



Public Document Pack

DEVELOPMENT CONTROL AGENDA

THURSDAY 10 NOVEMBER 2016 AT 7.00 PM
COUNCIL CHAMBER - CIVIC CENTRE

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

Membership

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

For further information, please contact Katie Mogan or Member Support

AGENDA

1. MINUTES

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

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence

3. DECLARATIONS OF INTEREST

To receive any declarations of interest

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

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

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

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

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

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

4. PUBLIC PARTICIPATION

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

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

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

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

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

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

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

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

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

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

- (a) 4/00029/16/MFA - CONVENT OF ST FRANCIS DE SALES PREPARATORY SCHOOL, AYLESBURY ROAD, TRING, HP23 4DL (Pages 5 - 48)
- (b) 4/02488/16/FUL - THE WALLED GARDEN, STOCKS ROAD, ALDBURY, TRING, HP23 5RZ (Pages 49 - 80)
- (c) 4/01413/16/FUL - NASH MILLS METHODIST CHURCH, BARNACRES ROAD, HEMEL HEMPSTEAD, HP3 8JS (Pages 81 - 87)

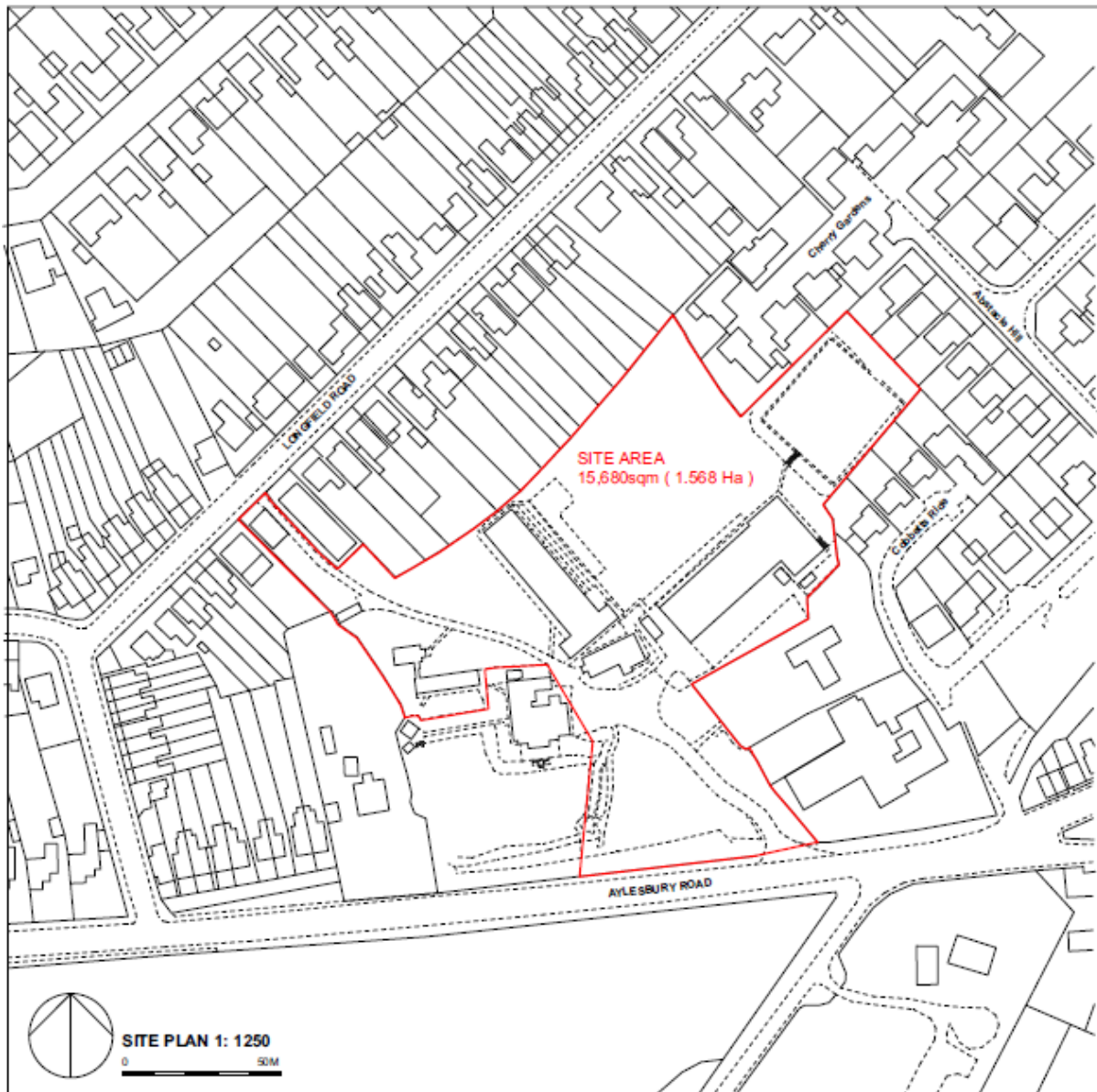
- (d) 4/02175/16/FHA - 160 BRIDGEWATER ROAD, BERKHAMSTED, HP4 1EE
(Pages 88 - 98)
- (e) 4/02508/16/FHA - 2 PHOENIX WALK, HEMEL HEMPSTEAD, HP2 7RR
(Pages 99 - 106)
- (f) 4/02258/16/FHA - 45 WATER END ROAD, POTTEN END, BERKHAMSTED,
HP4 2SH (Pages 107 - 110)
- (g) 4/02292/16/FUL - AMENITY LAND, FLATFIELD ROAD, HEMEL HEMPSTEAD
(Pages 111 - 119)
- (h) 4/02407/16/FUL - AMENITY LAND, HETCHLEYS, HEMEL HEMPSTEAD
(Pages 120 - 126)

6. APPEALS (Pages 127 - 134)

Item 5a

**4/00029/16/MFA - DEMOLITION OF ALL EXISTING BUILDINGS.
CONSTRUCTION OF 32 RESIDENTIAL DWELLINGS, ALTERATIONS TO THE
EXISTING VEHICULAR ACCESS ONTO AYLESBURY ROAD, LANDSCAPING
AND THE INTRODUCTION OF INFORMAL PUBLIC OPEN SPACE.**

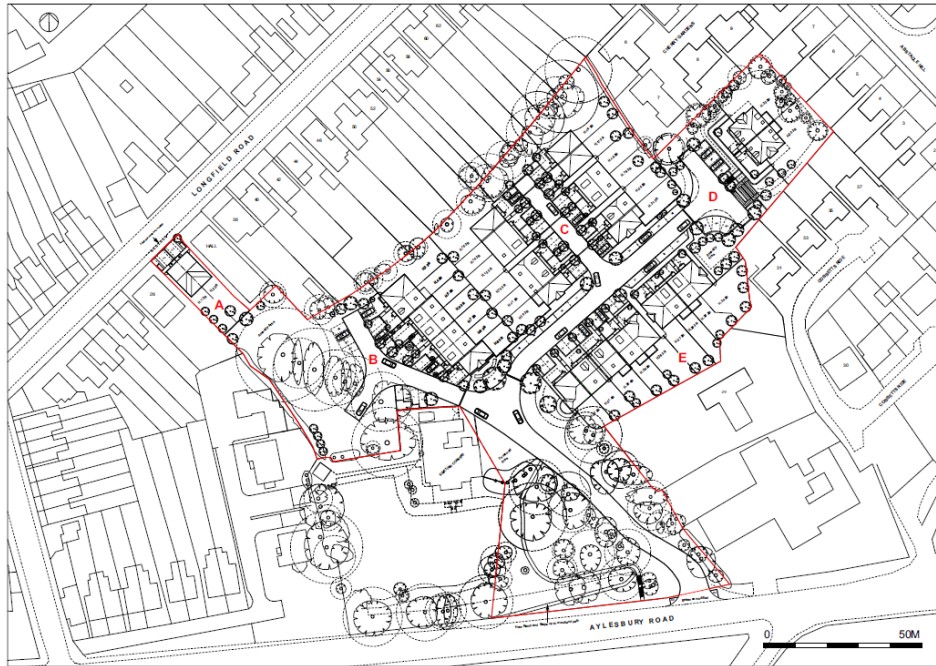
**CONVENT OF ST FRANCIS DE SALES PREPARATORY SCHOOL, AYLESBURY
ROAD, TRING, HP23 4DL**



Item 5a

**4/00029/16/MFA - DEMOLITION OF ALL EXISTING BUILDINGS.
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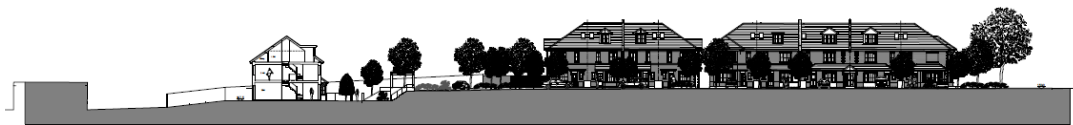
**CONVENT OF ST FRANCIS DE SALES PREPARATORY SCHOOL, AYLESBURY
 ROAD, TRING, HP23 4DL**



Zone B Elevations H.3 - H.9 / Zone E Flank Elevation H.35 / Access Road down to Aylesbury Road



Zone C Flank Elevation H.10 - H.16 / Access / Flank Elevation H.17 - H.23 / down to Zone D H.24 - H.26



Zone D H.24 - H.26 up to Zone E H.27 - H.30 / H.30 - H.35

Planning Issue 21.12.15

PL12



FRONT ELEVATION To Longfield Road (NW) : PROPOSED

4/00029/16/MFA - DEMOLITION OF ALL EXISTING BUILDINGS. CONSTRUCTION OF 32 RESIDENTIAL DWELLINGS, ALTERATIONS TO THE EXISTING VEHICULAR ACCESS ONTO AYLESBURY ROAD, LANDSCAPING AND THE INTRODUCTION OF INFORMAL PUBLIC OPEN SPACE.

CONVENT OF ST FRANCIS DE SALES PREPARATORY SCHOOL, AYLESBURY ROAD, TRING, HP23 4DL.

APPLICANT: Mountleigh Development Holdings Ltd.

[Case Officer - Joan Reid]

Summary

The application is recommended for approval. The amended proposal of 32 dwellings would provide a comprehensive development of new dwellings within a sustainable residential location in Tring. This development allows for the redevelopment of previously developed land with satisfactory access onto the highway. The scheme has been amended following the concerns over tree removal and impact on neighbouring properties and these amendments made have resulted in an improved layout, density and scale of development which would have less of an impact on the character of the areas and the amenity of neighbouring properties. The scheme is considered to be of high quality that helps meet the need for new housing, as set out in Core Strategy policy CS17. The site is not required for educational or other community uses. The loss of the playing pitches at the site is considered acceptable, notwithstanding the objection of Sport England and National and local policies which seek their retention, given that the pitches themselves are small, in private ownership and appear surplus to requirements. It is considered the need for new housing and provision of significant affordable housing in this case outweighs the harm identified by a loss in private outdoor sports provision resulting from this development. The scheme is therefore in accordance with Core Strategy policies CS4, CS8, CS11, CS12, CS13, CS17, CS18, CS19 and CS23 and Appendices 3 and 5 of the DBLP.

Site Description

The application site comprises the Convent of St Francis De Sales Preparatory School, located to the north of Aylesbury Road within the residential area of Tring. The site comprises a number of school buildings and sports fields which are currently vacant since the closure of the School in 2014. The site is located at a height above the Aylesbury Road and is accessed by a single path road, with a second pedestrian access of Longfield Road. There are a number of mature trees on the site including a bank of trees to the west of the site which are subject to a TPO. The site is generally bounded on all sides by residential dwellings, comprising a mix of detached two storey and bungalows. St Joseph's Care Home is located immediately south of the site and the old Convent does not part form of the redevelopment proposals as it is occupied by Tring School for boarding pupils. The site is designated as residential use in the adopted Local Plan.

Proposal

The application seeks planning permission for redevelopment of the site to comprise 32 dwellings together with landscaping, open space and car parking. The dwellings mix comprises 20 market houses and 12 affordable units which are split into semi-detached and terrace properties. The scheme proposes 12 x two bedroom, 18 x three bedroom, 2 x four bedroom houses. Each of the dwellings has provision for private gardens and car parking. Access to the site is taken off the Aylesbury Road as existing and widening and improvements to the access are proposed.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of

Tring Town Council.

Planning History

None

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
NPPG

Adopted Core Strategy

NP1 - Supporting Development
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS9 - Management of Roads
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS17 - New Housing
CS19 - Affordable Housing
CS23 - Social Infrastructure
CS25 - Landscape Character
CS27 - Quality of the Historic Environment
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 13, 58, 99
Appendices 3, 5 and 7

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Area Based Policies (May 2004) - Residential Character Area TCA1 Aylesbury Road
Affordable Housing (Jan 2013)

Summary of Representations

Tring Town Council - Amended Scheme

Tring Town Council remains opposed to the development on two counts.

1. Firstly, with regard to the principle of development on the former school site, it is felt that the application fails to satisfy Policy CS23 ["Existing social infrastructure will be protected unless appropriate alternative provision is made, or satisfactory evidence is provided to prove the facility is no longer viable. The re-use of a building for an alternative social or community service or facility is preferred"].

Hertfordshire County Councils assertion that there is sufficient latent capacity in Tring Schools

to meet demand to 2031 has a caveat that it is conditional on detached playing fields being identified and secured. The provision of funds through the Community Infrastructure Levy or a Section 106 agreement, whilst welcomed, falls short of the practicalities of identifying and securing a plausible site necessary to ensure the facilities are actually provided. There is concern that whilst capacity may exist, this is in schools in the east of town – a situation that will be exacerbated by LA5.

A development of just residential houses does not qualify as 'an alternative social or community service or facility'.

2. In terms of the development proposed there are issues, mainly of a technical nature, relating to boundary issues that still need to be address to mitigate the impact on neighbouring properties (such as overlooking/loss of privacy and/or overshadowing). The Town Council hopes that these can be resolved in a manner similar to the way in which the amendments dealt with several of the issues raised against the original application.

These issues are:

- a. Replace plots H1 & H2 with a single dwelling. There was concern initially that a single dwelling would cause a loss of amenity through overlooking and this could be avoided by a pair of semi-detached houses. In practice the proposed solution makes the situation worse and had an additional dis-benefit by aggravating the parking problems in Longfield Road
- b. Plots H22 & H23. Clarify the measures to be taken vis a vis Cherry Gardens to reduce overlooking, to ensure effective screening, and to manage that screening.
- c. Amenity Areas. Clarify the on-going management and maintenance of these areas
- d. Drainage. The potential repercussions of the development on the natural drainage need to be identified and mitigated as appropriate. Residents of Abstacle Hill report the area is prone to water streams. Building on the porous macadam tennis courts will make matters worse.
- e. Ecology. The Council is concerned that a viable habitat is secured e.g. root protection areas of the retained trees are respected. Whilst the developer has met the requirements for the provision of car parking spaces, it is widely accepted that the requirements do not reflect present day car ownership. Therefore there will be pressure within the site to park on verges, etc. A form of protection of the grass areas around trees to prevent this happening should be included in the proposal

Tring Town Council - Original submission

Tring Town Council has several reservations with regard to the proposed development of this site. As a consequence it recommends refusal of the application.

1. The topography of the site- It is not readily apparent how the land rises steeply from the Aylesbury Road/Western Road in the south and from Miswell Lane in the east. The site effectively sits close to the ridge with commanding views down the valley and to the Chilterns A.O.N.B opposite. The land then rises gradually towards the Icknield Way to the north.

With the exception of the dwellings facing Longfield Road, the developer has proposed buildings, that whilst not strictly three storey town houses, are tall at 9.75m high to get living accommodation in the roof space.

In the site layout the developer has made every effort to comply with the normal requirement of a distance 23m from habitable windows to habitable windows to avoid overlooking, however the topography and height of the proposed buildings require this should be increased.

There are particular points where issues of *overlooking/loss of privacy and/or overshadowing* are of concern:

- Cherry Gardens
- 29 & 31 Cobbetts Ride
- High Drive, Aylesbury Road

2. The Ecology of the Site - The bat survey identifies the site as one where bats roost and therefore a European licence is required. The Council is concerned that a viable habitat is also secured, especially given the removal of the vast majority of (larger) trees. The removal breaks an uninterrupted 'wildlife corridor'. The Town Council would like the assertion that trees subject to TPOs are diseased to be independently verified.

The Council would like assurances that the root protection areas of the retained trees are respected. Whilst the developer has met the requirements for the provision of car parking spaces, it is widely accepted that the requirements do not reflect present day car ownership. Therefore there will be pressure within the site to park on verges, etc. A form of protection of the grass areas around trees to prevent this happening should be included in the proposal.

The potential repercussions of the development on the natural drainage need to be identified and mitigated as appropriate. Residents of Abstacle Hill report the area is prone to water streams. Building on the porous macadam tennis courts will make matters worse.

3. Traffic - The widening of the access road is welcomed as this will prevent vehicles waiting to turn out of the site 'backing-up' on an exceptional busy principle route into the town. The Town Council is surprised that Herts County Council, the Highways Authority, have not specified widening of the road to incorporate a dedicated lane for vehicles to turn right.

The Town Council would like to emphasize how busy Western Road/Aylesbury Road is, so whilst the visibility splays are good the sheer volume of traffic will make access onto and from the development difficult. This will only get worse with the completion of 200 houses in Local Area (development) 5 which is taking place just along from the site.

4. Design - The development principles of Tring Character Areas 1 (Aylesbury Road) & 2 (Miswell Lane) have relevance. Those for TCA1 are given below:

- Type: detached and semi-detached dwellings are appropriate and encouraged
- Height: should not exceed two storeys
- Size: moderate to large sized dwellings are appropriate. The scale and bulk on new development should be sympathetic to that of existing buildings (with the exception of the larger structures at the Convent)
- Density: should be compatible with the character within the existing density range (i.e. within the very low range <15 dwellings/ha)

The development principles for TCA2 are similar except the size should be small to medium. The statement for 'Type' is telling:

- Type: a variety of dwelling types are acceptable, but should relate well in terms of type, design, scale, bulk and layout of nearby adjacent development

The construction of 9.75m high dwellings is not compatible with these development principles. A reduction in the height of the buildings would go a long way to mitigate the concerns about overlooking, etc. and being out-of-keeping with adjacent properties.

5. Protection of Existing Social Infrastructure - Policy CS23 states that "Existing social infrastructure will be protected unless appropriate alternative provision is made, or satisfactory evidence is provided to prove the facility is no longer viable. The re-use of a building for an

alternative social or community service or facility is preferred".

When closure of the school was announced, it was stated that it was no longer viable. Has this been subject to scrutiny?

The Town Council is suspicious of Hertfordshire County Council (HCC)'s education representations to Dacorum Borough Council's Core Strategy and Site Allocation Document which stated that there is sufficient latent school capacity in Tring to provide for housing growth to 2031. HCC did state, however, the expansion potential of the existing schools (at both primary and secondary) is dependent on detached playing fields being identified and secured.

The Town Council welcomes the developer's stated position of being willing to provide funds to offset the loss of the playing field and tennis courts and hopes that the 'niceties' of whether it is through the Community Infrastructure Levy or a Section 106 agreement does not inhibit this.

Strategic Planning - Amended plans

Please refer to our policy comments of 10 March 2016 on this application.

I note that the number of homes proposed has now been reduced from 37 to 32 in order to address concerns about loss of trees and impact on neighbours. Also, the number of affordable homes has been reduced from 14 to 12, but at 37.5% remains above the 35% requirement in Core Strategy Policy CS19.

With regard to affordable housing an important change of circumstances since 10 March is the Court of Appeal's judgment on the West Berkshire District Council and Reading Borough Council v Secretary of State for Communities and Local Government case.

