a green field site for all to see in Aldbury.</p>
<p>4 Park Road Tring Hertfordshire HP23 6AT</p>	<p>On behalf of the Chiltern Society, I object to this application. Whereas the previous application 20/01667/FUL proposed building on a previously developed site, this proposal does not. The current application is therefore not acceptable. The site lies within the Chilterns AONB, and the large building will be very intrusive on the landscape, and will not enhance the natural surroundings. Views will be spoilt, and trees will be cut down. It would be visible from many points of view, including several country footpaths, and will be an intrusion on the landscape. We therefore object to this application.</p>
<p>Wychwood Toms Hill Road Aldbury Tring Hertfordshire HP23 5SA</p>	<p>I would like to object to the new application relocating considerably further forward from the original application towards the road and the felling even more mature trees from the previous application. The huge building with an alpine roof line will be even more visible to visitors to the Chilterns and locals alike. Hopefully at some stage Dacorum Planners will say enough is enough!</p>
<p>High Trees 7 Beechwood Drive Aldbury Tring Hertfordshire HP23 5SB</p>	<p>These modifications make an already unusually large, tall, out of character building far more visible in an Area of Outstanding Natural Beauty. It also means the building is no longer in/on the foot print of the existing buildings - a condition for the original application being approved. The applicant is an experienced, professional property developer and one has to wonder if this modification, submitted just months after the original application, is an afterthought or a tactical planning approach. The entire application and development should be recalled and judged afresh as if a new application in its newly proposed form. Otherwise this brings the planning system into disrepute and makes a mockery of the proper process and due consideration.</p>

Agenda Item 5e

ITEM NUMBER: 5e

21/03742/FHA	Single storey rear and side extension and loft conversion	
Site Address:	17 Vicarage Lane, Kings Langley, Hertfordshire, WD4 9HS	
Applicant/Agent:	MR ANDY SMITH	Mr Frank Amankwah
Case Officer:	Tristan Goldsmid	
Parish/Ward:	Kings Langley Parish Council	Kings Langley
Referral to Committee:	Contrary views of parish Council	

1. RECOMMENDATION

That planning permission be granted.

2. SUMMARY

2.1 The proposed development is located within the large village of King Langley, whereby in accordance with Policy CS4 of the Dacorum Borough Core Strategy, development is acceptable if it meets local and national policies.

2.2 The overall size, scale and design of the extension and loft conversion is acceptable, and given that the proposal would be shielded from view, it would not result in any harm to the character or appearance of the street scene. Both the proposed loft conversion and rear extensions are not considered to have any significant adverse impacts on the residential amenity of neighbouring properties by being visually overbearing or resulting in a loss of light or privacy.

2.3 Furthermore, it is not considered that the scheme would have an adverse impact on the road network or create the significant parking stress

2.4 Given all of the above, the proposal complies with the National Planning Policy Framework (2019), Policies CS1, CS4, CS11, CS12, CS27, CS29 and CS32 of the Dacorum Borough Core Strategy (2013), Saved Policies 57-58 and Saved Appendices 3, 5 and 7 of the Local Plan (2004), the Parking Standards Supplementary Planning Document (2020) and the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. SITE DESCRIPTION

3.1 The application site is comprised of a two-storey, mid-terrace dwelling, situated on the northern side of Vicarage Lane, a residential lane located within the large village of Kings Langley. The dwelling sits amongst a terraced row of 6 properties.

4. PROPOSAL

4.1 The application is seeking householder planning permission for a single storey rear and side extension, as well as a loft conversion.

5. PLANNING HISTORY

None

6. CONSTRAINTS

CIL Zone: CIL2
Heathrow Safeguarding Zone: LHR Wind Turbine
Large Village: Kings Langley
Parish: Kings Langley CP
RAF Halton and Chenies Zone: Yellow (45.7m)
Residential Area (Town/Village): Residential Area in Town Village (King Langley)
Parking Standards: New Zone 3
EA Source Protection Zone: 3
EA Source Protection Zone: 2

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 (2021)
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

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

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (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

Main Issues

9.1 The main issues to consider are:

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

Principle of Development

9.2 The site is situated in a residential area, in the large village of Kings Langley, wherein Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013) are relevant. Policy CS1 guides new development to towns and large villages, encouraging new development within these areas. Furthermore, Policy CS4 encourages a mix of uses in town and local centres, encouraging residential uses.

9.3 Taking the above policies into account, the proposal for a single storey rear and side extension, with loft conversion is acceptable in principle.

Quality of Design / Impact on Visual Amenity

9.4 Policy CS11 and CS12 of the Core Strategy 2013 states development should respect the typical density intended in an area, preserve attractive streetscapes and respect adjoining properties in terms of scale, layout and materials.

9.5 Both the rear extension and loft conversion would not be visible from public vantage points along Vicarage Lane.

9.6 The proposal would use materials to match the existing property.

9.7 17 Vicarage Lane is part of terrace of 6 dwellings which feature outriggers to the rear. Further along Vicarage Lane there are examples of dormer loft conversions as well as single storey rear extensions, however there are currently no examples of mansard loft conversions on the terrace that No. 17 Vicarage Lane is situated within.

9.8 Given that there are currently no similar loft extensions amongst the adjacent properties, the proposed mansard loft conversion with two rear facing windows would appear at odds with the appearance of the area. However, given that the mansard style loft conversion would be situated to the rear and would not be visible from public vantage points it is not likely to cause any significant harm to the character of the row of terraced dwellings or the character of the wider street scene. It is acknowledged that the mansard style loft extension proposed would increase the bulk of the roof space, however it is important to note that the dwelling would be entitled to convert the loft to add 40 cubic metres of roof space under Class B of their Permitted Development rights and the design of this could be identical to that currently proposed (ie it could feature a mansard roof). The mass, bulk and overall design of the proposed dormer could be undertaken without the need for Planning Permission and this is a material consideration. It is concluded that a dormer of this size and design would not warrant a refusal.

9.9 The rear and side extension proposed would replace the existing single storey rear extension and would extend at the side to the boundary shared with no.19 and would not extend further outwards. The extension would also introduce rooflights and side windows positioned along the boundary shared with no. 19. Whilst this modern design will differ from the traditional architecture visible among adjacent dwellings, given the shielding from view, the proposed rear extension is not considered to cause any significant harm to the character and appearance of the existing dwelling or area.

9.10 Taking all of the above into account, it is considered that the layout, architectural style and built form of the proposed development would not result in a detrimental impact upon the character and appearance of the surrounding area. The proposal therefore complies with Saved Appendix 7 of the Dacorum Local Plan (2004), Policies CS10, CS11 and CS12 of the Core Strategy (2006-2031) and the National Planning Policy Framework (NPPF, 2021).

Impact on Residential Amenity

9.11 The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan and Policy CS12 of the Core Strategy, seek to ensure that new development does not result in detrimental impact upon the neighbouring properties and their amenity space.

9.12 Given the proximity of 17 Vicarage Lane to neighbouring dwellings, the proposed development would be visible from the adjoining neighbours at no. 15 and no. 19 and the dormer from beyond them.

9.13 Objections have been raised relating to loss of privacy due to the loft conversion. The loft conversion would create two large rear facing windows. Occupiers of these windows would have views to the rear gardens of no. 15, no. 13, and no. 19 causing some loss of privacy. However this loss of privacy is considered to be minor given that the view to the rear of no. 15 and no. 13 would be obscured by the roof of the existing outrigger. Furthermore, the existing first floor rear windows of the terrace of properties already mutually overlook each other, and therefore the rear gardens of these dwellings are not considered to suffer from any significant increase of loss of privacy. In addition, as set out a dormer could be constructed with similar sized windows without the need for planning permission, and these windows would permit identical views of surrounding properties and would be outside the control of the LPA.