In the light of this judgment, we have obtained formal Officer Decision Sheet approval to begin to apply the Affordable Housing SPD Clarification Note again. The (slightly updated) Clarification Note is being formally reported to Cabinet on 26 July. The reinstatement of this Advice Note will be subject to the Cabinet ratification. However, due to the Court of Appeal judgment being a material planning consideration, the content of the Advice Note will be reflected in all planning decisions made on or after 11th May (i.e. since the date the judgment was issued). This is attached, together with the statement that is already back on our website.

Consequently, Vacant Building Credit applies to the St Francis de Sales site (see section 3 in the Clarification Note). I note from the application form that it is proposed to demolish 1,562 sq. metres of existing floor space on the site. This will reduce the affordable housing requirement we would normally seek to secure, and you would need to seek the advice of the Strategic Housing Team in order for them to calculate the revised affordable housing requirement. The clarification note sets out our interpretation as to how this is to be calculated.

Strategic Planning – Further Comments

NPPF paragraph 74 states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless one of the bullet points in this paragraph are complied with.

Bullet 3 is not relevant in this case, as the proposed development on the site is not for alternative sports provision. Therefore, it is necessary to consider the current application against bullets 1 and 2:

Bullet 1

This bullet refers to whether an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements.

Reference should be made to the Dacorum Playing Pitch Strategy & Action Plan 2015-2025, produced in June 2015 for the Council by consultants Knight, Kavanagh & Page (KKP):

<http://www.dacorum.gov.uk/home/planning-development/planning-strategic-planning/evidence-base/providing-homes-and-community-services>

Pages 61-67 in this document provide a 'Tring summary and action plan'. The report refers to the Francis House Preparatory School (i.e. the St Francis site) as site 128 on page 66. Whilst the tennis courts on the site are mentioned, the football pitch is not. This implies that the pitch was not regarded as part of the existing supply of facilities by KKP, perhaps because the school had closed and the pitch may no longer have been marked out.

Some deficiencies in terms of pitch provision to meet current and future demand in Tring are identified in the KKP report:

- 4 youth football pitches
- 1 cricket pitch
- 4 senior rugby pitches
- 14 mini/midi pitches

However, it should be noted that the existing pitch at St Francis de Sales is too small to meet these shortfalls – it measures only about 50 metres by 35 metres.

The 'FA Guide to Pitch and Goalpost Dimensions' includes recommended pitch sizes for youth pitches and mini soccer. The existing pitch at St Francis de Sales is too small for youth football (age 11-18). It only meets the requirements for mini soccer (7 a side or 5 a side for children aged 10 or under), but there is no requirement in Tring for additional provision of such pitches.

The site is far too small for cricket.

The Rugby Football Union provides guidance on rugby pitch sizes:

<http://www.tgms.co.uk/273--rugby-pitch-dimensions.htm>

After taking account of the need for a 5 metres safety margin around pitches, the following dimensions are required:

- Midi rugby (under 11-under 12): 80m x 53m
- Mini rugby (under 9-under 10): 80m x 45m
- Mini rugby (under 7-under 8): 80m x 40m

Therefore, site is too small to meet the identified needs in Tring for additional pitches.

Page 62 in the KKP report states that there is a shortfall in quality parks tennis courts and that Tring LTC is a priority site for the LTA, requiring additional court space. Further information on Tring Tennis Club can be found on page 67 of the report.

The report indicates on page 62 that there is adequate netball court provision.

Conclusion: none of the shortfalls identified in Tring are capable of being met at the St Francis de Sales site. Therefore, it is considered that the loss of the sports facilities at the site is acceptable in relation to bullet 1 in NPPF paragraph 74.

Bullet 2

Under this bullet, it is necessary to consider whether the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.

Page 63 in the KKP report examines the potential for new sites in the Tring area and refers to two potential locations, namely, the LA5 Icknield Way (west Tring) site and the possible detached playing fields for Tring School at Dunsley Farm. The submitted Site Allocations Plan includes proposals for these sites:

- LA5: key development principle 13 in Policy LA5 reads as follows:

“Provide a mix of parkland and informal open space in the western fields and consider the inclusion of pitches for outdoor sports on part of this land.”

- Dunsley Farm: Proposal L/4 in the schedule of leisure proposals and sites refers to this site (2.7 ha.). The proposal is for detached playing fields for Tring School, should they be required as a result of the school’s expansion. The planning requirements for L/4 state that:

“These playing pitches will be also made available for community use.”

Another potential location for additional sports facilities is Local Plan site L4 (Miswell Lane, Tring) - see the schedule of leisure and tourism potential sites. The proposal for this site is for an extension of the existing leisure space. A recent planning application (4/01472/16/MFA), partly for housing and partly for an extension to the recreation ground, was refused because the application was contrary to the L4 proposal.

Other possible locations for new sports facilities in the Tring area may be examined in the forthcoming single Local Plan. In particular, the land on the east side of the town is fairly flat and may have potential to accommodate further sports uses.

Conclusion: the existing sports facilities at the St Francis site were purely for the school’s use. Whilst there are no proposals to replace these facilities, it is clear that there is ample scope in the Tring area to provide additional facilities to meet the town’s current and future needs. Therefore, it would not be appropriate to refuse the current application on the basis of bullet 2 in NPPF paragraph 74.

Strategic Planning - Original Submission

1. Principle of residential development

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

The Council’s Supplementary Planning Guidance on Development in Residential Areas is also relevant. The site is in character area TCA1 (Aylesbury Road). The policy statement for TCA1 indicates that redevelopment of the school site will be permitted.

Saved Local Plan Policy 69 (education) states that the loss of existing education facilities will not be supported unless the new use is temporary or the site is no longer appropriate for or needed for education use. In this case, the proposed new use is not temporary.

Core Strategy Policy CS23 (social infrastructure) includes the following guidance:

“Existing social infrastructure will be protected unless appropriate alternative provision is made, or satisfactory evidence is provided to prove the facility is no longer viable. The re- use of a building for an alternative social or community service or facility is preferred.”

This builds on paragraph 74 of the NPPF that states that: “Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

The loss of education use from the site is addressed in paragraphs 5.17-5.20 of the Planning Statement accompanying the application. The planning statement explains that the former school closed in 2014 as it was unviable. It also refers to an email from the County Council (Appendix 2 to the Planning Statement). This email indicates that there is latent school capacity in Tring to meet forecast needs to 2031 and that a site is being sought for detached playing fields. A site for detached educational playing fields at Dunsley Farm on the east side of the town has now been defined in the submitted Dacorum Site Allocations document.

We are not aware of any non-educational social infrastructure needs in Tring which could reasonably be met on the application site.

Paragraphs 5.21-5.24 in the Planning Statement refer to Sport England’s objections to the loss of the grass playing field and tennis/netball courts on the site. These objections could be overcome by providing replacement facilities or through a financial contribution towards the provision or enhancement of community playing fields in the Tring area. However, as the Council has introduced a Community Infrastructure Levy, it is not clear what legal mechanism can be used to secure such measures. Discussions aimed at resolving this problem are continuing, however the infrastructure officer has concerns that by charging CIL for use on outdoor sports pitches (as set out in the Regulation 123 list) and entering into a S106 to secure a contribution for replacement playing pitches this would amount to double charging contrary to Regulations 122-124 of the CIL Regulations 2010 (as amended). Sport England are not satisfied that CIL contributions will be used specifically for the purpose of providing replacement pitches as this cannot be guaranteed through the CIL governance process nor would it be desirable to do so. The last paragraph in Local Plan Policy 69 states that educational playing fields on open land should remain in open use. However, this does not apply to the application site, as it is not classified as open land on the Local Plan Proposals Map.

The proposed loss of leisure facilities does not meet any of the criteria in saved Local Plan Policy 75 (retention of leisure space). However, this policy does not make any reference to educational leisure uses. It is considered that it would be more appropriate to reach a conclusion on the acceptability of the loss of the leisure uses on the basis of Policy 69, rather than Policy 75.

Given the above, it is concluded that residential use of the site is acceptable in principle in terms of the Council’s planning policies.

2. Other policy issues

The size and type of dwellings proposed appear acceptable in respect of the development

principles for character area TCA1, saved Local Plan Policy 18 (the size of new dwellings) and Core Strategy Policy CS18 (mix of housing). We particularly welcome the retention of the trees in the southern part of the site next to Aylesbury Road. The proposed density is higher than the density of less than 15 dwellings per hectare specified in the TCA1 development principles, but we consider that some flexibility should be allowed on dwelling numbers. In considering whether the proposed density is acceptable, the guidance in Local Plan Appendix 3 (layout and design of residential areas) should also be taken into account.

The illustrative masterplan proposes 14 affordable homes out of a total of 37. This is welcomed as at 38% it exceeds the 35% affordable housing target in Core Strategy Policy CS19. We are also pleased that 75% of the affordable homes are proposed to be rented properties, in line with Policy CS19. The detailed approach towards affordable housing provision should be discussed with the Council's Strategic Housing team.

Several individual trees and some groups of trees on the site are protected by a tree preservation order. We note that an arboricultural survey has been undertaken, most of the existing trees will be retained and some new planting undertaken. The views of the Council's Trees and Woodlands team should be sought.

The convent building located immediately to the south west of the site is a heritage asset and its setting should be protected. It also needs to be decided whether there are any buildings within the site that should be retained. Advice should be obtained from the Council's Conservation and Design officers.

The amount of public open space proposed is more than sufficient to comply with saved Local Plan Policy 76 (leisure space in new residential developments).

Hertfordshire Highways

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

Decision

Hertfordshire County Council's highway authority has no objection to the amended planning application (4/00029/16/MFA) for a reduced residential development C3 (down from 37 to 32), with an increased number of affordable housing at the former Francis House Preparatory School, Tring. Both pedestrian and vehicular access will be via the existing and new accesses off Aylesbury Road whilst the access from Longfield Road will be closed off to through traffic. This will all be subject to a legal S278 Agreement and the following conditions and informatives.

S278 Agreement Any works within the highway boundary, including alterations to the footway, site accesses and upgrading of street furniture etc, known as 'off site works' will need to be secured and approved via a legal S278 agreement with HCC.

SHC 18: Prior to the first occupation of the development hereby permitted (or Prior to the commencement of the use hereby permitted) visibility splays measuring 43 x 2.4 metres shall be provided to each side of both the accesses off Aylesbury Road and Longfield Road and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety.

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

AN1) Where works are required within the public highway to facilitate an improved or amended

vehicle access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. Before any works commence the applicant will need to apply to Hertfordshire County Council Highways team to obtain their permission and requirements. Their address is County Hall, Pegs Lane, Hertford, and Herts, SG13 8DN. Their telephone number is 0300 1234047.

AN2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Description of the Proposal

The above application is for the demolition of the existing buildings and replaces them with a mix of C3 residential dwellings with parking (some on street in bays). The proposal will also see the closure of the existing access route through the site onto Longfield Road. The main vehicular access for the site will be via the main access onto Aylesbury Road.

Highways

Aylesbury Road This is a classified road - B4635/20, secondary distributor from the speed sign near Donkey Lane to Park Road and is maintained by HCC as the highway authority. This section of road is 450m long and approximately 7.5m wide outside the entrance to the site. The speed limit is 30mph, the road is lit and generally there is no observed on street parking during the day. There are neither traffic counts nor traffic calming measures for this section of road. The road is traffic sensitive i.e. no working between 07:30 to 09:30 and 16:30 to 18:30. There are no formal waiting restrictions outside the entrance to the site. Vehicular access to the development will be off this road via the existing steep drive. This information can be obtained from the Gazetteer (<http://www.hertsdirect.org/actweb/gazetteer/>) or Webmaps.

Road Safety Looking at the rolling 5year RTC data there has been 1 slight personal Injury Accident (PIA) recorded in this period. This was recorded on the 20th June 2012 as a slight injury incident. It appears to be a two car collision resulting in a rear end shunt to the car slowing down and turning into the access drive of the school. No further PIA's were recorded which could be down to the fact that the school has been shut for some time and/or that this section of highway is not an accident hotspot.

Longfield Road This is an unclassified local access road, L2 the 2U233/10, connecting Miswell lane to Aylesbury Road. It's 516m long and approximately 6.5m wide although this does vary considerably. It is a 30mph lit road with on street parking during the day and evening. There are no traffic counts for this road. The current access that serves the rear of the site will be closed off to through traffic although the simple vehicle crossover will be kept for the replacement dwellings providing a means of access to their off street parking spaces respectively.

This information can be obtained from the Gazetteer (<http://www.hertsdirect.org/actweb/gazetteer/>) or Webmaps.

Road Safety

Looking at the rolling 5 year RTC data for PIA it shows that there have not been any recorded incidents along this stretch of road.

Analysis

The applicant has submitted a Transport Statement, a Design and Access Statement. As part of a Design and Access statement, the application should take account of the following policy documents; • National Planning Policy Framework (March 2012); • Hertfordshire County Council (HCC) Local Transport Plan 3-2011-2031 • Roads in Hertfordshire Design Guide 3rd Edition • Dacorum Borough Local Plan, Appendix 5 Parking Provision

Trip generation and distribution

Transport Statement (TS).

The TS has been written on behalf of the applicant by Peter Brett Associates - December 2015. The TS looks at the existing highway conditions and what impacts the proposed development would have on the highway in terms of safety, capacity, accessibility, servicing and sustainability.

With the above in mind, the TS details the transport issues that currently exist (section 3) and that which may come forward as part of this planning application (section 5). The TS also includes some plans of the site (now and proposed) and discusses what vehicular visibility splays will be achieved from the main access onto Aylesbury Road. There are also plans and data sheets from a recent survey and from the TRICS analysis process.

To establish the existing base line of trip generation for a site such as this, the TRICS data base has been interrogated and the appendices are attached at the back of the TS. (TRICS – trip rate information computer system). The process looks at similar sites in similar locations with the same planning use to help formulated a base line to work from. This existing base line is then compared to what the likely levels would be with the change of use from a school to residential. Having looked at the data provided and appendices at the back of the TS (Appx H) the highway authority is content with suggested sites used and the base line established. From this a two way peak hour vehicular trip rate can be established for both the former School use and by imputing similar C3 residential criteria into TRICS a comparison can be made on what if any increase or decrease in two way trips would be generated. This is shown in table 5.5. Interestingly, the highway pm peak and the Schools pm peak do not coincide resulting with a slight increase in two way trips onto the highway network between 17:00 and 18:00. However, as expected when you take away the Schools peak hour in the afternoon 13:00 to 16:00 the overall two trip movements in peak hours is down but overall there will be 16 more movements in the pm peak to and from Aylesbury Road. The conclusion to this desk top study is that the am peak hour two way trips will be significantly lower than the previous schools use but the pm (highway) peak will attract an additional 16 movements which is less than three every minute. It follows that this level of development is unlikely to generate significantly high levels of movements which would ultimately lead to demonstrable harm to the highway network in terms of safety, free flow and capacity. This conclusion is based on the above mentioned TS, surveys conducted by Traffic Consultant and known RTC information.

Impact on Highway Network.

The proposed development will only impact on the highway if the development fails to provide a safe means of access for both vehicular and other modes of transport and if there is insufficient off street parking space within the site. This includes visitor parking and servicing requirements too. The reuse of the existing access is acceptable to the highway authority. The applicant has stated in the TS and shown on the submitted plans that he can achieve the conditioned visibility splays for a 30mph road. The access drive and will be modified (subject to a legal Section 278 agreement for any off site works and the inclusion of a separate footpath within the site boundary) but will remain in private ownership due in part to the steep gradient that currently exists. Roads in Herts –Highway Design Guide, 3rd edition, section 4 Design Standards and Advice, section 1.8 Gradients, states that the minimum longitudinal gradient should be 1% and not exceed 5% (approximately 1:20.)

Highway Layout

The only material change to the highway will be the closure of the vehicular access onto

Longfield Road to through traffic. The existing access from Aylesbury Road will continue to be the main vehicular access to the site and will require some modifications hence the above informative covering a legal Section 278 agreement but the drive its self would not be adopted by the highway authority. All accesses from a radii kerbed junction to a simple vehicle crossover will need to meet the requirements of Roads in Hertfordshire (RiH) and/or the Design Manual for Roads and Bridges (<http://www.dft.gov.uk/ha/standards/dmrb/>). As the level of traffic associated with the proposed development is less than 500 vehicle /day (157) and the existing pass by traffic volume has been surveyed at 6000, the need to create a turn right ghost island would not be required. This conforms to the guidance given on Junctions types in both Manual for Streets and DfT's DMRB Volume 6 Chapter 2.

The National Planning Policy Framework (NPPF), states that "developments should be located and designed where practical to: • Accommodate the efficient delivery of goods and supplies • Give priority to pedestrian and cycle movements, and have access to high-quality public transport facilities; • Create safe and secure layouts which minimise conflicts between traffic & cyclists or pedestrians, avoiding street clutter and where appropriate • Establishing home zones • Incorporate facilities for charging plug-in and other ultra-low emission vehicles; and • Consider the needs of people with disabilities by all modes of transport."

Parking

Off street parking is a matter for the Local Planning Authority (LPA) to determine and, the applicant has provided details of the parking provision. The applicant discusses this in the TS and compares the proposals allocation against the existing permitted/former use and other sites with a similar number of residential units. Using DBC's parking standards (DBC Local plan and the SPG) to determine the level of parking this site should attract, the applicant has used this maximum based standard to come to the figures mentioned above. The site sits within the borough council's zone 4 for this assessment. In this case the applicant is now providing 64 parking spaces which is slightly down from the previous application but there are fewer units being constructed.

Roads in Hertfordshire highway design guide 3rd edition states that the dimension and location requirements for parking bays, driveways and turning areas shall be in accordance with the guidance in DfT Manual for Streets.

Accessibility

Forward Planning Officers (Passenger Transport Unit) have supplied details of bus services and bus infrastructure to identify gaps in the service. (<http://www.hertsdirect.org/docs/pdf/b/busstrategy.pdf>)

Their comments are attached should contributions be sought from the LPA for bus stop improvements.

The nearest bus stops are located on Western Road approximately 150 metres from the site access. Therefore all dwellings are likely to fall within the recognised accessibility criteria of 400m. Neither stops have easy access kerbing and shelter provision. The existing east bound footway width may be insufficient to provide shelter provision.

Services are as follows: 50 Aylesbury to Ivinghoe 61 Aylesbury to Luton 164 Aylesbury to Leighton Buzzard 500 Aylesbury to Watford 501 Aylesbury to Watford

The site being located on the main bus corridor to/from Aylesbury with frequent services available.

RAIL Tring station is approximately 2.5 miles away. Trains are run by London Midland and journey time into London Euston is around 42 minutes with up to five trains per hour operating during the rush hour period.

OTHER COMMENTS Accessibility to bus services from this site is considered good. The nearest bus stops fall within the recognised accessibility criteria of 400m for all dwellings. Rail access is remote however good cycle parking facilities exist at the station.

Should this development go ahead, it is recommended that developer contributions be used

toward improving access to local buses with kerbing enhancements, bus cage and shelter provision (for the west bound stop). Kerbing enhancements cost approximately £8000 each and shelter provision is also around £8,000. Therefore to improve bus access facilities at this location a total cost of around £24,000 would be likely.

Servicing Arrangements

The TS looks at this in section 5. Refuse and recycling receptacle storage will be provided. Refuse collection will be via a kerbside collection regime within the site as will all other service providers. The applicant has submitted scaled plans showing the track runs (a swept path analysis) for the largest vehicle that would enter the site i.e. a refuse or removal lorry. Planning Obligations/ Community Infrastructure Levy (CIL)

If the LPA are minded to grant PP then any contributions for locally identified schemes may be sought. The bus stop improvements mentioned above being the most likely. However, off site works to both the accesses will be covered in the S278 agreement.

Conclusion

The assessment does not indicate any significant issues with this latest amended proposal to create 32 dwellings on the site of the former Francis House Preparatory School. The highway authority would not wish to restrict the grant of planning permission subject to the above conditions and informative

Hertfordshire Infrastructure Team

The forecast need for school places in Tring can be met through expanding Tring Secondary School (including the provision of detached playing fields) and by expanding Dundale and Grove Road primary schools. An area of playing fields at the Hertfordshire County Council (HCC) owned Dunsley Farm has been defined in the Dacorum Site Allocation document (SA DPD).