9.14 Objections have been raised regarding loss of light, privacy and visual intrusion caused by the proposed rear and side extension. As the extension would extend to the boundary shared with no. 19, no. 19 is likely to experience some harm to residential amenity. The ground floor side and rear windows of no.19 and will experience some loss of light and visual intrusion due to the proposed height of 2.6m of the proposed extension, which would move 1.23m closer to the boundary than the current rear extension and would have a height 0.8m taller than the existing boundary fence.

9.15 The applicant has demonstrated that the proposed extension would not breach 25 degree lines, when drawn on elevation plans from the centre of the side facing rear window of no.19. The proposed extension would breach the 45 degree guidance when 45 degree lines are drawn from the rear facing window on the floor plans. However the proposed total height of the side/rear extension is 2.6m high. Member's attention is drawn to the fact that a 2m high fence/wall could be erected along the entire common boundary without the need for Planning Permission. The additional 0.6m height currently proposed, especially given its glazed design to the upper section, would not result in any significant harm over and above the 2m fence/wall. The upper glazed section would allow light to continue to reach no.19, and would be less intrusive than a brick structure such that it would not appear unduly intrusive or result in an unacceptable sense of enclosure. Given its siting on the common boundary it is considered necessary and reasonable that a condition be included requiring this glazed section to be obscured, to safeguard residential amenity.

9.16 With regards to light it is important to note that the current two storey outrigger, breaches the 45 degree and 25 degree lines in floor plan and elevation form, and as such would already have a significant impact. The impact of the extension currently proposed when compared to the existing outrigger is concluded to be minimal and would not warrant a refusal.

9.17 Taking the above into account, it is considered that the proposed development will not detrimentally impact the residential amenity of neighbouring properties, or future occupiers, thus is considered acceptable in terms of the NPPF (2021), Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2006-2031).

Impact on Highway Safety and Parking

9.18 The Parking Standards Supplementary Planning Document 2020 states all parking demand for residential development should be accommodated on site. The proposed development would not change the number of bedrooms within the dwelling as 2 bedrooms would be retained. Thus, the proposal meets the requirements of Appendix A of the Parking Standards SPD (2020).

Other Material Planning Considerations

9.19 No other considerations.

Impact on Trees and Landscaping

9.7 No issues.

Response to Neighbour Comments

9.8 Neighbour objections have been received expressing concerns in relation to;

- The design being out of character of the surrounding area are Victorian terrace
- Visual harm caused to surrounding area
- Unacceptable relationship with neighbouring dwellings
- Unacceptable scale of the design
- Overbearing form of development
- Loss of light to No. 19, No. 17 and No. 13
- Loss of privacy to No. 19, No. 17 and No. 13
- Undue sense of enclosure
- Noise impacts from loft extension

The majority of these concerns have been addressed above. With regard to noise impacts there is no evidence to suggest the conversion of the loft will result in any significant noise or disturbance issues and would be governed by building regulations (noise insulation etc). Moreover the loft could be converted without the need for permission as previously set out. A refusal on these grounds could not therefore be sustained.

11. RECOMMENDATION

11.1 That planning permission consent be granted, subject to the following conditions:

Condition(s) and Reason(s):

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

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

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

192_PP-001-3_P1 Site Location Plan
192_PP-002-3_P1 Proposed Block Plan

192_PP-110-3_P1 Proposed Floor Plans
 192_PP-111-3_P2 Proposed Floor Plans
 192_PP-211-3_P1 Proposed North and South Elevation
 192_PP-210-3_P1 Proposed Rear Elevation received 17/11/21

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

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

4. **The high level window at ground floor level in the southern elevation of the rear extension hereby permitted shall be non-opening and permanently fitted with obscured glass.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy CS12 (c) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 130 (f) of the National Planning Policy Framework (2021).

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Kings Langley Parish Council	The Council OBJECTS to this application because of its size and design is not in-keeping with the other properties in the terrace and the balcony would have a serious impact upon the privacy of neighbouring properties.

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
5	3	0	3	0

Neighbour Responses

Address	Comments
13 Vicarage Lane Kings Langley WD4 9HS	The proposed application, the loft conversion specifically, will have an adverse affect on our privacy in our garden. Being a row of terraced cottages, the gardens are not large, especially width wise and this proposal will undoubtedly impinge on our privacy as it will overlook us. The gardens on this terrace are all north / south facing and there will undoubtedly be some loss of light, specifically in the evenings as the

	property sits to the West of us.
<p>15 Vicarage Lane Kings Langley Hertfordshire WD4 9HS</p>	<p>I write in response to your letter of 14 October 2021. Please be aware that on the ariel plan submitted, Number 15 is shown as Number 13. This is incorrect and should read that our property, Number 15 is adjoining Number 17. The balcony proposal, with glass balustrades will be encroaching on our privacy by overlooking our garden, thus creating a visual intrusion. These gardens are only approximately 12 feet in width, and we have spent many years, working hard, erecting fences of the allowed height and planting small trees and shrubs to make our garden as private and relaxing as possible and to realise and achieve our retirement plans.</p> <p>The overall plan is totally out of character for a mid-terrace Victorian cottage and not in context with the other 4 cottages in the row. A modern structure such as this will look totally incongruous. Furthermore, I am concerned that the loft conversion hub will further diminish the light in our garden. Already we have lost 2 to 3 hours of light on our patio when a previous owner extended a kitchen and added a downstairs cloakroom. I understand that you cannot consider the impact of the proposed work on our lives, but I would like to make it clear that, given the nature of the work, we could, potentially, anticipate some damage to our property. Fairly obviously, this gives us huge grounds for concern.</p> <p>Re my comments on the 25 th November , these reasons were omitted from that letter. I have received the amended application and have noted the balcony has been removed. However, my objections remain as before; the context for our period Victorian cottages is totally out of keeping, together with our loss of light from the enormous 'hub' on the rear of the roof. Additionally, I note that the Parish Council have raised objections for exactly the same reasons, despite the removal of the balcony. This build will cause an undue sense of enclosure.</p>

ITEM NUMBER: 5f

21/03330/FHA	Rear extension following demolition of existing garage lean-to (car port) and outbuilding.	
Site Address:	Flint House, Roe End Lane, Markyate, Hertfordshire, AL3 8AG	
Applicant/Agent:	Mr and Mrs Englander	Mr Muhtasim Mojnu
Case Officer:	Jane Miller	
Parish/Ward:	Flamstead Parish Council	Watling
Referral to Committee:	Objection received from Flamstead Parish Council	

1. RECOMMENDATION

That planning permission be granted.

2. SUMMARY

- 2.1 The principle of residential development in this rural location is acceptable. The proposed part single part two storey rear extension, and replacement windows 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 will it impact upon local parking provision.
- 2.2 The proposal is therefore in accordance with Policies CS7, CS11, CS12 and CS24 of the Core Strategy (2013) and the NPPF (2021)

3. SITE DESCRIPTION

- 3.1 The application site is located on the south side of Roe End Land at the junction with Pickford Road on the outskirts of Markyate. The site comprises a circa 19c L shaped detached flint two storey dwelling under a tiled roof with half hipped roof feature and first floor windows set high partly above the eaves under a dual pitched dormer type roof . The site lies within the Rural Area and Chilterns Area of Outstanding Natural Beauty.
- 3.2 This area is characterised by large detached dwellings, within good sized plots. Many of the properties in the area would have formed part of the original Beechwood Estate.

4. PROPOSAL

- 4.1 This application seeks permission for a rear extension following demolition of existing garage lean-to (car port) and outbuilding.