Detached playing fields may be required following the future expansion of Tring Secondary School. For example, if it is deemed necessary for additional playing fields to ensure the school is compliant with playing field provision. It should however be noted that the school is an Academy and does not necessarily need to follow government guidance on the amount of playing field provision as set out in BB103. If the site is required for detached playing fields it will need to be of sufficient space and layout to meet the schools requirements. As outlined in emerging DBC Policy (SA DPD) it must also be made available for community use. In the event the site is required, the site will firstly be a facility for the school through which community use arrangements can be made available to the public.

It is assumed that development in Tring will be contributing to infrastructure through CIL and if required HCC will seek funding towards expanding local schools. If through the expansion of Tring Secondary School detached playing fields are required, funding will need to be secured to bring the site up to standard. HCC considers that delivering the playing fields would be part of an expansion project for the school and as such would be eligible for CIL funding. This is especially pertinent as the school will require expansion as a result of development coming forward in Tring. HCC maintains a close working relationship with DBC and discussions for future funding opportunities will evolve as development comes forward.

If detached playing fields are required then HCC considers that the site proposed for allocation in emerging policy (SA DPD) is a preferred location when considered against reasonable alternatives. The County Council does not require the playing field at St Francis De Sale School Site and does not object to the site's redevelopment.

Sport England

Summary: Objection is made to the planning application in its current form. However, potential

exists to resolve this objection if first, a mutually agreeable solution to a mechanism for securing replacement playing field provision can be identified and subsequently second, an acceptable off-site replacement playing field mitigation proposal can be identified, agreed and secured through any planning permission.

Sport England – Statutory Role and Policy

It is understood that the site forms part of, or constitutes a playing field, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 74) and Sport England's Playing Fields Policy, which is presented within its Planning Policy Statement titled 'A Sporting Future for the Playing Fields of England' (see link):www.sportengland.org/playingfieldspolicy

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the five exceptions stated in its policy apply.

The Proposal and Impact on Playing Field

The proposal involves redeveloping the former Francis House Preparatory School site for 37 dwellings which would result in the loss of the entire school playing field which when in school use contained a mini football pitch and two tennis courts.

Assessment against Sport England Policy/NPPF

I have considered the proposals with regard to the specific exception criteria identified in the above policy and would make the following assessment:

Exception E1 – Not applicable. It has not been demonstrated that there is an excess of playing pitches in the catchment in terms of playing pitch provision. In this regard, Dacorum Borough Council's Outdoor Leisure Facility Study (September 2014) identified deficiencies in community playing pitch provision across the whole of the Borough including a need to provide additional junior football, cricket and rugby (senior and mini) pitches in Tring to meet current and/or future needs. The study also shows that existing tennis clubs in the Borough are generally operating at capacity. The study was developed by the Council into a playing pitch strategy and action plan in 2015 which includes aims and recommendations to protect existing sports facilities where they are needed for meeting current or future needs. Specifically in relation to pitches that were formerly playing pitches but are no longer used for formal or informal sports use (referred to as lapsed or disused pitches in the strategy), the strategy confirms that such pitches are not necessarily surplus to requirements. Sport England considers that the study and associated strategy is robust and therefore I am of the view that there is not an excess of community playing pitch provision in the Tring area (or Dacorum Borough as a whole). Primary (including preparatory) school playing fields are often used for meeting the community's needs for pitches and sites are sometimes maintained in community use after schools close. As set out in the playing pitch strategy, school sites which become redundant may offer potential for meeting community needs on a localised basis and that where such schools are closed their playing fields may be dedicated to community use to help address any unmet community needs. In particular, the strategy refers to closed school playing fields being considered in the first instance for becoming community playing fields for meeting the needs identified in the strategy before being considered for other uses.

Exception E2 – Not applicable. The proposed development is not ancillary to the principal use

of the site as a playing field;

Exception E3 – Not applicable. The area proposed for the development would result in the loss of whole playing field which when in school use was marked out for a mini football pitch (in winter) and possibly other pitches in summer. Space would exist on the playing field for accommodating a large mini soccer pitch in this area for instance that would meet the FA's recommended size for an under 9/10 (55x37m) pitch;

Exception E4 – Not applicable. No replacement playing field provision is currently proposed;

Exception E5 – Not applicable. The planning application does not propose any sports facilities.

On the basis of the above assessment, the proposal would not, in its current form, accord with any of the exceptions to Sport England's playing fields policy.

It is acknowledged that the Francis House Preparatory School closed in 2014, is not currently available for community use (and was not when the school was open) and is in private ownership. However, our playing fields policy is applied to developments affecting all playing fields regardless of when they were last in use. While the site may not be currently in use as a playing field, Sport England considers proposals for the development of such playing fields in the same way as playing fields that are in active use because development on them would permanently prevent such sites from being brought back into use. Even if the playing fields are no longer needed for educational use or are in private ownership this does not affect our position. Sport England's playing fields policy and the Government planning policy on playing fields (in paragraph 74 of the NPPF) does not distinguish between community and school playing fields, publicly and privately owned playing fields and whether playing fields are currently in use or not. As set out above, Dacorum Borough Council's Playing Pitch Strategy seeks to protect closed school sites due to their potential for meeting community needs. It should be emphasised that Sport England's role is to safeguard playing fields for meeting the needs of current and future users. While this playing field may not be in use at present, it may be required for meeting future playing pitch needs as demonstrated by the extent of the need for additional playing pitches in the Council's study. Furthermore, no evidence has been provided to satisfactorily demonstrate that attempts have been made to get the site into community sports use as advocated in the strategy e.g. marketing the playing fields to sports clubs on a freehold or leasehold basis. It is also understood that the football pitch on the playing field may not have been marked out frequently. Sport England would define a site as a playing field if a playing pitch has been delineated on it at any time regardless of how long the pitch had been delineated for and how frequent it was delineated. In practice, the majority of playing fields, especially school playing fields delineate playing pitches intermittently throughout the year depending on the sports seasons and/or the school terms and pitch numbers and sizes change over time in response to needs so this situation is considered to be the norm. While the pitch on the application site may have been delineated infrequently, it was delineated (as shown by aerial photographs from Google Earth, Bing, Get Mapping etc) and would therefore meet the definition of a playing field.

Paragraphs 5.21-5.24 of the Planning Statement set out the applicant's current position on the loss of the playing field/tennis courts. In summary, as set out in paragraph 5.24 the applicant is willing to compensate for the loss of the playing field and tennis/netball courts but has not explored the feasibility of replacement playing field provision options (to allow the proposal to accord with exception E4 of our policy) that were discussed with Sport England at pre-application stage. This is because if an acceptable replacement provision solution can be identified (e.g. financial contributions towards the provision or enhancement of community playing fields in the Tring area or direct re-provision of playing fields) a mechanism to secure an off-site solution through a potential planning permission has not yet been identified or agreed by Dacorum Borough Council. The situation has arisen because the conventional mechanism of using a planning obligation (usually a section 106 agreement) to secure a

financial contribution (or direct replacement provision) to deliver off-site mitigation is considered by the Council to be potentially non-compliant with the CIL Regulations 2010 (as amended) following the Council's adoption in 2015 of its community infrastructure levy and associated CIL Regulation 123 list which includes the provision of outdoor sports facilities. More specifically, it is considered by the Council that securing a financial contribution may be non-compliant due to regulation 123 stating that 'a planning obligation may not constitute a reason for granting planning permission for the development to the extent that the obligation provides for the funding or provision of relevant infrastructure' due to relevant infrastructure in the context of the Council's Regulation 123 list including outdoor sport. Sport England welcomes the applicant's willingness to compensate for the loss of the playing field and its commitment to help resolve the above issue and acknowledges that it would be inappropriate to spend resources on progressing a replacement solution until a delivery mechanism can be identified and agreed in principle. Despite pre-application discussions and correspondence about this matter between the Council, the applicant and Sport England a mutually agreeable solution has yet to be identified and agreed. However, Sport England remains committed to assisting the Council and the applicant to resolve this matter with a view to facilitating a replacement playing field solution that would accord with exception E4 of our policy. In this regard, Sport England has sought to assist with the development of a solution through providing legal advice to the Council under separate cover for their consideration.

Conclusion

In light of the above, Sport England objects to the application in its current form because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 74 of the NPPF. Sport England also considers that without replacement playing field provision being made the proposals would be contrary to the Council's development plan policies in its Core Strategy (Policy CS23 – Social Infrastructure) and Local Plan (saved Policy 75 – Retention of Leisure Space). However, it is accepted that the current position has arisen due to the issue outlined above and that the applicant is committed in principle to progressing a solution that would accord with these policies. Sport England would therefore be willing to review this position if first, a mutually agreeable solution to a mechanism for securing replacement playing field provision can be identified and subsequently second, an acceptable off-site replacement playing field mitigation proposal can be identified, agreed and secured through any planning permission. It is advocated that discussions continue between all parties in this regard during the application determination process.

Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's objection then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the Secretary of State, via the National Planning Casework Unit.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s).

Ecology Comments

1. We have no existing ecological records from the site, although it is clear that the grounds, buildings and trees have potential for local wildlife and protected species.
2. An extended Phase 1 habitat Survey has been undertaken and did not identify any special habitats present on site other than the mature trees and small woodland present mainly around the edges of the site, and buildings which potential for bats. Birds recorded on site were those commonly found in gardens but a number of birds of prey encountered in the location generally, such as tawny owls, red kite and sparrowhawk. Other wildlife was considered but would in any event be typical of garden areas in this location, and may include species such as hedgehogs. I consider this survey to be an adequate reflection of the site.

3. The buildings and trees with bat potential were subject to emergence surveys following the inspection surveys which found evidence of some bat use. Pipistrelle sp. were shown to emerge from Building 4 and altogether it was considered that up to 3 species of bat were likely to be roosting at the site. Further surveys were recommended due to the impact on the bats from building demolition and licence requirements.

4. The small orchard was considered to have limited ecological significance, which from the size and number of trees I consider a reasonable assumption.

5. No particular concern was highlighted in respect of the species-poor amenity grassland which was found across the site although there is some very local interest in the Convent Garden grassland which supports black knapweed, burnet saxifrage, rough hawkbit etc.... although the management of this would not be possible to influence, it being a garden lawn.

6. The potential for other wildlife, such as hedgehog, was also raised. Although the surveys were undertaken in September 2014 which is not the optimum period being towards the end of the field season, I have no evidence to suggest that the overall findings are not a reasonable reflection of the biodiversity interest of the site.

7. Woodland and scattered trees are recommended for retention. A number of recommendations were made for the provision of bat and bird boxes.

8.1 Further bat surveys were undertaken in 2015. Together with those from 2014 these confirmed:

8.2 Building B2 supported occasional day roosts of low numbers of non-breeding individuals (common pipistrelle, soprano pipistrelle and brown long eared bat). Building B4 supported transitional roosts of common and soprano pipistrelle and also the potential for occasional day roosts. A tree was considered to be of low potential following further survey. An EPS licence is required for the demolition of the buildings B2 and B4.

8.3 Further recommendations for lighting were also provided to reduce its impact.

8.4 It is considered that if an appropriate EPS licence is obtained and the recommendations as outlined (including provision of bat boxes on trees and retention of a dark corridor into the site) are followed, the impact of the development on the bats will not result in the decline of favourable conservation status of the bat populations. I have no reason to object to this view. On this basis I consider that the third Habitat Regulations Test can be satisfied by DBC when determining the application.

9.1 The majority of the existing trees within the site will be retained as part of the development, although the row of Horse Chestnut trees at the centre of the site and a number of the Beech trees on the western side near to the Convent building will be felled to accommodate the new dwellings.

9.2 The D&A Statement and arboricultural report state that new trees will be planted on the site. However I consider tree replacement will not compensate for the large trees to be lost as a result of the development, as even if successfully established, I not believe there will be room for similar sized trees to mature. Most new trees seem to be around the edges of the site and/or along the end-of-garden boundaries.

9.3 Consequently I suggest planting of species such as hazel, field maple, spindle, holly and elder as closer, more dense back garden boundaries. These can be managed to retain a smaller size or coppiced every 12-15 years as necessary and still provide a good habitat and amenity resource within and through the site.

9.4 No planting details or a landscape plan appear to have been submitted. If not, I consider a landscape plan should be submitted as a Condition of approval to ensure that the nature of the site's existing ecological framework can be retained or replaced as far as possible and enhance the new built environment. In my view the current tree planting proposals as shown on the plans are insufficient to provide robust boundaries to compensate for the proposed mature tree losses within the site.

10. In respect of the additional information provided to DBC by local residents:

10.1 I note the local concern regarding **starlings** nesting in the roof of the hall. Starlings are a protected bird species, just as is any other wild bird not considered a pest species. Consequently, as has already been highlighted:

Starlings are protected under the Wildlife and Countryside Act 1981, which makes it illegal to intentionally kill, injure or take a starling, or to take, damage or destroy an active nest or its contents. Preventing the birds from gaining access to their nests may also be viewed as illegal by the courts. (Ref: RSPB).

Whilst they have declined significantly, they are afforded no extra protection in law other than this. Consequently, any works or developments affecting starling nests need to consider any potential offence being committed. In this respect, RSPB also advise:

It is therefore important to check for active nests before any repairs to roofs and soffits are carried out during the breeding season.

If demolition is to be undertaken within the breeding season, I consider the information and advice above should be attached as an Informative to any permission. If nests are discovered, works should cease until nesting has completed. The presence of nests per say would not preclude demolition of a building as long as the nests were no longer in use. Given that this issue has been raised by a local resident, there may be a need for an ecologist to confirm this with a check of the building if demolition were to be undertaken during the breeding season. Demolition outside of the breeding season should not cause an offence.

If starlings are confirmed as being present, then starling boxes should be provided as compensation for the loss of this local nesting site. Boxes can be attached to trees or buildings and should be at least 2.5 m high.

10.2 The birds list describes birds seen in and around an adjacent garden. It demonstrates the local value of the gardens and the St Francis House site generally. However several of these species would be present just flying over - or at best casual visitor such as grey heron, red kite, buzzard, reed bunting. Some others are of more interest – sparrow hawk, woodpeckers, house martin, redwing, and yellowhammer. Most of the remainder are typical garden birds found in the area and possibly resident locally – such as wren, unlock, robin, blackbird, song thrush, chaffinch, greenfinch, goldfinch, bullfinch, starling.

On this basis there is little to suggest that the bird community which is present is sufficient to represent a constraint on the development. Clearly as much of the existing habitat in the form of trees and woodland should be retained to enable the wildlife associated with these areas to remain if not undisturbed, but any species favouring open ground would naturally be affected. Whilst this is a loss to this site, in my view it is not a loss of sufficient importance - particularly when associated with the nature of the habitat to be lost - to otherwise significantly influence the development. However landscaping should seek to retain and enhance the natural aspect of the site as much as possible where appropriate.

11. On the basis of the above, I do not consider that the ecological issues highlighted on site

and locally represent a constraint to the development. However I consider that the development should require:

- An EPS licence – to include compensation measures for bats;
- Compensation measures for starlings;
- Landscaping details and enhanced boundary planting to compensate for the loss of Green Infrastructure currently within the site. #

Herts and Middlesex Wildlife Trust

The ecological assessment and bat survey are acceptable. The bat survey states that a European Protected Species Mitigation Licence will be required. In accordance with R (on the application of Simon Woolley) v Cheshire East Borough Council, a LPA must demonstrate that it has considered the 3 tests of the EPSML before reaching a planning decision involving European Protected Species. In this instance this means that the LPA must request answers to the 3 tests from the applicant and consider if these have been satisfied. If the LPA is satisfied with these answers it should then attach the following condition to ensure that the requirement for a licence is fulfilled and the development can proceed lawfully.

Condition: The following works shall not in any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead; or
- b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve and enhance European Protected Species in accordance with the Conservation of Habitats and Species Regulations 2010.

The ecological report also recommends that a dark corridor is maintained particularly in the south of the site. In order to ensure that this is applied the following condition is advised:

Prior to occupation, a lighting design strategy for biodiversity as recommended in the submitted ecological report, shall be submitted to and approved in writing by the local planning authority.

The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for identified bat populations and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To protect bat movement corridors and compensatory roosting features as identified in the submitted ecological report.

Hertfordshire County Council - Minerals and Waste

I am writing in response to the above planning application insofar as it raises issues in connection with waste matters. Should the district council be mindful of permitting this application, a number of detailed matters should be given careful consideration.

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

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

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

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

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

Policy 1: Strategy for the Provision for Waste Management Facilities. This is in regards to the penultimate paragraph of the policy;

Policy 2: Waste Prevention and Reduction: &

Policy 12: Sustainable Design, Construction and Demolition.

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

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

Thames Water

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

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be

separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Water Comments - On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

Lead Local Flood Authority

In response to the information provided by JNP reference M41452-FRA001 dated December 2015 we can confirm that we the Lead Local Flood Authority have no objection on flood risk grounds. The proposed drainage strategy is based on infiltration for the northern part of the time and attenuation and discharge southern catchment. Infiltration tests have been carried out and results provided within the FRA.

We note the site was previously discharging surface and foul water to the public foul sewers in Aylesbury Road. We acknowledge that Thames Water have been contacted and have stated that 50% reduction from existing flows is required. However no formal confirmation has been submitted that Thames Water are satisfied with the surface water rates and volumes proposed. For plot 24-26 and access road the drainage strategy is proposing to connect into the Thames surface water sewer and restricting surface water run-off to 12l/s. Drawing 15054/102 has been provided with the drainage layout showing location of proposed SuDS scheme.

We therefore recommend the following conditions to the LPA should planning permission be granted.

LLFA position

The proposed development will only meet the requirements of the National Planning Policy Framework if the measures detailed in the Flood Risk Assessment carried out by JNP reference M41452-FRA001 dated December 2015 submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Fire Protection, Hertfordshire Fire and Rescue Service

We have examined the drawing and note that the provision for Hydrants and Access does not appear to be adequate to comply with BS9999:2008.

- The access road serving plots H10 2b – H16 2b and H17 2b – H23 2b is longer than twenty metres and does not include a turning circle.
- The nearest existing hydrant is over 120 metres away.

Access and Facilities

- Access routes for Hertfordshire Fire and Rescue Service vehicles should achieve a minimum carrying capacity of 15 tonnes.
- 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 Table 20 in section B5.

Water Supplies

Water supplies should be provided in accordance with BS 9999. This authority would consider the following hydrant provision adequate:

- Not more than 60m from an entry to any building on the site.
- Not more than 120m apart for residential developments or 90m apart for commercial developments.
- Preferably immediately adjacent to roadways or hard-standing facilities provided for fire service appliances. Not less than 6m from the building or risk so that they remain usable during a fire.
- Hydrants should be provided in accordance with BS 750 and be capable of providing an appropriate flow in accordance with National Guidance documents.

The comments made by this Fire Authority do not prejudice any further requirements that may be necessary to comply with the Building Regulations.

Environmental Health - Noise

Environmental Health advises that any permission which the LPA give should include the following conditions:

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

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

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

Asbestos - Prior to works commencing the applicant is recommended to carry out a survey to identify the presence of any asbestos on the site, either bonded with cement or unbonded. If asbestos cement is found it should be dismantled carefully, using water to dampen down, and removed from site. If unbonded asbestos is found the Health and Safety Executive at Woodlands, Manton Lane, Manton Lane Industrial Estate, Bedford, MK41 7LW should be contacted and the asbestos shall be removed by a licensed contractor.

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

Hertfordshire County Council - Infrastructure Provision

I refer to the above mentioned application and am writing in respect of planning obligations sought by the County Council towards fire hydrants to minimise the impact of development on Hertfordshire County Council Services for the local community.

Based on the information provided to date we would seek the provision of fire hydrant(s), as

set out within HCC's Planning Obligations Toolkit. We reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

All dwellings must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments. HCC therefore seek the provision of hydrants required to serve the proposed buildings by the developer through standard clauses set out in a Section 106 legal agreement or unilateral undertaking.

Buildings fitted with fire mains must have a suitable hydrant provided and sited within 18m of the hard-standing facility provided for the fire service pumping appliance.

The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22). In practice, the number and location of hydrants is determined at the time the water services for the development are planned in detail and the layout of the development is known, which is usually after planning permission is granted. If, at the water scheme design stage, adequate hydrants are already available no extra hydrants will be needed.

Section 106 planning obligation clauses can be provided on request (See full response for justification).

Dacorum Refuse Team

Our concerns are that this is a steep gradient into the school coming of Aylesbury Road so could present a danger coming down it in the winter as previously we drove up, serviced the school and out buildings then exited by Longfield road which now is being closed off to allow the build of two properties.

We would like to see major improvements to the gradient of the access road to illuminate any concerns we have with servicing these properties.

Further comments from the Refuse team following additional road works

In essence we do not have any other issues so long as the gradient is improved and the leaf fall addressed as confirmed in your additional drawings.

Hertfordshire County Council - Minerals and Waste

I am writing in response to the above planning application insofar as it raises issues in connection with waste matters. Should the district council be mindful of permitting this application, a number of detailed matters should be given careful consideration.

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

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

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

- *the likely impact of proposed, non- waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is*

acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;

- *new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;*
- *the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.'*

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

Policy 1: Strategy for the Provision for Waste Management Facilities. This is in regards to the penultimate paragraph of the policy;

Policy 2: Waste Prevention and Reduction: &

Policy 12: Sustainable Design, Construction and Demolition.

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

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

Affordable Housing

Strategic Housing comments are as follows in response to the proposal below:

To meet the affordable housing policy requirements, 35% of the dwellings should be agreed for affordable housing. We would specify that the tenure mix of the affordable housing provision is 75% affordable rented and 25% shared ownership, in line with our Affordable housing SPD. Clarification may be required regarding the 3 units proposed for intermediate housing as to whether these would constitute shared ownership / starter homes.

Further comments

As part of the amended application, the proposal maintains consistency with our Affordable Housing SPD by providing 37.5% (12 units) for affordable housing.

Chiltern Society

I know this area as I live in Tring. Although it is a suitable site for the construction of some houses, I object to this application on the grounds of over-development. The development would be too dense.

As some of the neighbouring houses in Longfield Road are bungalows, it is not feasible to have high dwellings looking down into their rooms.

There is not enough provision for parking on the site, which will mean vehicles trying to park in

Longfield Road and Western Road which are already crowded.

The volume of cars needing to exit on to Western Road from this substantial development of 37 houses, would overload Western Road where it has become impossible for two-way traffic already, because of so many parked cars.. This will be even more of a problem when LA5 is expedited along past the cemetery.

The maximum height of the houses should be two-storey.

Possibly a plan for about 20 houses would be more acceptable

Further comments from Chiltern Society

I don't believe the changes that have been made to this application are significant enough for me to change my opinion that it is still over-development.

Although it is a suitable site for some sort of re-development, we should not lose sight of the fact that it has been an educational establishment, and it should not lose that designation.

The volume of cars needing to exit on to Western Road from this substantial development of 32 houses, would overload Western Road where it has become impossible for two-way traffic already, because of so many parked cars. This will be even more of a problem when LA5 is expedited along past the cemetery.

I know that it is felt locally that this proposed development will not meet the requirements of the town of Tring, as far as the type of accommodation is concerned.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

Summary of Comments - Full comments contained at Appendix A

6, 7, 8 and 9 Cherry Gardens- Objects :

- Loss of school
- Buildings are too high (not in keeping with area
- 2.5/3 Storey houses not in keeping with area (predominately bungalows)
- Overlooking and loss of privacy
- Security along the boundaries (currently mixed hedge)/maintenance of boundaries
- Concern over access
- Overdevelopment of site/cramped
- Concern over visual impact of garden sheds
- Concern over loss of school and tennis courts (could they used for public use?)
- Increase of traffic
- Concern that emergency services can't get through due to existing parking on High Street/Western Road
- Concern over drainage/surface water run off to Abstacle Hill and Cobbetts Ride
- Loss of overshadowing especially in Winter
- Visual intrusion
- Lack of parking provision
- Bathroom window of flank elevation overlooking into bedroom window of 9
- Inadequate Tring Town Council consultation
- Loss of trees
- Concern over drainage

29, 31, 33, 35, 59 Cobbetts Ride

Concern over overlooking over plot 27 (now 24) (close to boundary and elevated position)
Ridge height of proposal is higher than school hall and introduces windows
Seeks clarification over 3m structure adjacent to plot 26 (now 23)
Clarification over velux windows at plots 27 and 26 (now 24 and 23)
Clarification that plots 26 and 27 (now 24 and 23) bathroom windows will be obscure glazed
Keen to see detailed landscaping proposals to screen proposals
Loss of school
Over high density
Lack of safe and adequate access (improvements should take account of TPO, Concern over winter weather)
Concern over access for emergency and refuse vehicles
Wish to comment on affordable housing level
Amended plans have not taken into account objections
Original design of Cobbetts Ride was to mitigate harm
only favourable positive comments put into submission
Tennis courts turned into public use
bungalows should be for elderly people/retirement homes
reduction of sunlight/overshadowing to 31,33,35 and 37 Cobbetts Ride
Concern over significant loss of trees/drainage/noise mitigation
reduction of value of properties /particularly with affordable homes
Insufficient parking
understand allocation of affordable homes
Too much pressure on local infrastructure
Houses would overlook/should be sunken into ground or single storey

1, 1A, 20, 25, 26, 31, 38, 40, 44, 46, 56, 58, Russell, Longfield Road

- Impact of parking on Longfield Road for two new dwellings (only one space proposed)
- One space per two bedroom dwelling is insufficient, additional demand will need to met elsewhere
- Concern over construction noise and traffic
- Loss of Beech trees (provide backdrop to their garden)
- dwellings are too high overall
- Houses on Longfield road are too tall in context with neighbours
- Houses facing Longfield Road would be better as a single dwelling
- Over dense development
- Proposal with remove privacy for residents of Longfield Road
- Houses backing onto Longfield Road should be bungalows
- Concern over parking for two houses propose for Longfield Road (more cars parked on the road and when events are on at Scout Hall)
- Gardens of proposed dwellings are too small in relation to surrounding area
- Overshadowing and loss of light to gardens of Longfield Road properties

2 Abstacle Hill, 4 Chiltern Villas, 8 Gordon Villas, Scout Hut

- Height of dwellings results in reduction of skyline
- out of keeping with surrounding area
- two bed bungalows would be better
- run off rainwater concerns
- Concern over access onto Aylesbury Road
- Worsen parking along Longfield Road
- Concern over demolition of asbesto buildings

- Amenity Area should be given to Scouts

Considerations

Policy and Principle

The site is situated within the identified residential area of Tring wherein the principle of the development is considered acceptable in accordance with policy CS4 of the adopted Core Strategy and subject to compliance with other plan policies. The adopted Core Strategy seeks to optimise the use of urban land and it is noted that the site is not designated as open land within the adopted plan, therefore the principle of development for residential units is considered acceptable subject to considerations below:

Loss of School and Playing Pitches

The site is currently comprises St Francis de Sales Preparatory School which has been vacant since its closure in 2014. The site contains an area formerly set out as a football pitch and the provision of two tennis courts. Saved Local Plan Policy 69 (education) states that the loss of existing education facilities will not be supported unless the new use is temporary or the site is no longer appropriate for or needed for education use. In this case, the proposed new use is not temporary. Core Strategy Policy CS23 (social infrastructure) includes the following guidance:

"Existing social infrastructure will be protected unless appropriate alternative provision is made, or satisfactory evidence is provided to prove the facility is no longer viable. The re-use of a building for an alternative social or community service or facility is preferred."

More weight should be given to Policy CS23 than to Local Plan Policy 69, as the Core Strategy is a more recent document.

Therefore in line with both policies above, it is necessary to consider a) whether alternative education provision has been made, or b) satisfactory evidence has been provided to prove that the facility is no longer viable. Beyond this again, consideration must be given to whether the re-use of the buildings for alternative social or community services is preferred before, accepting the principle of redevelopment to residential.

Turning to the first criteria (whether alternative education provision has been made), Hertfordshire County Council as the education authority have been consulted both at pre-application and application stage to understand whether the loss of the school would be detrimental to overall school infrastructure. It is noted that the school is private. Hertfordshire County Council Education Department consider that there is latent school capacity in Tring to meet forecast needs to 2031 and that a site is being sought for detached playing fields. Hertfordshire County Council indicate that the forecast need for school places in Tring can be met through expanding Tring Secondary School (which includes the detached playing fields) and by expanding both Dundale and Grove Road primary schools. A site for detached educational playing fields at Dunsley Farm (HCC owned) on the east site of Tring has been defined in the submitted Dacorum Site Allocations document. The HCC have also commented that should additional playing fields be deemed necessary which could be facilitated without the need for the site and the HCC could through CIL, seek funding towards expanding local schools. As such, the HCC Education team have made their comments clear that they do not object to the loss of the school, playing fields and redevelopment of the St Francis De Sale School Site.

In terms of the second criteria of policy CS23 above (satisfactory evidence has been provided to prove that the facility is now longer viable), given that the HCC have raised no objection to the loss of the School, arguably it could be considered that this second criteria is not necessary for the principle to be acceptable however given the evidence provided and for the purposes of clarity and completeness, this point will be considered. The agent has submitted information which sets out that the privately owned school was shut due to its financial status which had reached a point where the School was no longer considered as financially viable. It is recognised that the school had financial difficulties for some time including when it was owned by a French Order of Nuns before selling it to the current owners. This is evidenced by the requirement to sell off some parts of the site for redevelopment and the former convent house to AES Tring Park School Trust for use as a boarding house and indeed prior to this, parcels of land for residential development now known as Cobbetts Ride. This full information submitted is confidential however the background information is useful. In 2000, the Sisters contacted the current owners of the School to say that they were about to announce the closure of the school and would that be of interest to him. After an intensive two weeks of due diligence investigations, it was decided to acquire the school on a long leasehold basis to see if it was possible to return it to profitable trading. The investigations prior to that decision had evidenced that the school had incurred losses for at least the preceding ten years and had been kept afloat by loans from the Mother House in France and by the sale of various Tring property assets. Since then however, and with considerable effort, substantial pupil numbers were not able to be acquired and the school fell into further negative profit. The directors of the school formed the opinion that despite all efforts and an excellent product, there was a continuing lack of demand for the type of school in Tring. It is considered that reasonable information has been provided to prove that the educational facility was not longer viable and as such part b of policy CS23 has been met.

Finally, it is acknowledged that policy 23 of the Core Strategy sets out a preference for reuse of buildings for alternative social or community services or facilities before residential use. Strategic planning has been consulted on this point and they have made clear that they are not aware of any non-educational social infrastructure needs in Tring which could reasonably be met on the site. Given the planning balance, and the need for housing nationally, it is considered that the redevelopment of the site is considered acceptable in principle and adheres to the aims and objectives of policies CS23 of the Core Strategy and saved policy 69 of the local plan.

Sport England - Loss of playing pitches

Sport England has objected to the scheme on the basis of a loss of playing pitches and no alternative solution to be found to mitigate the loss. Sport England's standard policy is to oppose the granting of permission for any development that would lead to the loss of, or prejudice the use of all or part of a playing field, unless one of the exceptions apply (full details of these are set out in the comments from Sport England). The Council published its Playing Pitch Strategy and Action Plan in June 2015. The mini football pitch located on the site does not appear to be identified as part of the current supply of sports pitches within the document, but the site is identified as having 2 good quality tennis courts. The Playing Pitch Strategy and Action Plan identifies that, notwithstanding this omission, there is an adequate supply in both adult and mini football pitches within the settlement to meet existing deficiencies and growth. The only playing pitch requirements for the settlement are those extending to youth football, senior and junior rugby and cricket, none of which could physically be accommodated upon the area of land currently used for playing pitch purposes. In terms of tennis Court provision, the Lawn Tennis Association has identified Tring Tennis Club as a priority site and officers are aware that the club is keen to develop its own facilities to improve capacity. It is noted that the courts are private and not available for community use.

Two leisure proposals for additional pitches are incorporated in the Site Allocations DPD for Tring and are likely to deliver new pitches at LA5 (Site Allocation L/3) and Dunsley Farm (Site

Allocation L/4)

Officers would thus contend that the site is surplus to requirements for outdoor sport pitches and may meet E1. Furthermore the applicants CIL contribution could be utilised at these Site Allocations or on alternative provision in line with E4 although this falls outside of the planning application process.

In any event, the pitch is essentially located on private land and not available for community use. The land itself is limited in size and has little sporting value for alternative uses. Its loss may be considered to be outweighed by the benefits that the scheme delivers in terms of housing.

It should be noted that the developer has indicated that they are prepared to contribute for the loss of the sports pitches by way of a payment in lieu, however, legal advice to date is that this is not reasonable as the Council is unable to request further funding or alternative provision beyond the CIL contribution which would be made by the developer. Discussions with Sport England, the applicants and the Council's legal team are on-going and further clarification will be reported to the Committee.

Impact on Character of the Area

A key consideration is how the development responds to the prevalent character of the area and whether any harm results from the type, height, density and layout proposed. Policy CS11 of the adopted Core Strategy (Quality of Neighbourhood Design) states that within settlements and neighbourhoods, development should:

a) respect the typical density intended in an area and enhance spaces between buildings and general character; b) preserve attractive streetscapes and enhance any positive linkages between character areas; c) co-ordinate streetscape design between character areas; d) protect or enhance any positive linkages between character areas; e) incorporate natural surveillance to deter crime and the fear of crime; and f) avoid large areas dominated by car parking.

Secondly, policy CS12 (Quality of Site Design) states that on each site development should:

a) provide a safe and satisfactory means of access for all users; b) provide sufficient parking and sufficient space for servicing; c) avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties; d) retain important trees or replace them with suitable species if their loss is justified; e) plant trees and shrubs to help assimilate development and softly screen settlement edges; f) integrate with the street scene character; and g) respect adjoining neighbours in terms of:

i) layout; ii) security; iii) site coverage; iv) scale ;v) height; vi) bulk; vii) materials; and viii) landscaping and amenity space.

Also material to the consideration of this proposal is the Character Area Appraisal SPG for TCA1 Aylesbury Road together with TCA2 (Miswell Lane). It is considered that both these character areas encompasses the site and are relevant in defining the prevalent character surrounding. TCA1 character appraisal describes the area as having very low density on the western edge of the town leading out towards open countryside with strong semi-rural qualities, providing a transition from town to countryside. Within TCA1, the type of properties area mainly two storey, medium to large in size and generally the area possesses a linear structure based on the route of Aylesbury Road. The overall density within TCA1 is describes as in the very low range (less than 15 dwellings/ha). TCA1 sets out that the scope for residential development will not normally be permitted within this character area with the

exception of the convent and school sites (this development site). TCA2 is described as being predominantly two storeys, although bungalows are common. There is a three storey development at The Orchards, Longfield Road, although this is exceptional. In terms of size, it is generally small to medium and the area has evolved into a loose grid-type framework located between the High Street/Western Road and the Upper Ickniel Way, linked together by Miswell Lane connecting to Cobbetts Ride, Goldfield Road, Barbers Walk, Longfield Road, Beaconsfield Road, Highfield Road and roads leading from them. Development has taken place successively by blocks of dwellings constructed together at certain times, creating groups of dwellings with identifiable design characteristics. In general, dwellings front onto the road with gardens front and rear, giving a degree of spaciousness to street scenes. Strong building lines give perspective views along roads. Spacing varies, but generally does not fall below the medium range (2m to 5m). Finally, within this character area, density varies throughout, but mainly within the low density range (15-25 dwellings/ha).

The following development principles are set out SPG for TCA1 and TCA2

TCA1

Design: Proposals for new development are encouraged to use the architectural themes and detailing present on existing Victorian and Edwardian dwellings in the area.

Type: Detached and semi-detached dwellings are appropriate and encouraged.

Height: Should not exceed two storeys.

Size: Moderate to large sized dwellings are appropriate. The scale and bulk of new development should be sympathetic to that of existing buildings (with the exception of larger structures at the Convent of St Francis de Sales).

Layout: The layout of the area should continue to be based on the linear route of Aylesbury Road. In this respect, new dwellings will be expected to front this road and be set back from it at a distance commensurate with other established dwellings, to maintain a wide, open visual impression from Aylesbury Road. Spacing should be provided in the wide range (5m to 10m).

Density: Should be compatible with the character within the existing density range, (less than 15 dwellings/ha).

TCA2

Design: Opportunities for variety, but should respect the shape, bulk and massing of nearby and adjacent development. Where development sites are located adjacent to established housing dating from the first half of the twentieth century, or constructed in a similar style and design, new development should follow its architectural themes, broad proportions and general design.

Type: A variety of dwelling types is acceptable, but should relate well in terms of the type, design, scale, bulk and layout of nearby and adjacent development.

Height: Should not normally exceed two storeys.

Size: Small to medium sized dwellings are appropriate. Large scale, bulky buildings will not normally be permitted.

Layout: The existing layout structure should be maintained. Dwellings should normally front the highway with gardens provided to their front and rear. The building line should be follows. Spacing should be provided at least within the medium range (2m to 5m).

Density: Should be maintained within the low range compatible with the existing character.

Area Based Policies 341

Supplementary Planning Guidance, May 2004

The proposed development seeks a total of 32 new dwellings comprised of generally semi-detached and terraced properties across the site. The layout has been derived as a result of the constrained levels across the site, need to retain the trees which are subject of a TPO, relationship to adjoining properties, maximising the density of the site in order to provide

maximum housing levels and taking reference from the character surrounding. Since the original pre-application and original submission, the overall layout and density has been altered somewhat. It is considered that the proposed development adheres with the quality of site design policies and the character area appraisals. Since the reduction of dwellings across the site, the density now is in the low range of 20 dwellings per Ha, and comprises a mix of small and mid-sized dwellings for family occupation. Each of the dwellings allows for a rear garden in keeping with the general character surrounding and comprises dwellinghouses as opposed to flats. The dwellings are two storey in height, however concern has been raised that they are much higher than the surrounding dwellings. The amended plans saw a reduction in the height of those proposed adjacent to Cherry Gardens and Abstacle Hill which now comprise chalet bungalows. It is not considered that the height of the remaining dwellings across the site would be of detriment to the character of the area, and this height is not considered to be of harm warranting a refusal.

Impact on Trees and Landscaping

The site comprises a bank of trees running adjacent to the Convent building which are subject of a TPO as well as lesser quality trees located in and around the development site. The layout and density of the scheme has been amended in order to avoid removing the trees which are subject to the TPO and it is considered that the proposed parking areas are such that limited harm would arise to the Root Protection of these Trees. Other trees of lesser quality and amenity value (which are not subject of a TPO) are to be removed from the in order to facilities the housing development. The bank of trees adjacent to the access road are also to be retained which are considered to help preserve the transition of the development to the countryside beyond. This is considered an acceptable approach by the Tree officers and the case officer. Conditions will be imposed requiring more specific details of proposed landscaping and methods of demolition/building and other works to avoid future harm to the trees to be retained. Further to this, more details on landscaping provision between the end terrace properties adjacent to Cobbetts Ride will also be required in order to achieve a buffer from longer and immediately views.

Impact on Highway Safety

The existing pedestrian access from Longfield Road is to be removed and a pair of dwellings is proposed within this space fronting the Road. The existing access from Aylesbury Road is to be the main access route serving the development. Hertfordshire Highways were consulted on the highway safety aspects of the site and have not raised any objections subject to the imposition of conditions given the existing use of the site. Hertfordshire County Council as Highway Authority consider that the proposed development will only impact on the highway if the development fails to provide a safe means of access for both vehicular and other modes of transport and if there is insufficient off street parking space within the site. This includes visitor parking and servicing requirements too. The reuse of the existing access is acceptable to the highway authority. The applicant has stated in the TS and shown on the submitted plans that he can achieve the conditioned visibility splays for a 30mph road. The access drive and will be modified (subject to a legal Section 278 agreement for any off site works and the inclusion of a separate footpath within the site boundary) but will remain in private ownership due in part to the steep gradient that currently exists. Roads in Herts –Highway Design Guide, 3rd edition, section 4 Design Standards and Advice, section 1.8 Gradients, states that the minimum longitudinal gradient should be 1% and not exceed 5% (approximately 1:20.) A condition will be imposed requiring the aforementioned visibility splays.