5. PLANNING HISTORY

Planning Applications:

4/00208/94/RES - Sub. details of external materials pursuant p/p 4/1561/93 (replacement garage)
 GRA - 2nd March 1994

4/01561/93/FHA - Erection of replacement garage
 GRA - 11th January 1994

Appeals : None

6. CONSTRAINTS

Area of Outstanding Natural Beauty: CAONB outside Dacorum
CIL Zone: CIL2
Parish: Flamstead CP
RAF Halton and Chenies Zone: Red (10.7m)
Rural Area: Policy: CS7
Parking Standards: New 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 (July 2021)
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
CS7 – Rural Area
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS24 – The Chilterns Area of Outstanding Natural Beauty
CS29 - Sustainable Design and Construction

Dacorum Local Plan

Appendix 3 – Layout and Design of Residential Areas
Appendix 7 – Small-scale House Extensions

Supplementary Planning Guidance/Documents:

Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)
Parking SPD (November 2020)

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal;
The impact on the Rural Area
The impact on the Chilterns Area of Outstanding Natural Beauty
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 the Rural Area, wherein in accordance with Policy CS7 of the Core Strategy (2013), small scale development will be permitted including for limited extensions to existing buildings provided it has no significant impact on the character and appearance of the countryside, subject to compliance with the relevant national and local policies. The main issues of consideration relate to the impact of the proposal on the character and appearance of the Rural Area, Chilterns Area of Outstanding Natural Beauty, existing dwelling house, immediate street scene and residential amenity of neighbouring properties.

Impact on Rural Area

9.3 The proposed two storey rear extension will result in approximately a 50% increase in floor area from the existing dwelling, which is considered small-scale (and is in line with DBLP Policy 22, which whilst not saved is a good starting point for assessment). The proposal is compact and well sited in relation to the existing dwelling such that it is considered limited and complies with Policy CS7. The key consideration is also whether or not the proposal would have a significant impact on the character and appearance of the countryside in accordance with Core Strategy (2013) Policy CS7.

9.4 This area is characterised by relatively large detached dwellings within generous plots including Feveralls Lodge, Amberley and Black Slough Cottage to the west on Roe End Lane

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

Impact on Chilterns Area of Outstanding Natural Beauty

9.6 The application site is located within the Chilterns Area of Outstanding Natural Beauty (AONB). In the AONB the prime planning consideration will be the conservation of the beauty of the area. Wherever development is permitted it will be on the basis of its satisfactory assimilation into the landscape. Saved Policy 97 of the Dacorum Local Plan states that 'Building, plant and structures must be sympathetically sited and designed, having regard to natural contours, landscape, planting and other buildings; there should be no adverse effect on skyline views.' Policy CS24 of the Dacorum Core Strategies states that the special qualities of the Chilterns Area of Outstanding Natural Beauty will be conserved. In addition, development is required to have regard to the policies and actions set out in Chilterns

Conservation Board's Management Plan and support the principles set out within the Chilterns Building Design Guide and associated technical notes.

- 9.7 There is no increase in ridge height, and the proposal would be viewed against the backdrop of the existing and surrounding properties such that there would be adverse effect on skyline views or the wider landscape. The use of sympathetic materials is considered acceptable on this rural site.
- 9.8 The development is therefore in accordance with saved Policy 97 of the Dacorum Local Plan and Policy CS24 of the Dacorum Core Strategy.