In terms of parking provision, the applicant discusses this in the TS and compares the proposals allocation against the existing permitted/former use and other sites with a similar number of residential units. Using DBC's parking standards (DBC Local plan and the SPG) to determine the level of parking this site should attract, the applicant has used this maximum based standard to come to the figures mentioned above. The site sits within the borough

council's zone 4 for this assessment. In this case the applicant is now providing 64 parking spaces which is slightly down from the previous application but there are fewer units being constructed. Having regard to appendix 5 of the adopted local plan, the maximum amount of parking for the development would be 66. The scheme allows for 2 car parking spaces for dwelling which is considered adequate provision for the size, type and location of the family homes.

Maximum car parking standards compared to proposed

Size	Max standard	Max standard (total)	Proposed
12 x 2 bedroom	1.5spaces	18	16
18 x 3 bedroom	2.25	40.5	40
2 x 4 bedroom	3	8	8
32 dwellings	-	66	64

It is noted that particular concern has been raised in relation to parking along Longfield Road however two spaces (one contained within the garage) is adequate car parking provision for the site and type of dwellings proposed and indeed is in line or indeed in excess with the provision found elsewhere on the street. A condition removing permitted development rights for Class A of the General Permitted Development Order (prevent conversion of the garage without planning permission) will be imposed.

Impact on Neighbours

Due to the sensitive nature of the site due to the topography and relationship to neighbours, a key consideration is how the proposal deals with the surrounding neighbours in terms of privacy/light and visual impact. It is noted that a range of objections have been received on these grounds and the Town council remains concerns about neighbouring impact. In particular the Town Council has made some recommendations to overcome these issues:

- a. Replace plots H1 & H2 with a single dwelling. There was concern initially that a single dwelling would cause a loss of amenity through overlooking and this could be avoided by a pair of semi-detached houses. In practice the proposed solution makes the situation worse and had an additional dis-benefit by aggravating the parking problems in Longfield Road
- b. Plots H22 & H23. Clarify the measures to be taken vis a vis Cherry Gardens to reduce overlooking, to ensure effective screening, and to manage that screening.

Impact to each of the neighbouring properties has been considered at length and a summary of the impact and proposals is set out below:

Longfield Road

Letters of objection have been received from a number of residents along Longfield Road

The main concerns raised from residents along Longfield Road are how the new dwellings affect their privacy and car parking provision. Appendix 3 of the local plan sets out minimum distances to ensure adequate privacy between new dwellings and existing houses. In accordance with appendix 3, minimum of 23m is provided between all of the properties along Longfield Road and the new dwellings which is considered sufficient and in line with adopted policy to ensure that the new dwellings does not result in an unacceptable loss of privacy or overbearing impact. First floor windows of all three flank elevations facing Longfield Road are to be conditioned as obscure glazed windows. Concern has been raised about the height of the properties and whilst the proposed height is not considered to be detrimental due to the distance between Longfield and the development, the height of the nearest properties have

been lowered which is more in keeping.

Cherry Gardens (Numbers 7, 8 and 9)

Abstacle Hill (Numbers 5, 6 and 7)

A distance of 24m is between the rear to rear elevations of these properties and the proposed new dwellings adjacent.

Cobbetts Ride

29 Cobbetts Ride

Distance of 25m between rear elevation of proposed terrace and dwelling. Number 29 is significantly lower than the site itself however given the existing school, it is not considered that the new dwellings would give rise to an unacceptable loss of privacy or overbearing impact.

31 Cobbetts Ride

This dwelling comprises a number of principle windows near to the application site and as such concern is raised about the effect of the terrace. The end gable of the properties is located further than the existing school and whilst it is higher, it comprises a gabled roof to lessen the impact. The first floor window of the end gable is to be obscure glazed. It is not considered that the new dwelling would significantly compromise outlook or privacy beyond the existing relationship.

35 Cobbetts Ride

A distance of 22m existing between the side elevation of the new dwelling and the rear of number 35. This distance is considered sufficient to ensure that it doesn't appear unduly overbearing or results in a loss of privacy. It is noted that the first floor window is to be obscure glazed.

Impact on Ecology

Given the nature of the site, whilst there are no recorded ecological records for the site, the buildings and trees have potential for local wildlife and species. This has been evidenced further by nearby residents who commented on the application proposals. The County Council ecologist has commented on the scheme and agrees that the site contains ecological value. In particular in terms of bats, the bat survey has shown evidence of roosts. It is considered however the submitted ecological surveys and reports adequately address the concerns which can be mitigated. Conditions requiring the mitigation measures to be followed, details of bird and bat boxes and lighting scheme shall be imposed.

Affordable Housing Provision

The scheme makes provision for 12 affordable Homes which is 37.5% of the 32 dwellings. This number is in excess of the 35% requirement outlined in policy CS19 of the adopted Core Strategy and is welcomed.

Archaeology Implications

The County Archaeologist has been consulted on the scheme and considers that the details and position of proposed development are such that it should be regarded as likely to have an impact on heritage assets with archaeological interest. This is because the proposed

development site lies on the outskirts of historic core of Tring, a medieval village. Evidence for prehistoric, Roman and medieval occupation is known from the wider vicinity, including the junction of two Roman Roads, Akeman Street and Viatores 173b. Although the archaeology team only have projected courses for these routes, there is good archaeological evidence in support of their existence. Akeman Street is projected to run along the current application sites southern boundary. It is common for structures and settlements contemporary to the roads to be located directly off from their routes. As such in accordance with policy CS27 of the adopted Core Strategy, it is considered reasonable and necessary to imposed conditions which will ensure that a programme of archaeological evaluation, investigation, and archived if necessary takes place on site.

Flood and Sustainable Drainage

The site is not located within a Flood Risk Area however given the size of development proposed, it is now compulsory to consider the flood risk and sustainable urban drainage of the scheme. Flooding and drainage has also been raised by residents commenting on the application and in particular in the area where the tennis courts are located. The Lead Local Flood Authority has been consulted on the scheme and has raised no objection having regard to the proposals put forward. They consider that the proposed drainage strategy is based on infiltration for the northern part of the time and attenuation and discharge southern catchment. Infiltration tests have been carried out and results provided within the FRA and the LLFA authority note that the site was previously discharging surface and foul water to the public foul sewers in Aylesbury Road. The LLFA acknowledge that Thames Water have been contacted and have stated that 50% reduction from existing flows is required. It will be conditioned that formal confirmation from Thames Water is attained by condition for the runoff discharge levels. For plot 24-26 and access road the drainage strategy is proposing to connect into the Thames surface water sewer and restricting surface water run-off to 12l/s. The LLFA consider this to be an acceptable solution. A condition will be imposed requiring the scheme to be implemented in accordance with the SUDS scheme provided and confirmation that Thames Water is satisfied with the proposals.

Refuse Collection and Fire and Rescue

Both DBC refuse team and Hertfordshire Fire and Rescue team were consulted on the proposals with particular regard to ensuring adequate accessibility to and from the site. The refuse team were originally concerned that due to the gradient and positioning of the access of Aylesbury Road, they would not safely be able to pick up and service the site. A number of discussions were held between the refuse team, the developer agents and Hertfordshire Highways which resulted in additional safety provisions being put forward to ensure that the access route was such that the refuse team were confident of safe service particularly during poor weather conditions. The refuse team and Hertfordshire Highways now raise no objection subject to the improvements being implemented to the access way. In terms of Hertfordshire Fire and Rescue team, they require provision for fire hydrants, or turning circles where the access is more than 20m long (which is the case here). Adequate space is provided to achieve fire hydrants and/or additional turning circle if required in order to meeting British Standards. As such a condition will be imposed requiring detailed provision for fire safety across the site.

Other Material Planning Considerations

The Town Council have sought information on the on-going management of the amenity areas. Typically, a management company is assigned to manage the amenity areas which is then legally obligated to each of the home owners through their registered title. Confirmation on the proposals can be requested through the landscaping condition attached to the grant of planning permission.

Community Infrastructure Levy (CIL)

The application site is situated within CIL Charging Zone 2 and as such, the proposal will be subject to a CIL rate liability of £150 per square mile unless any exemptions are applicable.

Planning Obligations

A Section 106 Agreement is required to secure affordable Housing provision.

Referral to Secretary of State

Due to the outstanding objection from Sport England, it is necessary to refer the application to the Secretary of State for Communities and Local Government for consideration as to whether the application should be called-in.

RECOMMENDATIONS

1. That the application be DELEGATED to the Group Manager, Development Management and Planning with a view to approval subject to the SoS not intervening with a call in and completion of a planning obligation under s.106 of the Town and Country Planning Act 1990 .
2. That the following Heads of Terms for the planning obligation, or such other terms as the Committee may determine, be agreed:

12 units of Affordable Housing

Suggested conditions

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

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

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

- **sample panels of brickwork;**
- **Sample of roof materials;**
- **Detailed scaled drawing of joinery;**
- **Details of windows heads and cills;**
- **rainwater goods;**
- **Details of rooflights**

Reason: In the interests of the visual amenities of the area, enhance the relationship to neighbouring properties and to enhance the ecological potential of the site in accordance with policy CS12 of the adopted Core Strategy and 99 of the local plan.

- 3 **No development shall take place until full details of both hard and soft**

landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:

- hard surfacing materials;
- means of enclosure and boundary treatments;
- soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- proposed finished levels or contours;
- car parking layouts and other vehicle and pedestrian access and circulation areas;
- External lighting.
- means of managing/maintaining landscaped areas.

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with policy CS12 of the adopted Core Strategy.

- 4 **Prior to the commencement of any works a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority.**

The plan shall include details of:

- on site parking for construction workers for the duration of the construction period;
- wheel cleaning facilities associated with the proposal;
- A scheme for construction methodology including the predicted vehicle movements to and from the site, and how the movement of construction vehicles will be managed to minimise the risk to pedestrians and vehicles within the local highway network.

The scheme shall be implemented in accordance with the agreed Construction Management Plan.

Reason: In the interests of maintaining highway efficiency and safety and pedestrian safety in accordance with policy CS8 of the adopted Core Strategy and 'saved' policy 61 of the Local Plan.

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

Schedule 2 Part 1 Classes A, B, C

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, avoiding harm to neighbouring properties by loss of privacy and visual

impact and, avoiding increased size in dwellings requiring further parking provision in accordance with policies CS8 and CS12 of the adopted Core Strategy.

- 6 **The windows at first floor level in the flank elevations of plots H.3, H.15 and H.16 hereby permitted shall be non opening below a height of 1.7m from finished floor level and shall be permanently fitted with obscured glass.**

Reason: In the interests of the amenity of adjoining residents in accordance with policy CS12 of the adopted Core Strategy.

- 7 **Notwithstanding the information submitted detailed full layout and elevation plans of the proposed ramps, refuse area and covered cycle storage area and any other structures shall be submitted to and approved in writing by the Local Planning Authority prior to construction of these outbuildings.**

Reason: To ensure a satisfactory appearance to the development, and to preserve residential amenity; in accordance with policy CS12 of the Core Strategy (2013) and saved appendix 3 of the Local Plan (1991).

- 8 **Prior to the first occupation of the development hereby permitted (or Prior to the commencement of the use hereby permitted) visibility splays measuring 43 x 2.4 metres shall be provided to each side of both the accesses off Aylesbury Road and Longfield Road and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.**

Reason: In the interests of highway safety in accordance with policy CS8 of the adopted Core Strategy.

- 9 **The development hereby permitted shall be carried out in accordance with the recommendations set out in the submitted PHASE 1 Habitat Survey, Initial Bat Inspection and Dusk Emergence Survey report. Details of location and type of bird and bat boxes shall be submitted and approved by the LPA together with details of their installation, demolition and migration prior to the first demolition of any buildings on the site.**

Reason: In the interests of biodiversity and in accordance with policy CS29 of the adopted Core Strategy.

- 10 **Prior to occupation, a lighting design strategy for biodiversity as recommended in the submitted PHASE 1 STUDY, shall be submitted to and approved in writing by the local planning authority. The strategy shall:**
a) **identify those areas/features on site that are particularly sensitive for identified bat populations and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and**
b) **show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.**

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: To protect bat movement corridors and compensatory roosting features as identified in the submitted ecological report in accordance with policy CS29 of the adopted Core Strategy.

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

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

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

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

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

- 13 **The development permitted by this planning permission shall be carried out in accordance with the submitted Flood Risk Assessment (JNP reference M41452-FRA001 Dated Dec 2015) and the mitigation measures outlined within.**

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 ensure the structural integrity of existing flood defences and reduce the risk of flooding to the proposed development and future occupants in line with policy CS31, the National Planning Policy Framework and Planning Practice Guidance.

- 14 **Notwithstanding the details provided, a full scheme showing how the development will make adequate provision for access routes and Turning facilities for Hertfordshire Fire and Rescue vehicles and/or Fire Hydrants on site in order to ensure that the site complies with British Standards without compromising the approved layout of the scheme. The approved layout shall**

be implemented before the first occupation of the development hereby permitted and provision retained thereafter.

Reason: In order to ensure that the development comprises with British Standards BS9999:2008 at the Interim without having impacts on the planned layout of the development affecting the retained trees , landscaping and parking layout in accordance with policies CS8 and CS12 of the adopted Core Strategy and policy 99 of the local plan.

- 15 **No development shall take place until details of measures to recycle and reduce demolition and construction waste which may otherwise go to landfill, together with a site waste management plan (SWMP), shall have been submitted to and approved in writing by the local planning authority. The measures shall be implemented in accordance with the approved details.**

Reason: To accord with the waste planning policies of the area, Policy CS29 of the Dacorum Core Strategy (September 2013) and saved Policy 129 of the Dacorum Borough Local Plan 1991-2011.

- 16 **Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Conditions (a) to (d) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Condition (17d) has been complied with in relation to that contamination.**

(a) Site Characterisation

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

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

This must be conducted in accordance with DEFRA and the Environment

Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

(b) Submission of Remediation Scheme

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

17 **(c) Implementation of Approved Remediation Scheme**

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

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

(d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition (16) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition (16), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition (17).

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

INFORMATIVE:

The applicant is advised that a guidance document relating to land contamination is available in the Council's website:

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

**TH/NSA/15 PLoc.1
TH/NSA/15 PL01
TH/NSA/15 PL02B
TH/NSA/15 PL03B
TH/NSA/15 PL04B
TH/NSA/15 PL06A
TH/NSA/15 PL07B
TH/NSA/15 PL08A
TH/NSA/15 PL09A
TH/NSA/15 PL10A
TH/NSA/15 PL11A
TH/NSA/15 PL12A
TH/NSA/15 PL13B
TH/NSA/15 PL16A
TH/NSA/15 PL17A
TH/NSA/15 PL18A
TH/NSA/15 PL19A
TH/NSA/15 PL20A
TH/NSA/15 PL21A
TH/NSA/15 PL22A
TH/NSA/15 PL23A
TH/NSA/15 PL24A
TH/NSA/15 PL25B
TH/NSA/15 PL26A
TH/NSA/15 PL27A**

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

NOTES AND INFORMATIVES

A) HIGHWAYS

AN1) Where works are required within the public highway to facilitate an improved or amended vehicle access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. Before any works commence the applicant will need to apply to Hertfordshire County Council Highways team to obtain their permission and requirements. Their address is County Hall, Pegs Lane, Hertford, and Herts, SG13 8DN. Their telephone number is 0300 1234047.

AN2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to

ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

B) ECOLOGY

It is therefore important to check for active nests before any repairs to roofs and soffits are carried out during the breeding season.

If demolition is to be undertaken within the breeding season, Starlings are protected under the Wildlife and Countryside Act 1981, which makes it illegal to intentionally kill, injure or take a starling, or to take, damage or destroy an active nest or its contents. Preventing the birds from gaining access to their nests may also be viewed as illegal by the courts. (Ref: RSPB).

C) ENVIRONMENTAL HEALTH

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

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

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

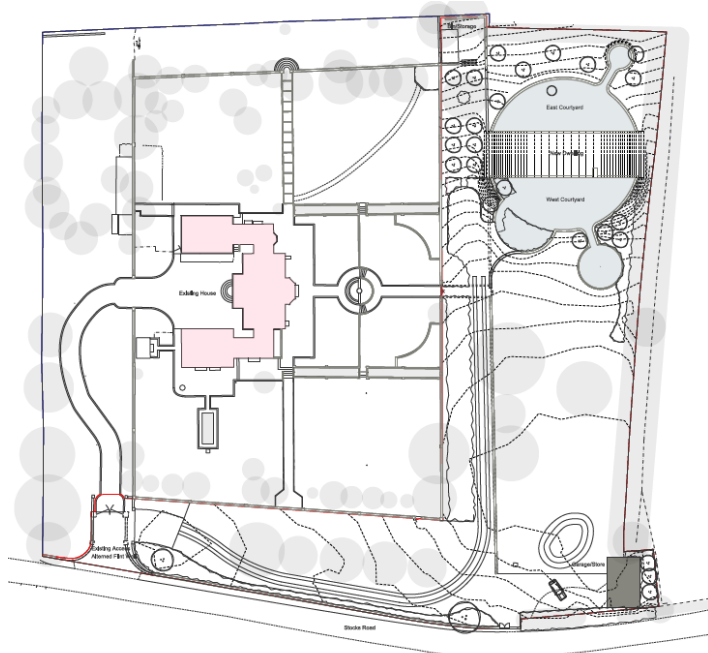
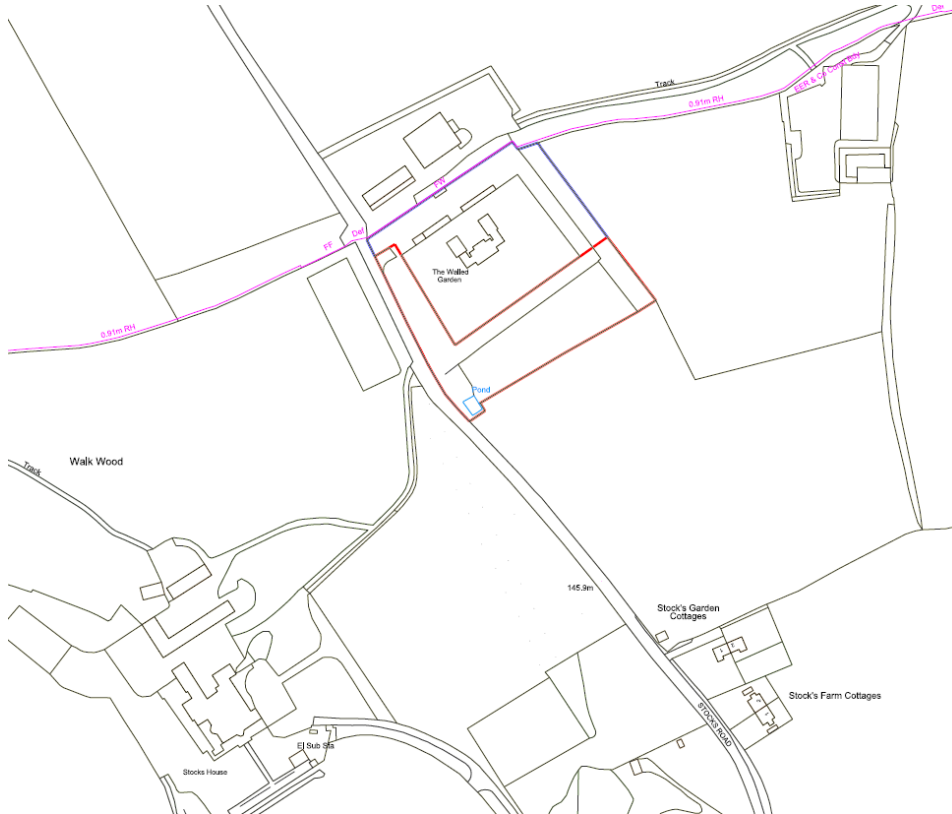
Asbestos - Prior to works commencing the applicant is recommended to carry out a survey to identify the presence of any asbestos on the site, either bonded with cement or unbonded. If asbestos cement is found it should be dismantled carefully, using water to dampen down, and removed from site. If unbonded asbestos is found the Health and Safety Executive at Woodlands, Manton Lane, Manton Lane Industrial Estate, Bedford, MK41 7LW should be contacted and the asbestos shall be removed by a licensed contractor.

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

Item 5b

4/02488/16/FUL - CONSTRUCTION OF DETACHED HOUSE (AMENDED SCHEME)

THE WALLED GARDEN, STOCKS ROAD, ALDBURY, TRING, HP23 5RZ



Item 5b

4/02488/16/FUL - CONSTRUCTION OF DETACHED HOUSE (AMENDED SCHEME)

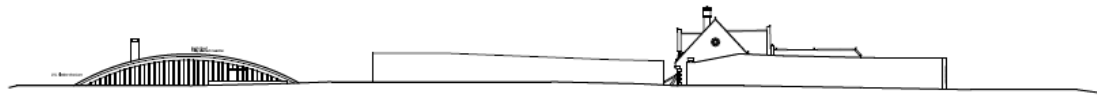
THE WALLED GARDEN, STOCKS ROAD, ALDBURY, TRING, HP23 5RZ



Front Elevation



Side Elevation



Rear Elevation



Side Elevation



**4/02488/16/FUL - CONSTRUCTION OF DETACHED HOUSE (AMENDED SCHEME).
THE WALLED GARDEN, STOCKS ROAD, ALDBURY, TRING, HP23 5RZ.
APPLICANT: Mr & Mrs Garfarth.**

[Case Officer - Andrew Parrish]

Summary

The application is recommended for refusal. The application proposes the construction of a detached dwelling of contemporary design in a rural location adjacent to the original walled garden of Stocks House, Aldbury.

The proposal is considered to be inappropriate in principle in the Rural Area. The site is not considered to constitute previously developed land. However, even if it were, in accordance with NPPF, it should not be assumed that the whole of the curtilage should be developed. In this case the site is undeveloped and further development would harm the character and appearance of the countryside, contrary to point (i.) of CS7. Furthermore, as the site is within the Chilterns AONB, it is prima facie of the highest environmental value and therefore, in accordance with NPPF, little weight can be given to the argument that development should be encouraged here.

The applicant has argued that if the Council is satisfied that the design of the dwelling is of exceptional quality or innovative nature, as provided for in para. 55 of the NPPF, planning permission can be granted for a new dwelling in the countryside under special circumstances. The 4 relevant tests set out in para. 55 have been considered in detail.

Whilst the Conservation Officers consider the proposed dwelling to be of a high standard and to make a positive contribution to the area's architecture, they nevertheless consider that in the location proposed, the new building would not relate well to either the adjacent walled garden or the rural character and appearance of the site and immediate area. There would be harm to the setting of the designated heritage asset (Stocks House), and harm to the non-designated heritage asset (the walled garden) due to the demolition of part of the slips wall and development in the setting of the walled garden. There would also be harm to the natural beauty of the Chilterns AONB.

In accordance with NPPF, the harm to the heritage assets in this case should be balanced against the public benefits of the proposal. Weighing up the benefits of the proposal in terms of the landscape and ecological enhancements, it is considered that these do not outweigh the substantial harm to the walled garden in terms of its setting and the removal of part of the Slips wall. The removal of the Slips wall is described as substantial in the Conservation Officer's assessment and should be given considerable importance and weight in terms of a presumption against the granting of permission. The loss of part of the wall in terms of the setting of the walled garden is described as moderate.

In terms of the construction of the new dwelling, the applicant's heritage report notes that there will be harm. The Conservation Officer has considered the harm to the setting of the walled garden in the context of whether the proposal would enhance the immediate setting and be sensitive to the defining characteristics of the local area (para. 55 tests). His view is that the proposal would not significantly enhance its immediate setting and concerns are raised not only with the loss of part of the Slips wall, but also to the height of the dwelling and the degree of domestication that would be introduced which would conflict with the rural character. These concerns extend additionally to the scale, width and hemmed in appearance of the building on the site which would be considered to detract from the setting of, and compete visually with, the walled garden to its detriment. It is considered that this harm would be significant and is not outweighed by the proposed landscape / ecological enhancements that are not considered to require the erection of a new dwelling to support.

The garage and driveway would impact further on the setting of the heritage assets. The harm to the setting of the designated heritage asset (Stocks House) is considered less than substantial in the Conservation Officer's view, but nevertheless adds to the overall concern about the impact on the heritage assets in this case. In addition, there are concerns regarding the removal / lowering of the front wall to Stocks Road to create a wider visibility splay, and to the blocking up of the pedestrian gate in the walled garden, both of which would further harm the non-designated heritage asset. Added to this, there is the harm to the AONB given the proposal does not meet the criteria for contemporary or innovative architecture set out within the Chilterns Buildings Design Guide.

In conclusion, although accepting that the proposal would on balance satisfy the first two tests of paragraph 55 (be truly outstanding or innovative helping to raise standards of design more generally in rural areas and reflect the highest standards in architecture) given that it would harm the walled garden and reduce the open undeveloped setting of this heritage asset and wider estate, it follows that it is not possible to say that the dwelling would significantly enhance its immediate setting or be sensitive to the defining characteristics of the local area in accordance with the third and fourth tests. As such, it is concluded that the proposal does not pass all the paragraph 55 tests and that special circumstances therefore do not exist to allow an exception to the normal requirement under para. 55 that local planning authorities should avoid new isolated homes in the countryside. The circumstances do not outweigh the inherently unsustainable location of the site, contrary to Policies CS1 and CS7 of the Core Strategy.

It has been mentioned in pre-application advice that, as a proposal for a para. 55 house, the form of the building would be better suited to a more open and perhaps isolated location rather than this relatively narrow enclosed site adjacent to a heritage asset which is considered important to its setting.

Site Description

The application site is a rectangular plot of land on the east side of Stocks Road, opposite the northern entrance to Stocks House. The site lies immediately to the south of a walled garden which was the original kitchen garden to Stocks House. The application site comprises part of the "Slips" which originally ran around the east, west and southern sides of the walled garden, together with the orchard land to the south of this). The site lies to the north of the village of Aldbury in an open countryside location, and comprises an area of primarily rough grass, together with a few orchard trees understood to have been planted by the present owners. The site of 1.1 ha is bounded by native hedgerows and trees to its southern and eastern boundaries. Its frontage with Stocks Road is defined by a low brick and flint wall and small gate whilst its northern boundary is defined by a high brick wall that encloses the adjacent "walled garden" proper. The walled garden (plus the Slips and orchard land) once provided a productive fruit and salad garden to Stocks House, a Grade II listed building, situated in extensive grounds on the opposite side of Stocks Road. However, that usage and close link has changed over time and the ownership connection is understood to have been severed prior to the listing of Stocks House in 1973. A separate residential property "The Walled Garden" was constructed within the bounds of the 4 walls comprising the "walled garden" in the late 1990's in replacement of an existing dwelling. Access to the site is from Stocks Road via a large gateway entrance serving "The Walled Garden". There is a smaller gated access through the low wall fronting Stocks Road.

The site falls within the Rural Area and the designated Chilterns AONB.

Proposal

Permission is sought for the erection of a 4-bed detached house on the area of the Slips and orchard land to the south of the wall of the walled garden.

Referral to Committee

The application is referred to the Development Control Committee at the request of Councillor Stan Mills.

Planning History

- 4/01037/16/FUL CONSTRUCTION OF A 4 BED DETACHED HOUSE
Refused
12/08/2016
- 4/01956/97/4 AMENDED INNER WALL ENTRANCE
Granted
20/03/1998
- 4/01662/97/4 SUBMISSION OF DETAILS PURSUANT TO CONDITION 7 OF
PLANNING PERMISSION 4/0495/97 (DEMOLITION OF EXISTING
HOUSE AND OUTBUILDINGS, REPLACEMENT DWELLING AND
ALTERATIONS TO EXISTING ACCESS)
Granted
29/12/1997
- 4/00994/97/4 SUBMISSION OF DETAILS OF BRICKS AND ROOF TILES PURSUANT
TO PLANNING PERMISSION 4/1101/91 (DEMOLITION OF EXISTING
HOUSE, OUTBUILDINGS AND GREENHOUSE, REPLACEMENT
DWELLING HOUSE AND ALTERATIONS TO ACCESS)
Granted
30/07/1997
- 4/00495/97/4 DEMOLITION OF EXISTING HOUSE & OUTBUILDINGS,
REPLACEMENT DWELLING & ALTERATIONS TO EXISTING ACCESS,
Granted
11/08/1997
- 4/01132/96/4 VARIATION OF COND.1 (TIME PERIOD FOR COMMENCEMENT) P/P
4/1101/91 (DEMOLITION OF HOUSE, REPLACEMENT DWELLING ETC.)
Granted
06/11/1996
- 4/00319/95/4 VARIATION OF COND.6 RELATING TO RESTORATION OF OUTER
WALL ATTACHED TO P/P 4/1101/91 (DEMOLITION OF EXISTING
HOUSE ETC. REPLACEMENT DWELLING HOUSE & ALTS TO
ACCESS)
Refused
24/04/1995
- 4/01101/91/4 DEMOLITION OF EXISTING HOUSE, OUTBUILDINGS, GREENHOUSE.
REPLACEMENT DWELLINGHOUSE AND ALTERATIONS TO ACCESS

Granted
15/06/1992

Policies

National Policy Guidance

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

Hertfordshire Highway Authority

Roads in Hertfordshire, A Guide for New developments, June 2011

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS2 - Selection of Development Sites
CS4 - The Towns and Large Villages
CS7 - Rural Area
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS24 - The Chilterns Area of Outstanding natural Beauty
CS25 - Landscape Character
CS27 - The Quality of the Historic Environment
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Water and Soil Quality
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 51, 54, 58, 61, 62, 63, 97, 99, 100, 111, 124
Appendices 3, 5 and 8

Supplementary Planning Guidance/Documents

Chilterns Buildings Design Guide
Landscape Character Assessment for Dacorum
Environmental Guidelines Sections 3, 7, 10, 12
Water Conservation & Sustainable Drainage
Energy Efficiency and Conservation

Advice Notes

Sustainable Development Advice Note (March 2011) Note: *This is in the process of being updated to reflect changes in Government Policy*
Refuse Storage Guidance Note February 2015

Summary of Representations

Conservation Officer

We have reviewed the new scheme which would appear similar to the previous scheme. We note that the detailed heritage appraisal has not been updated since March and so would appear to relate to the previous proposal which was refused and has not been appealed. We would be concerned the heritage statement does not relate to the current application and therefore fails to show that the proposed development would protect the heritage asset or its setting. We would therefore be concerned that the submission does not provide an appropriate assessment to understand the potential impact of the proposal on the significance of the heritage assets.

The site is located adjacent to and within the slips of the walled garden. This is the area of open space between the main walled garden and the low secondary walls. The walled garden including the slips originally formed part of the estate of the Stocks which is located to the south west beyond the road and wood. It is located on sloping land on the eastern side of the valley and to the South and East beyond the fields are the woods which form part of the Ashridge wood. The nearby Ashridge Estate which is a grade II* designated park and garden of the estate is not impacted by the proposal as it is located beyond this woodland to the south.

The walled garden and the slips with associated walling add to the wider significance of the Stocks House estate site and also contribute to its wider setting. At the other side of the adjacent larger field is an 18th century dovecote which is also listed. As such the proposal can be seen within the wider functioning landscape of the country house.

The walled garden would appear be 18th century, in the historical record as it is shown on the 1776 Dury and Andrews Map and this confirms the physical evidence pointing to an 18th century date. It is thought that this could co-inside with the construction of the new house at the Stocks. The walled garden is constructed of brick of varying different bonds. The slips which would appear later and probably date from the 19th century are bordered by walls constructed of flint with brick detailing and add to the setting of the garden. It is understood that this conforms with the evolution of walled gardens where 19th C walls were added to 18th C gardens. In general it tended to include less exotic crops such as potatoes and rhubarb. As in this case they sometimes bordered orchards. The walled garden in its entirety is not a listed building but would be considered a non-designated heritage asset which adds to the wider setting of the listed house due to it forming part of the function and historic interest of the listed building.

Impact:

There are a number of impacts in relation to the construction of the new dwelling. This is the demolition of the slips wall adjacent to the proposed dwelling, construction of the dwelling and construction of the new road and garage. These would be assessed as follows:

Demolition of the Slips Wall:

The demolition of the wall to the slips adjacent to the proposed house would cause harm to the non-designated heritage asset of the walled garden. Another section adjacent to the access is noted on the drawings as being lowered or moved. Whilst part of this is of modern construction the length adjacent to the roadside appears to be historic. This harm would be significant in that it would result in the loss of a length of the original fabric which helps to understand the uses, function, and historic interest of the walled garden. The wall also makes a positive contribution to the character of the garden and its setting. The loss of this wall is not assessed or noted in the heritage statement despite being highlighted as part of the previous refusal. The proposed dwelling would cut across this feature and sit within and outside of the slips element

of the walled garden. We would assess the impact of this demolition as substantial to the character of the walled garden given that it would result in the demolition and loss of a length of wall which makes an important contribution to the walled garden. This is a non-designated heritage asset and as such should be given the relevant weight as per the NPPF guidance.

It is noted in the proposal that there would be an impact on the setting of the listed building of Stocks within the heritage statement ("The kitchen garden complex is considered to be within the setting of Stocks House as there is historically a functional relationship between the two and the kitchen garden contributes to the significance of the main house.")

When considering the impact the Planning (Listed Buildings and Conservation Areas) act 1990 states that the decision maker "shall have special regard to the desirability of preserving the building or its setting". The NPPF notes that the setting is "The surroundings in which a heritage asset is experienced...may affect the ability to appreciate that significance" and the Good Practice Guide from Historic England advises that setting is not a heritage asset "its importance lies in what it contributes to the significance of the heritage asset."

The garden and associated features make a positive contribution to the significance of the designated heritage asset due to it aiding the understanding of the use and development of the historic Stocks House. The loss of the wall and development within the land adjacent would harm the significance of the garden as the undeveloped nature of the site reflects the historical and functional use of the walled garden. Harm thus gives rise to a strong presumption against the granting of permission and as such it should be given considerable importance and weight. We believe that the harm to the significance of the designated heritage asset would be low as it would impact on the setting of the asset and not the physical fabric of the designated asset itself. The impact is also acknowledged in the applicant's heritage assessment which states that the impact will be of a "moderate degree" (P16 Heritage Assessment). It also discusses mitigation measures. The harm to the setting would be less than substantial, however less than substantial harm does not lead to a less than substantial objection.

When weighing the impact on the significance of the non-designated heritage asset the framework recommends that "a balanced judgement will be required". The construction of the new dwelling would have an impact on the slips wall, the setting of the walled garden and wider site. The building is to be constructed adjacent to the 18th century walled garden and partially on the site of the outer slips in the Victorian walled garden and as noted above this would impact on the wider setting of Stocks House and that of the walled garden. The harm to the significance of the non-designated heritage asset of the walled garden would be to a moderate level due to the demolition of the slips wall and the impact on the setting of the asset.

Construction of the new dwelling:

The proposed new dwelling has not followed a traditional form of design but has adopted a contemporary style. It has been designed to integrate into the natural landscape of the valley and therefore appears cut in with a grass roof and courtyard spaces to the front and rear. The grass roof would project above the adjacent 18th century wall of the walled garden and thus be visible within the space. The glazed frontage with the large fins to prevent overheating of the property could add visual interest to the façade. The courtyard elements to the front and rear whilst introducing the feeling of a more domestic curtilage would have an impact on the wider setting although it does help to provide some level of enclosure and limitation upon the domestication of the wider garden. Having had a detailed presentation from the architect there has clearly been much thought which has gone into the design. However the Framework sets out in paragraph 55 four phrases to assist in the consideration of the whether a dwelling exhibits the exceptional quality or innovative design two with regards to design and two with regards to landscape.

With regards to the first points the design should be truly outstanding or innovative helping to

raise standards of design more generally in rural areas and reflect the highest standards in architecture.

The dwelling is clearly contemporary but it would not be possible to state that the design is truly innovative. Grass roofed dwellings built into the landscape have been applied for over the last number of years. The Big Idea Science Centre in Irvine North Ayrshire has similar elements to the design using a curved arched façade with glazing below and a grass roof to allow it to blend into the wider landscape. Although this was for a leisure use rather than a domestic dwelling similarities can be seen. Other more local developments can be seen at Stags End in Dacorum where partially curved a grass roof and natural stone were used to blend into the landscape although it should be noted that this was a replacement dwelling.

However we believe that it would help raise the design generally in rural areas and it does reflect the highest standards in architecture. It has clearly been carefully considered and the use of both the curved grass roof, courtyard spaces to define the domestic away from the more open areas and the use of blocks using materials from the site are most welcome. We note from the discussions and the additional submitted information that the issues around sustainability have been partially addressed. Local materials are to be used (although stabilised with cement) but the amount of embodied energy required to construct the building and excavate the foundations may take a substantial number of years to offset. We would also be concerned that the cladding and chimney stack is reconstituted stone which is not a local material. Whilst a good match can be obtained from companies such as Haddonstone the traditional stone used in the area is generally Totternhoe Stone. The local materials noted in the Chiltern design guide either tend to be brick or flint and we would welcome the revised walls within the courtyard are to be constructed in flint to tie in with locally available materials. The vernacular however tends to support a mix of materials usually brick with the flint. One concern that we would have is that there could be a need for a fence/ safety feature to prevent people and in particular children from falling off the front or rear of the building given the access to the roof would be straightforward. This issue may need to be addressed but could impact on the landscape of the finished building. Overall we believe that it would pass the quality of architecture tests as noted in the framework on paragraph 55.

The second part of the framework discusses the landscape impacts. It states that the site should also “significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area”. The proposal would impact on the immediate area but we would be concerned that it would not “significantly enhance” its immediate setting. It would result in the loss of one of the walls of the slips, appear low / blend into the landscape although still be higher than the adjacent 18th C wall and thus impacting on its setting. The character of this part of the former estate is essentially of a rural character the nearby dwelling within the walled garden being the exception. A degree of domestication would be introduced which would conflict with the existing rural character. We note that the proposed building is located to the rear of the plot and additional planting is proposed to the orchard area. In essence this would help conceal the building in the summer months. However the garage building adjacent to the road would be highly visible within the streetscape. Within the applicants heritage report it is noted that there will be harm. It could therefore not be said to significantly enhance the immediate setting. The adoption of more appropriate planting to the site and within the slips area may be considered an enhancement but would not in our view comprise of a significant enhancement.

Garage and road:

The proposed garage has now been designed to be in keeping with the architectural form of the dwelling. It is constructed in local materials to a contemporary design as more traditional design would tend to have a different material to break up the flintwork into smaller panels and support it at the corners. However overall the low level of the garage and use of local materials would reduce its impact and allow it to sit relatively comfortably when considered with regards

to the design of the dwelling. As noted previously we would have concerns about the proposed garage doors and would recommend that they be timber. It may also be more beneficial to continue the access track to the garage rather than only to the dwelling.

Overall we believe that there would be a low level of harm to the significance of the designated heritage asset (Stocks House) and a moderate level of harm to the non-designated asset (The Walled Garden). Taking this into account we do not believe that the proposal can satisfy paragraph 55 of the framework as due to this impact it would not make a significant enhancement to the immediate area.

Recommendation:

There would be harm to the setting of the designated heritage asset (Stocks House), the walled garden due to the demolition of part of the slips wall and the setting of the walled garden a non-designated heritage asset. The harm needs to be weighed as per the guidance in the framework.