Effect on Appearance of Building and Street Scene

- 9.9 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 134 states that development which is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design taking into account any local design guidance and supplementary planning documents.
- 9.10 Flint Cottage is an L shaped two storey detached property and is currently only one room deep. The Conservation Officer believes that this may have once been two separate workers cottages.
- 9.11 The proposal would result in the demolition of the carport and outbuilding and the construction of a part single, part two storey contemporary rear infill extension. The existing first floor rear flat roofed extension would be incorporated into the design. Replacement windows to the existing dwelling are also proposed.
- 9.12 Flamstead Parish Council have objected to this application for the reason that they consider that the size and mass of the proposed property would represent overdevelopment in the Rural Area.
- 9.13 The existing floor area of Flint Cottage (ground and first floor) is approximately 283 sq m. The proposed rear extension (ground and first floor elements) will increase the floor of Flint Cottage by approximately 141 square metres, totalling approximately 424 square metres which is an increase in floor space of approximately 50%. The size and scale of the extensions is considered acceptable, they are compact and well related to the parent property such that they do not appear dominant or out of scale. Additionally, the total elements to be demolished, whilst not attached to the main dwelling will reduce the overall floor area of existing structures within the site by approximately 42.4 square metres (22.5 square metres for the carport and 19.9 square metres for the outbuilding (kennel) as shown on drawings 2077 002.
- 9.14 The proposed part single part two storey rear infill extension is contemporary in design, flat roofed, and is heavily glazed at ground floor level, with grey aluminium roof edge and window frames at first floor and external flint wall feature. This modern extension is designed to sit within and contrast with the L shaped older style existing dwelling. A roof terrace is proposed above the single storey element with access from the main bedroom with balustrade surround as shown on drawings 2077 301 and 400.

- 9.15 Design advice was sought from The Council's Conservation Officer who has no objection to the proposals. , Additional information in relation to the windows has been received and are considered acceptable. The rear extension is considered to be a high quality contemporary design which would sit comfortably with the existing dwelling. No harm would be caused to the surrounding properties some of which are listed.
- 9.16 This area is characterised by large detached dwellings, within good sized plots set back from the highway many beyond the green for example Cheverells and Adam Cottage.
- 9.17 Flint Cottage is set back from both Roe End Lane and Pickford Road. There are wide verges adjacent to the highways and mature hedging/trees to the boundaries. Other than the partial view of Flint Cottage when approaching from the north east along Pickford Road, there are only glimpses of the main dwelling house from the highway, and even less for the proposed extension set to the rear. It is also noted that there is a right of way running south west from Roe End Lane, adjacent to Holly Bush Lodge approximately 900 metres to the west of Flint Cottage.
- 9.18 Looking at the wider context, there are several notable listed buildings in the area including Beechwood Park School which lies approximately 1.2km to the south west across open fields from Flint Cottage. However, the original design view for Beechwood Park which would have included Cheverells and Hill Farm for instance and has long been eroded over the years, as a consequence the proposal is not considered to have a detrimental impact the existing vista.
- 9.19 The proposed materials will use flint stone to match the existing and aluminium framed windows to the proposed extension. It is also proposed to replace the windows to the existing dwelling with more sustainable glazing units throughout. Timberlook – Flush Casement Windows will be used and are considered acceptable. A condition will be added to the decision notice in this regard.
- 9.20 Overall, it is considered that the proposal does not appear unduly dominant in terms of bulk, scale and height to the parent building and streetscene and will use acceptable materials.
- 9.21 Therefore it is considered that the proposal would be generally sympathetic and in keeping with the surrounding area, respect adjoining properties and would therefore result in no significant adverse effects on the character and appearance of the streetscene in terms of visual and residential amenity. This accords with the local and national policies mentioned above.

Effect on Residential Amenity

- 9.22 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.
- 9.23 Flint Cottage sits on a generous site at the corner of Roe End Lane and Pickford with access from Roe End Lane, with the L Shape reflecting the corner of the highway. The closest property/building is part of Cheverells House which is grade II* listed which lies to the east of and set back from Pickford Road, behind mature trees and hedging approximately 81 metres

away from Flint Cottage. Moreover, the proposed rear extension, sits below the existing ridge line would not be visible from Cheverells.

- 9.24 There are a number of scattered properties to the west along Roe End Lane, the closest is Feveralls Lodge approximately 200m away from Flint Cottage. Those properties sitting on the south side of Roe End Lane, due to land levels, may get very distant views of the proposed rear extension and as mentioned above, there are distant properties to the south, most notable Beechwood Park School, 1.2 km to the south west across open fields
- 9.25 Overall, due to the height, positioning and separation distance between the two storey extension and surrounding dwellings houses / buildings 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 and would avoid visual intrusion. It is therefore considered that the proposal accords with Policy CS12.