The proposed dwelling is of a high standard and makes a positive contribution to the areas architecture. However as it would cause harm to the setting of the locally listed building and reduce the open undeveloped setting of the walled garden and wider estate. We therefore do not believe that it would significantly enhance its immediate setting and as such does not appear to pass the paragraph 55 test.

Chilterns Conservation Board (in summary)

The Chilterns Conservation Board has provided pre-application advice on this proposal and made comments on the original application. These comments recognised the merits of the scheme but also raised some concerns and recommended amendments to meet the high bar for an exceptional para 55 house. The changes in the new application are fairly minor, but do improve the scheme to the extent that the Board can offer qualified support for the application.

Principle:

The Board recognises that the applicants are seeking to build an exceptional house under paragraph 55 of the NPPF. All four tests must be met to successfully make the case for a dwelling that is of exceptional quality or innovative nature and to justify setting aside normal policies of restraint for new dwellings in the countryside. Since this site is in the Chilterns Area of Outstanding Natural Beauty, as well as meeting the para. 55 tests, the proposal also needs to conform with national and local plan policy on development in AONBs. The decision maker should give 'great weight' to conserving and enhancing the landscape and scenic beauty of the AONB (NPPF para 115).

The Chilterns Buildings Design Guide contains advice on 'one off' designs which are innovative and meet the principle of being in harmony with their site and the surrounding buildings and countryside (see paras 3.31 to 3.32). It is pleasing to see an application which incorporates innovative ideas and designs. This proposal has merit in the curved grass roof, the courtyard form, the siting to the rear of the plot, using the slope, and the informal style of landscaping with planting of orchard trees among mown grass paths. Having walked the footpaths the site does not appear visible in longer range views and is enclosed by some existing features (walls, planting) so has some advantages as a site for a paragraph 55 house. The hillock form of the building echoes the natural landscape from some directions.

Detail:

1. The current scheme provides better materials for the driveway with reinforced grass and gravel strips. However, our recommendation remains that the best solution would be to re-

route the driveway and reposition the new double garage. An access around the back of the Walled Garden would be significantly preferable, fitting between the existing high wall and the hedgerow (which could be bolstered with additional native planting). The garage could then be hidden to the rear. The angle to turn at the Walled Garden northern corner would appear to be no more challenging than the right angle turn currently proposed at the western corner. This solution would provide a rural green foreground to the house in the main view from Stocks Road, allow better appreciation of the house and for the house to sit better in the landscape. As it stands almost half the frontage view of the house from Stocks Road will be obscured by the large garage and space for two parked cars. Since appreciation of the house is mostly from Stocks Road, and is an important part of the para 55 justification, it does not make sense to impede this view by looking over cars parked and past a large new garage building.

2. The materials now make some reference to local traditional materials with the use of flint in ancillary buildings and walls, although not the main house. The reconstituted stone of the house would need careful consideration by the officer.

3. The large and high areas of glazing could cause glint and glare in the daytime and cause light to spill out of the development into the landscape at night. Protection of dark skies is important in this location. Special glass, louvres and blinds should be specified to avoid light spill. Absolutely no floodlights or security lights should be used. External lighting could be dealt with by condition.

4. The Board welcomes the proposal to use local raw earth and develop new techniques with one of remaining Brickworks in the Chilterns (which could help pass the para 55 test of being *“innovative and helping to raise standards of design more generally in rural areas”*) but this aspect is sketchy and appear tokenistic: there are no guarantees it will be used (the documents state they will ‘consider its use’), the earth blocks are to be stabilised by cement (is this sustainable?) and used only for a small element of the build (ground floor internal partitions).

5. The proposed house appears high and should be reduced to no more than the height of the existing Walled Garden wall to reduce the visual impact and be subordinate to the wall as a local heritage asset. There may be potential for making better use of the slope and setting the building into the ground further.

HCC Ecology

1. The key changes from the previous submission are outlined within the Design and Access Statement. None of these will have a significant ecological impact other perhaps than the extension of vegetable garden, although this use may subsequently change anyway as part of the estate management in due course. Consequently my comments remain largely the same and are repeated below. The principle issue I raise relates to the proposed pond and orchard.

2. We have no data for this site but have been aware since the Orchard Initiative surveys that at least half of the application site was once (1870s) an orchard, and that one or two the trees may survive from this period.

3. The Ecology report

3.1 A Phase 1 Habitat survey was undertaken in January 2015. This is a very poor time of year to undertake such surveys given the full quality of a habitat such as grassland cannot be determined with any confidence as so little of the grassland community will be growing or visible other than a few dominant vegetative species with basal leaves and some seed heads – none if it is cut. However, since my previous comments I have no further reason to consider that the survey does not reflect the general grassland quality of the site in that it is unlikely to be of considerable existing interest, as determined from what survey results there are.

Nevertheless a grassland supporting Cuckooflower and meadow buttercup is unlikely to be wholly improved in nature, as is suggested. Neither should a hedgerow including at least 5 woody shrubs be considered species-poor as described - it is only two short of being 'Important' in the Hedgerow Regs and a survey in summer may indicate this is met. It is clearly on an old boundary but this may not in itself be ancient. However, there is no intention to remove the hedgerow.

3.2 Notwithstanding the presence of badgers, other than birds and bats, the site is considered unlikely to support other protected species, and I have no reason to question this view. In this respect, recommendations 1 & 2 provided in the ecological report are suitable.

3.3 In respect of enhancements, recommendations 3, 4 and 5 are appropriate.

4. Badger report

4.1 An active badger sett was identified; considered to be a subsidiary sett due to one well used and 7 partially / disused holes. I consider this may under-estimate the relative significance of the sett given the survey period (January) is not going to reflect high levels of activity associated with spring or summer. Although I have no reason to consider this to be a main sett, the nearest badger records are between 400 – 500 m from this site. It is highly unlikely that the development as present will avoid disturbing this sett as it is very close to the proposed house and patio area. It will certainly be disturbed by the building works which will be well within 30m if not directly affecting the sett area. Consequently I am of the opinion that a licence will be required. Therefore following recommendation 1 is acceptable and is essential should disturbance be likely to occur. In any event the close proximity of a badger sett to the building should be avoided unless the applicant is content with the implications of badgers so close to the development. Monitoring of the remainder of the site during development in case displaced badgers attempt to re-establish a sett on the site is also sensible, and so Recommendations 2 and 3 are also acceptable.

5. Ecological enhancements

5.1 The ecological enhancements primarily consist of the planting of an orchard, establishing rough grassland areas and now two small ponds. The potential benefits of these in supporting a range of species have also been described. The proposed bulb planting will detract from a more 'natural' environment by introducing what are most likely to be garden species. Whilst this is appropriate for the building environment it should be avoided in other areas of the grounds if a more natural character is sought.

In contrast to the previous scheme, the current proposal places a pond close to Stocks Road at the expense of what was previously proposed as a formal orchard with regularly spaced trees. It now will appear more of a forest garden with randomly ordered tree rather than a traditional orchard which will change the character of the site, particularly given that historically it was all previously formal allotment or orchard. However given it seems the same amount of trees are proposed the ecological impact will be enhanced with the pond, this is not a reason for any objection on ecological grounds.

The scene from Stocks Road is likely to be dominated by the car parking area and garage rather than the open land currently present, although this is not an ecological issue and is the same as was proposed previously.

5.2 The details are limited; there is no information on:

- Fruit tree numbers or cultivars;
- Species-mix for the wildflower grassland and management;
- Species-mix for the pond.

5.3 I would suggest the previously proposed 12 bird boxes and 8 bat boxes are rather excessive. The ecology report above recommends 3 bird and 3 bat boxes, which seems more reasonable.

5.4 The underplanting of the hedgerow is unlikely to succeed without significant cutting back of the existing hedgerow to enable more light to reach the base of the hedge. Any planted whips would simply grow tall and spindly to reach the light.

5.5 To maintain the grassland as a species-rich sward, seasonal sheep grazing is supported if a source of local sheep can be found. Otherwise a hay cut will be required, and the practicalities of this may need further consideration given the need to access the site, cut, turn and bale cut grass for this purpose.

6. Whilst it is argued the site should be regarded as developed land by virtue of the plots of the walled garden which haven't changed for perhaps 150 - 200 years, the recent house and the associated boundary features, the proposed plot itself is clearly undeveloped and has never been developed as far as the historic record provided suggests. Whilst the environmental benefits of the proposed landscaping elements are recognised and welcomed, as DBC have stated, they are not dependent upon a new dwelling on the site as the land could be managed as such now, with no impact on the badger sett either. However, I accept this is entirely dependent upon the landowners willingness to do this, which is unlikely given the current proposals.

7. The ecological benefits of the new orchard and wildflower grasslands will enhance the site and the local area in the context of otherwise intensive farming, golf course and horse grazing, all of which do not contribute much if anything to the traditional rural character or its ecology. However it is essential that if these benefits are expected to be derived from the development, the LPA needs some assurances that the plans will be implemented if it is to approve new development in this location on open land.

8. On the basis of the above, I have no reason to consider that there are any fundamental ecological constraints associated with the proposals. However, given the need to ensure any such landscaping benefits are implemented, I advise that any approval should only be on Condition that a suitably detailed ecological enhancement and management plan is submitted to the satisfaction of the LPA, the implementation of which should be secured for at least 5 years to ensure the proposals are delivered.

Herts Highways

Hertfordshire County Council as Highway Authority considers that the proposal would not have an increased impact on the safety and operation of the adjoining highways and does not object to the development, subject to conditions covering car parking and surfacing, and informatives covering road deposits and storage of materials.

HCC Fire & Rescue

Seeks the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit through standard clauses set out in a Section 106 legal agreement or unilateral undertaking.

Thames Water

Notes that there are public sewers crossing or close to the development.

Recommends informative regarding the need for separate approvals from Thames Water with regards to foul and surface water drainage.

Herts Property Services

Does not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within Dacorum's CIL Zone 2 and does not fall within any of the CIL Reg123 exclusions.

Strategic Planning and Regeneration

Does not wish to comment

Trees and Woodlands

Any comments received will be reported at the meeting.

Affinity Water

Any comments received will be reported at the meeting

Building Control

Any comments received will be reported at the meeting.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement (in summary)

Nettleden Lodge, Nettleden Road, Nettleden - Supports:

110% in support of this application and think it is mad that such a forward thinking project would be rejected.

2 Malting Lane - Supports:

My wife and I are very much in favour of this project. The house has been sympathetically designed to unobtrusively fit in with the landscape. It will be an excellent example of both the best of 21st century architectural design and of considerate planning that respects the ANOB in which it will be located. In our view the project will an interesting addition to the environs of Stocks House (unlike the nearby golf clubhouse that was built a few years ago)!

Church Fm Hse - Supports:

This is an opportunity to support a building of architectural merit that will be a lasting example of a 21st century domestic building. It sits in an unobtrusive spot and will fit in well with its surroundings. I understand a very similar application was refused, in part, because of its proximity to Stocks House, itself an impressive building. That objection was extraordinary given the carbuncle that is Stocks Golf Club (and I speak as a member) that lies much close to Stocks House and which was allowed by Dacorum very recently. Please, please see sense and positively support this application.

Considerations

Background

Members should note that permission was refused for an almost identical scheme on this site in August this year on grounds that the proposal was contrary to Rural Area Policy CS7, would cause harm to the setting of a designated heritage asset (Stocks House), harm to a non designated heritage asset (the walled garden), harm to the natural beauty of the Chilterns

AONB and that special circumstances were not therefore considered to exist in the terms of paragraph 55 of the NPPF to allow an exception to the normal policy requirement under para. 55 that local planning authorities should avoid new isolated homes in the countryside. Furthermore, the proposal failed to provide evidence to back up the claim of being an innovative, low carbon, sustainable development that would offset the inherently unsustainable location on a green field site, and involving significant energy in the excavation of the basement and the removal of waste from the site.

The application is a revised proposal with minor changes relating to the following:

- Access track adjusted
- Turning area by house amended to car drop off only
- Turning area by house changed from gravel to reinforced grass
- Lawn boundary to garden area softened
- Vegetable garden extended further along slips wall
- Design intent illustrated on CGI view from house terrace
- New courtyard walls constructed of flint
- Provision of Sustainability Statement

None of these changes go to the heart of the reasons for refusal relating to the impact of the residential use and building on the heritage assets.

Policy and Principle

The site lies within the Rural Area wherein, under Policy CS7 of the Dacorum Core Strategy September 2013, only small-scale development for the uses listed in the policy will be acceptable. The list of uses does not include use for residential purposes. The proposal is therefore contrary to Policy and in principle is not acceptable.

The site falls within the designated Chilterns Area of Outstanding natural Beauty (AONB) where, under saved Policy 97 and Policies CS24 and CS27, the prime consideration is the conservation of the natural beauty of the area.

Policies CS10, 11, 12 and 13 of the Core Strategy are overarching policies that seek a high quality of design in all development proposals.

The site adjoins a walled garden that originally formed part of the Stocks House complex which is a Grade II listed building. The walled garden is considered to be a non designated heritage asset. Therefore saved Policy CS27 is relevant.

The site lies within close proximity of a Grade II listed building (Stocks House) wherein, under saved Policy 119, every effort will be made to ensure new development liable to affect the character of an adjacent listed building is of such a scale and appearance, and will make use of such materials, as will retain the character and setting of the listed building.

The main considerations in this case are whether the proposed dwelling is appropriate to the Rural Area, the impact on the heritage assets and the impact on the natural beauty of the AONB.

Impact on Rural Area

In line with Adopted Core Strategy Policy CS7, a limited number of uses are acceptable within the Rural Area, and within these, residential development is not identified as being appropriate. Therefore, based on Policy CS7, the proposal to develop a 4 bedroom detached dwelling on the site, which lies well beyond the defined Aldbury village envelope, is unacceptable in principle.

Policy CS7 does allow small-scale development such as the replacement of existing buildings for the same use, limited extensions to existing buildings, the reuse of permanent, substantial buildings, and the redevelopment of previously developed sites. However, the proposal is not considered to fall under the above categories.

It is argued that the site is previously developed land (PDL) based on a recent High Court case that confirmed that land within the curtilage of a previously developed site but not in a built-up area fell within the definition of PDL within the NPPF. However, it is not considered that the site falls within the curtilage of the existing house (The Walled Garden). The site falls outside its defined curtilage which in accordance with case law, is defined as a matter of fact and degree in any particular case. Although the site may be in the same ownership as the existing house, it is functionally and physically separate from the existing house, given that the land is not intensively maintained or tended for purposes essential to the enjoyment of the dwellinghouse, and there is a clear intervening high wall that separates the land physically from the immediate area around the dwellinghouse.

Even if the land were considered to be PDL because of the Slips wall, the definition clearly states that it should not be assumed that the whole of the curtilage should be developed. In this case any development of the site with a 4 bedroom dwelling as proposed would clearly have a greater impact on the open character of the site, extending built development into the countryside and would therefore cause significant harm to the character and appearance of the countryside, contrary to point (i.) of CS7. In addition, although para. 111 of the NPPF states that "*planning policies and decisions should encourage the effective use of land by re-using land that has previously been developed (brownfield land)*" it nevertheless clarifies that such land should not be of high environmental value. As the site is within the Chilterns AONB, it is prima facie of the highest environmental value and therefore little weight can be given to the argument that development should be encouraged here.

There remains therefore an objection in principle to the proposed scheme in this general location.

Paragraph 8.35 of the Adopted Core Strategy states that the Rural Area must control development in a very similar way to that of the Metropolitan Green Belt. Therefore taking this approach such development would not normally be supported. The site is an isolated location and is clearly separated from the village edge, some 1 km away. Therefore, the development is, prima facie, unsustainable in terms of proximity to local amenities and services and would require greater use of private transport. Such development would not accord with the sequential approach to the distribution of development as set out in Policy CS1.

Paragraph 55 of the NPPF 2012 states that "*Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances*". It is noted that the proposed scheme is being promoted under the "new country house" clause as justifying special circumstances for a new dwelling. This issue is considered below.

NPPF Para 55 Case for Exception

The applicant has argued that if the Council is satisfied that the design of the dwelling is of exceptional quality or innovative nature, as provided for in Para. 55 of the NPPF, planning permission can be granted for a new dwelling in the countryside under special circumstances. Para 55 states that:

"55. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are

special circumstances such as:

- ...
- *the exceptional quality or innovative nature of the design of the dwelling. Such a design should:*
 - *be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
 - *reflect the highest standards in architecture;*
 - *significantly enhance its immediate setting; and*
 - *be sensitive to the defining characteristics of the local area.”*

It is noted that there is no clear guidance to local authorities on what constitutes innovative or exceptional quality in design. An assessment of the innovative or exceptional quality of the design is clearly down to a matter of judgement. However, the expert views of the Council's Conservation and Design Officer has been taken into account in this case.

The applicant's Planning Statement refers to examples of para. 55 houses that have been granted in AONB and walled garden contexts. However, as these are all very different to the current scheme, both in their individual design and particular landscape setting, they are not particularly helpful in determining the current proposal which should be considered on its own merits having regard to the particular design merits of the scheme and the surrounding context in which it would be set.

Turning to the 4 tests of para. 55, the following assessment is made:

1. Be truly outstanding or innovative, helping to raise standards of design more generally in rural areas

It is noted that for this test to be satisfied, any dwelling should not just be outstanding or innovative, but should be truly outstanding or innovative. It is clear that the bar is set very high and quite rightly so given that the general requirement under para. 55 is that *"housing should be located where it will enhance or maintain the vitality of rural communities ... "* and that *"Local planning authorities should avoid new isolated homes in the countryside ..."* Exceptions should therefore only rarely be made.

The new dwelling, set back from the Stocks Road frontage, would be of a contemporary style, whilst the new garage building set at the frontage of the site is said to take its design cue from the nearby dovecot of traditional brick and pitched tiled roof form. However, it is noted that the elevations for the garage outbuilding are at clear odds with this statement as the design with its flat roof does not appear to closely reflect the traditional form and materials of that building. It is accepted however that it would reflect the contemporary design of the main house with its grass roof.

With regards to the main house, as noted above this would be of contemporary design, with an arched roof sweeping across the site from one side to the other and finished in grass that would merge with the surrounding garden. It has been designed to integrate into the natural landscape of the valley rising to a height of two storeys with glazing and deep timber vertical fins to front and rear to help prevent overheating and limit light pollution to the sides. These fins would also provide an element of articulation and design interest to the building. The dwelling would have sunken courtyard spaces to the front and rear contained within an overall circular plan form. The use of the sunken courtyard form would help define and partly conceal the domestic areas away from the more open areas which is welcomed and arguably an innovative concept for the UK. The Architect has stated that:

"The design makes use of a number of innovative strategies but in regards to Para 55 strategy 'innovation' is not our primary driver. Our focus is on the value of the design and architectural merit and ensuring this is achieved within a strong commitment to the sustainable development Triple Bottom Line of - Economic, Social and Ecological balance. As mentioned previously carbon emissions and energy efficiency are one component of this agenda and to this extent we will be delivering a dwelling to Passive Haus standards - The first in Dacorum we understand. It is anticipated that the design will become an exemplar within Chilterns AONB."

The Conservation Officer has commented that the dwelling is clearly contemporary but it would not be possible to state that the design is truly innovative as grass roofed buildings over a curved form have been designed and built in recent years, e.g. The Big Idea Science Centre in North Ayreshire, "Stags End" in Little Gaddesden or Ladyman Barn in Aldbury. That said, on balance, the Conservation Officer believes that the scheme would help raise the design generally in rural areas and that it does reflect the highest standards in architecture. *"It has clearly been carefully considered and the use of both the curved grass roof, courtyard spaces to define the domestic away from the more open areas and the use of blocks using materials from the site are most welcome."*

The above notwithstanding, the following negative points are noted:

1. For a dwelling to really benefit in para. 55 terms from its exceptional quality or innovative design, the proposal should have a reasonable level of public visibility otherwise it would fail to demonstrate that it is raising standards of design more generally in rural areas. However, as acknowledged in the Planning Statement, the proposal would only be visible in limited views from the frontage; views from the sides and rear being obscured by walls / hedges or otherwise too far distant from public rights of way. It is stated that the public view from Stocks Road will provide the important view to ensure the landscape and architecture can be enjoyed by passing traffic (walkers and others). However, given that the dwelling would be sited towards the back of the site, a significant distance from Stocks Road, on private land, and screened by fruit and other trees, the design, materials and appearance would be difficult to fully appreciate in public views. In addition, the use of raw earth in the construction, being hidden within the internal structure of the roof, would not overtly demonstrate that it is raising standards of design. In the above respects the proposed siting fails to satisfactorily demonstrate the exceptional quality or innovative nature of the design and could just as well be a less innovative, more standard design of dwelling.