Other Considerations

Parking and access

- 9.26 The NPPF (2021), Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013), and the Parking Standards Supplementary Planning Document (2020) all seek to ensure that new development provides safe and sufficient parking provision for current and future occupiers.
- 9.27 There are no changes to the number of bedrooms as a result of the proposal so no additional parking is required, and further no changes have been proposed to the existing site access.
- 9.28 It is acknowledged that the proposal includes the demolition of an existing car port, however there is an existing double garage and hardstanding on site and the property retains adequate off street parking provision.
- 9.29 Overall it is considered that the proposal would not result in an unacceptable impact on highway safety.

Tree and Hedges

- 9.30 Section 6 of the application form states that no trees or hedges are within falling distance of the proposed development and that no tree or hedges need to be removed or pruned in order to carry out the proposal. The proposal would not affect any significant trees/landscaping.

Response to Neighbour Comments

- 9.31 No neighbour comments have been received.

Response to Flamstead Parish Council

- 9.32 Objection due to overdevelopment of site. The size and scale of the extensions are considered acceptable and would not harm the parent property as set out in the report. In addition with regard to overdevelopment this is defined as '*An amount of development (for example, the quantity of buildings or intensity of use) that is excessive in terms of demands on infrastructure and services, or impact on local amenity and character*'. This application relates to the extension of the existing dwelling only. The footprint of the building would be extended but not excessively and the property is situated on a generous plot such that the

overall ratio of building to land and the parking, amenity and service space in and around the building remains largely the same as the existing. The intensity of the residential use would increase through the provision of additional bedrooms but the site is of sufficient size to accommodate and adequately serve this level of use without harm to the character of the area or the amenity of future occupiers. The development does not constitute overdevelopment.

CIL Liable

- 9.33 Policy CS35 of the Core Strategy requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy was adopted in February 2015 and came into force on 1 July 2015. CIL relief is available for affordable housing, charities and Self Builders and may be claimed using the appropriate forms.

No (below 100sqm)

10. CONCLUSION

- 10.1 The principle of residential development in this rural location is acceptable. The proposed part single part two storey rear extension, and replacement windows 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 will it impact upon local parking provision.

11. RECOMMENDATION

- 11.1 That planning permission be granted.

Condition(s) and Reason(s):

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

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

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

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

- 3. The replacement windows hereby approved shall be implemented fully in accordance with the submitted details; Timberlook Flush Casement Windows and thereafter maintained as such.**

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).

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

- 2077 000 site location plan**
- 2077 200 proposed site plan**
- 2077 300 proposed ground floor plan**
- 2077 301 proposed first floor plan**
- 2077 400 proposed elevations**

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.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Flamstead Parish Council	<p>The Parish Council objects to this application due to the size and mass of the proposed property which represents overdevelopment in the green belt.</p> <p>Officer note - site is not within the Green Belt.</p> <p>The planning officer contacted the Parish Council as the site is outside of the Green Belt and received an updated response on 17.09.21</p> <p>The main issue was with the enormous increase in the size/mass of the property and as such it's considered by the parish council as over development in a rural area. So the objection will still stand.</p>
Conservation & Design (DBC)	<p>To confirm the proposed site would appear to have been possibly 2 workers cottages which probably formed part of the beechwood estate and probably date from the 19th century if not earlier. The building is two storeys in flint with hipped tiled roofs. It makes a positive contribution to the character of the area. The proposals would result in the change to the appearance of the building. Provided that the design and detail of the new windows reflected the historic interest of the property we would not object. We would not object to the rear extension as it appears to be a high quality contemporary design which would sit</p>

	comfortably with the existing dwelling.
--	---

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
0	1	1	0	0

Neighbour Responses

Address	Comments
Markyate Village Hall Cavendish Road Markyate St Albans Hertfordshire AL3 8PS	No objections.