2. With regards to innovation, whilst noting the submission that some local materials will be used (raw earth dug on site for the roof and chalk or cement stabilised earth blocks for some of the partition walls) which appears to be a relatively innovative material, it is unfortunate that these will be stabilised with cement (less sustainable than lime). However, more than this, the details submitted are still vague with regards to the extent and placement of this material. Therefore the amount of weight to be given to this aspect must accordingly be more limited. The Chilterns Conservation Board also considers this to be tokenistic.

3. It is stated in the DAS that the house will provide a low carbon new house as an exemplar within the Chilterns AONB. Further details of the sustainability measures to be incorporated have been submitted as part of this amended application wherein it is proposed to achieve Passivhaus standards and a zero or low carbon design. However, the measures have not been fully designed and there remain vague and generalised references to the use of raw earth and SUDS, and no details of construction waste recycling have been mentioned. Moreover, there are also concerns about the amount of embodied energy required to construct the building and excavate the foundations and whether the overall energy balance would outweigh the inherently unsustainable location, using a greenfield rather than a brownfield site, and involving significant energy in the excavation of the

basement and the removal of waste by lorry from the site.

Indeed, it is questionable whether the sustainability credentials of the proposal will really be so innovative or exceptional given the general approach to achieving higher sustainability and the aim for all housing to meet certain levels of sustainable construction. 2016 was the year at which the Council had anticipated Zero Carbon Homes (Level 6) being required under Table 10 of its Core Strategy, albeit the pace of change has reduced under recent Government administrations which have also removed reliance on the Code for Sustainable Homes. Therefore, although the requirement is now only to meet Building Regulations, nevertheless there are many examples in the Borough of dwellings that have been designed as low carbon.

If, as stated, the scheme can achieve zero or very low carbon in its use and construction over the lifetime of the development, then this aspect would weigh in favour of the development as being an exemplar within the Chilterns. Further information has been requested.

4. Whilst the proposal may have the potential to provide an exemplar development within the Chilterns AONB given that there are no other similar examples of "para. 55" houses in this designated area, it is stated that the proposal would provide the potential for public access and use as an educational resource tied to the grant of planning permission. However, whilst public access could clearly be tied into a legal agreement, it is questionable whether the dwelling would be of such innovative design or of such outstanding architectural quality, that it would be of interest other than to a very small minority of the public and to a limited handful of architectural students, no more than might be expected for any other architectural genre. Therefore, the weight that can be given to the overall public benefit of the proposal is considered limited.

In conclusion on this matter, subject to the sustainability aspects being demonstrated, the proposal would satisfy this test.

2. Reflect the highest standards in architecture

It is stated that the Design and Access Statement and visualisations submitted provide an indication of the extremely high standard of architecture in the proposal and the extent to which this test is met.

The Conservation and Design Officer considers that the proposal would overall pass the quality of architecture test, but with reservations regarding the use of reconstituted stone (see also point 4 below).

It is accepted that the appearance of the dwelling would be of a high standard in itself and provide an interesting curved form and courtyard layout with good choice of materials in the use of flint. It is also accepted that the design is creative and imaginative. However, to answer the question as to whether the design would be an "exceptional response to its site and heritage interest", the proposal must be considered in the context of its surroundings. This is considered below in the context of the defining characteristics of the local area (point 4).

With regards to a consideration of how closely the design arises from (1) a rigorous design process, (2) responds to the client's brief, these aspects are to an extent self-fulfilling so it is considered that little weight can be given to these matters.

In conclusion on this matter, the proposal would on balance pass this test.

3. Significantly enhance its immediate setting

The Conservation Officer has considered this test in his comments. He raises concerns that the proposal would not significantly enhance its immediate setting.

It is important to be clear that the site in its open undeveloped state forms an important part of the setting to the adjacent walls of the walled garden which is considered a heritage asset. The character of this part of the former estate is essentially of a rural character, the nearby dwelling within the walled garden being the exception, but nevertheless visually contained within it. As a matter of background, that dwelling was granted in 1991 as a replacement for an existing 1960's dwelling on the site. Although it was larger, material circumstances in its favour were considered to exist in respect of:

- (1) Overall floorspace traded in would be greater than the new dwelling
- (2) The restoration of the walls of the kitchen garden which was secured by a s106 agreement.

In the Planning Statement, it is stated that the new house would visually enhance the landscape and reference is made to a number of examples to demonstrate that the Planning Inspectorate and local authorities have responded positively to houses which are prominent in the landscape. These are noted but are not comparable. The proposed house would not be prominent in the landscape (as is clear from the applicant's Landscape Considerations document) and nor would it be seen in isolation of a heritage asset. In contrast the application site is well contained and seen in intimate relationship with the adjoining heritage asset. It is contained by the wall of the walled garden to its north and the mature native boundary hedges to its south and east. As such it would not be prominent in the wider landscape in the terms of the above examples. Moreover, any enhancement to the landscape would it is contended be more than outweighed by the harm to the heritage asset in this case. The fact that the house would be low down / sunken does little to mitigate that harm, particularly given that it would still be higher than the adjacent C18 wall and of significant size, scale and bulk when compared with the adjacent house.

The proposal cannot be said to enhance the immediate setting for the following reasons:

- It would result in the loss of part of the Slips walls;
- It would adversely impact on the setting of the walled garden, introducing a dwelling and curtilage clearly out of context with the open setting and competing not only with the wall for prominence, but also with the existing dwelling 'The Walled Garden';
- It would introduce a degree of domestication which would conflict with the existing rural character - s106 and conditions restricting PD would provide limited control over parked cars and domestic paraphernalia, manicured lawns and trees, etc.;
- The garage building / cars at the frontage would be a visible and unsympathetic feature of the streetscape, further conflicting with the rural character and the Chilterns vernacular and, as mentioned by the Chilterns Conservation Board, would impede and harm views of the house;
- The Heritage Statement intimates that there will be harm to the setting of the walled garden as a result of the driveway, notwithstanding the proposals to mitigate this through materials / layout. Indeed the proposal would result in the introduction of a large area of hardstanding to the right of the existing entrance gates, drawing attention to the driveway and, together with the loss of two trees, resulting in a loss of continuity to the setting of the wall.

It is stated that the *"creation of Slips House and the provision of landscape masterplan around it is considered to provide an enhancement which goes beyond the visual."*

It is accepted that *"the slips area of the walled garden has a historic use for the production of food which has now been lost."*

However, whilst the adoption of more appropriate planting to the site and within the slips area may be considered an enhancement, the proposal overall with the introduction of a house and domestic curtilage is not considered to constitute a significant enhancement to the immediate setting, and on balance would result in harm to the setting of the walled garden.

Furthermore, it is not considered necessary to build a house in order to achieve these landscape enhancements. It would be quite possible for the occupants of The Walled Garden at present to introduce fruit trees adjacent to Stocks Road and espaliered fruit trees to the Slips area. Therefore these landscape enhancements are not considered to justify a new dwelling, garage and driveway with the attendant overall harm to the walled garden setting.

A number of ecological enhancements are proposed, viz: planting of an orchard, establishing rough grassland areas and a small pond, together with bird and bat boxes. Whilst these are all welcomed, the Ecology Advisor has advised that the proposed bulb planting will detract from the natural environment by introducing what are most likely to be garden species. However, more than this, it is not considered necessary to build a house to achieve these enhancements as the site could be managed as such now, with no impact on the badger sett either, which would need to be closed under licence. Therefore on balance, only very limited weight can be given to these enhancements.

Repairs to the Slips wall is put forward as an enhancement of the scheme. However, whilst accepting that there is some repair work needed to this wall and that this could be secured ad infinitum by a s106 agreement, the erection of a house every time some repair work is needed to a wall cannot be considered to be a very sustainable way forward, and the level of benefit achieved is considered disproportionate to the scale of the development. In any event, there would be overriding harm to the Slips wall and wider walled garden as a result of the development.

In conclusion on test 3, the proposal is not considered to significantly enhance its immediate setting. Indeed, the opposite would be the case as any enhancement would be more than outweighed by the harm to the heritage asset as a result of the introduction of a dwelling and domestic curtilage in the setting of the walled garden and resulting in loss of part of the Slips wall.

4. Be sensitive to the defining characteristics of the local area

It is stated in the Planning Statement that the "*defining characteristic of the immediate area surrounding the site is the walled garden.*" and that "*sensitivity to the defining characteristics should be displayed in the size, siting, building materials and landscape treatments of proposed dwellings.*"

We would not disagree with this statement, although would add that an integral part of the walled garden is also the open setting provided by the slips and orchard land surrounding the walled garden.

The walled garden is a non-designated heritage asset. It has a high sense of isolation within the surrounding context with the wall being the prominent feature in an otherwise open, pastoral setting. Its heritage value stems greatly from this open, green setting and the rough grassed area alongside the walling is considered to contribute positively to the setting and prominence of the walling to this heritage asset.

In consideration of the above, the introduction of a dwelling in the open setting provided by the site would it is considered intrude significantly on the character of that open setting, both

physically because of the structure, but also because of the change in nature of the land to a domestic curtilage. The harm would be more so because of the size, scale and height of the new dwelling, notwithstanding the fact that it is set back from the frontage.

In this respect the proposal is not considered, *prima facie*, to be sensitive to the defining characteristics of the surrounding area.

With regards to the change in nature and appearance of the land, the site comprising the Slips and orchard area would have originally comprised an area of more extensive horticulture lying beyond the more secure and sheltered zone of the walled garden itself where intensive horticulture would have been practiced. As such, it is contended that its character would have been quite open and ruderal in comparison to that within the confines of the walls, even if less so than currently. In contrast, whilst accepting that the immediate impact of the dwelling would be mitigated by its siting to the back of the site, the proposal would nevertheless introduce, by its nature, a very different kind of land use, having a much more intensive, domesticated appearance overall, with various different mowing regimes, walled terraces, driveways, car parking areas, lawns, etc. notwithstanding the impact of the dwelling itself on that character. In addition, whilst accepting that the design of the dwelling would allow for domestic paraphernalia to be contained within sunken courtyards to front and rear, in practice it would not be possible to prevent vehicles from parking on driveways and hardstandings nor prevent spillage of other domestic paraphernalia onto open areas to the frontage, further detracting from the walled garden setting. Furthermore, it is submitted that any such incidental use would be impractical to control even if a s106 agreement were signed to such effect. The use and character of the use would not therefore be sensitive to the setting of the walled garden.

With regards to the size of the dwelling, it is stated that the top of the curved roof would be at a lower level than the top of the highest part of the wall of the garden. However, this is a misleading statement as the roof would nevertheless still be higher (approx. 3 m excluding chimney) than the immediately adjacent part of the walled garden, against which the dwelling would naturally be compared. In this respect, the height of the new dwelling is considered to compete with the walled garden for prominence.

Furthermore, notwithstanding the grassed roof, at 2 storeys and 28 metres wide, the proposed dwelling would be a large, wide and bulky structure that would appear as a dominant and over-assertive feature in the context of the wall and its setting. The proposed new building would also appear cramped in view of the relatively narrow width of the site and its siting hard up against the hedgerow on the south-eastern side of the field. The proposal in this respect is considered to result in the dwelling appearing hemmed in without the clear sense of space around it that might be expected for a 'new country house', let alone that which would maintain a comfortable setting to the walled garden. It should be noted that the CGI's are somewhat misleading in this respect.

It is stated that the grassed roof is intended to ensure a muted visual impact from public receptors, while the organic design of the house is intended to ensure it sits 'quietly' within the site. However, given that the main public viewpoint is from the Stocks Road frontage, it is not considered that the grass roof would be a significantly visible element of the scheme overall in comparison with the fenestration and glazing details of the front elevation which would present a much harder and therefore less 'muted' impact than suggested.

With regards to the organic design, it is accepted that a curved roof form has the potential to blend into the natural form of the landscape. However, the curved form is tall and accentuated in this case and therefore does not blend into the natural contours of the site or surrounding topography so as to sit 'quietly' as suggested. The curved form of the new building is artificial and not considered to compliment the form and appearance of the walled garden, but rather would grate with the established structure and its setting,

appearing as an incongruous feature. In this respect it is noted that other examples of walled garden dwellings (Walled Garden Precedent Developments) not only seem to form an integral part of the walled structure itself, but also adopt design forms and materials that draw closely from the host structure. The host structure in this case is a clearly defined rectilinear structure with sharp edges, local red / orange brickwork and elements of flint, set within a clear and contrasting wide, flat, margin of grass and trees. In contrast, the proposed arched and curved form would neither reflect the existing host structure, nor would it sit quietly in its midst so as not to disrupt the important open, flat setting of the walled garden.

With regards to the materials, it is stated that these have been chosen to respond to the defining characteristics of the locality. However, the use of reconstituted stone in significant elements of the structure is not a local material. Totternhoe Stone would be the local material of choice for the area if using stone. But the local materials that really define the characteristics of the area (brick, flint, and clay plain tile) are not proposed at all in the dwelling, despite being a prevalent material in the construction of the walls and in 'The Walled Garden' building itself. It is noted that one of the amendments on the current application relates to the introduction of flint into the new courtyard walls. Whilst this is welcome, it is considered somewhat of a tokenistic change given that these walls will not be visually apparent except from within the courtyards themselves and close quarter views. Further its use in the absence of the brick would be a notable departure from the local vernacular. Whilst the introduction of the chimney is a welcome feature that does respond to the local vernacular, the opportunity has not been taken to use local materials in its construction. Therefore it is still questionable whether the development can really be considered sensitive to the defining characteristics of the locality. With the materials and design being broadly unspecific to the locality, the new dwelling could as well be at home in any other part of the country.

The use of flint in the garage construction is noted, but the flat roof construction (as opposed to the hipped roof previously) is not considered to reflect strongly the local vernacular of the nearby listed dovecot in design or detail, as suggested in the Planning Statement. However, whilst the change in design to a flat roof would limit its prominence, and the green roof would arguably reflect the contemporary design of the house, nevertheless the design (in particular the wide span garage doors) and the unconventional use of materials would appear insensitive to the Chilterns vernacular.

In conclusion on test 4, the proposal is not considered to be sensitive to the defining characteristics of the local area, in particular in respect of the setting of the heritage asset and the form and materials of the locality.

In overall conclusion on the paragraph 55 assessment, we accept, with some reservations, that the proposal would on balance satisfy the first two tests of para. 55 (be truly outstanding or innovative helping to raise standards of design more generally in rural areas and reflect the highest standards in architecture). However, given that it would harm the walled garden and reduce the open undeveloped setting of this heritage asset and wider estate, it follows that it is not possible to say that the dwelling would significantly enhance its immediate setting or be sensitive to the defining characteristics of the local area in accordance with the third and fourth tests. As such, it is concluded that the proposal does not pass all the para. 55 tests and that special circumstances therefore do not exist to allow an exception to the normal policy requirement under para. 55 that local planning authorities should avoid new isolated homes in the countryside. The circumstances do not outweigh the inherently unsustainable location of the site, contrary to Policies CS1 and CS7 of the Core strategy which restrict new residential development in the countryside.

Impact on Heritage Asset and Chilterns AONB

The site is an undeveloped field within the Chilterns AONB and adjoins a historic garden wall

which, with the enclosed garden, is considered to be an important heritage asset forming part of a wider setting of the Grade II listed building at Stocks House. Although not within the curtilage of Stocks House now, the wall and associated garden clearly formed part of the former estate to the house, and is considered of historic social and architectural note and visually contributes in a positive manner to the character of the area even in light of the addition of a large brick built dwelling "The Walled Garden" having been built in the 1990's within it.

The site is therefore sensitive from both a landscape aspect and a conservation aspect. Any development will therefore both need to ensure that it does not detract from the natural beauty of the landscape and ensure that it does not harm the significance of the heritage asset concerned.

NPPF confirms that nationally designated areas such as AONBs have the highest level of protection in relation to landscape and scenic beauty and states that the conservation of wildlife and cultural heritage are important considerations in these areas.

In relation to heritage assets, NPPF states that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The site falls within the Chilterns Area of Outstanding Natural Beauty where, under saved Policy 97 of the Dacorum Borough Local Plan 1991-2011, and Policy CS24 of the Core Strategy, the prime planning consideration is that the beauty of the area will be conserved and enhanced.

The Chilterns Buildings Design Guide is a material consideration in the design of buildings within the AONB.

Under Policy CS27 'Quality of the Historic Environment' of the Core Strategy there is an expectation that "the integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced." Furthermore, Policy CS25 (Landscape Character) of the Adopted Core Strategy requires that "all development will help conserve and enhance Dacorum's natural and historic landscape."

Policy CS12 is an overarching policy which seeks high quality design in all development proposals and sets out a number of criteria to be satisfied.

Design & Setting - A Heritage Assessment has been submitted in support of the application and the Conservation Officers have considered the impact of the proposal in terms of the heritage asset and the Chilterns AONB.

Whilst they consider the proposed dwelling is of a high standard and makes a positive contribution to the area's architecture, incorporates innovative materials and passive solar gain features, they nevertheless consider that in the location proposed, the new building would not relate well to either the adjacent walled garden or the rural character and appearance of the site and immediate area. There would be harm to the setting of the designated heritage asset (Stocks House), and harm to the non-designated heritage asset (the walled garden) due to the demolition of part of the slips wall and development in the setting of the walled garden.

Given it would harm the walled garden and reduce the open undeveloped setting of this heritage asset and wider estate, it follows that it is not possible to say that it would significantly enhance its immediate setting and as such does not appear to pass the paragraph 55 test (test 3 above).

Key concerns in this regard relate to the following:

- Urbanising effect - The scheme is on an undeveloped site adjoining open fields. However, it would also adjoin an existing isolated development in the countryside, 'The Walled Garden', and there is concern that any development here would have an urbanising effect on the countryside. Clearly this is a matter for consideration in the balance between Policy CS7, which prima facie does not support residential development in the countryside, and Para 55 of the NPPF which allows exceptions if the tests therein are met.
- Impact on the setting of the walled garden, a non-designated heritage asset - The walled garden has a high sense of isolation within the surrounding context with the wall being the prominent feature in an otherwise open, pastoral setting. Its heritage value stems greatly from this open, green setting and the rough grassed area alongside the walling is considered to contribute positively to the setting and prominence of the wall. The height and scale of the new dwelling is considered to compete with the walled garden for prominence. The orientation of the new dwelling with the main aspect fronting Stocks Road would also be a very visible feature within the site as viewed from the road and does not allow the grassed roof to soften this impact significantly as suggested. As such it is considered that there would be harm to the overall setting of the walled garden.

Furthermore, the arched form of the new building is not considered to complement the form and appearance of the walled garden, but rather to grate with the established structure and its simple open setting.

- Impact on the street scene - The proposed new building would appear somewhat cramped in view of the relatively narrow width of the site and its siting hard up against the hedgerow on the south-eastern side of the field and the walling on the north western side. The proposal in this respect is considered to result in the dwelling appearing hemmed in without the sense of space around it that might be expected for a 'new country house', let alone the setting of the walled garden in this case. The concern here is that the walled garden demands a reasonably wide margin for its proper appreciation but the proposed dwelling would significantly interrupt that margin in both height and size/width. It is not considered to be a comparable situation, as suggested (Appendix 2), to other dwellings on linear plots as they are not seen in the context of the setting of a walled garden and are not trying to be "country houses".
- Driveway - the proposed gravel driveway and hard surfaced access, which would run along the front of the walled garden would have an adverse visual impact on the setting of the walled garden. The rough grassed setting and trees to the front of the wall along this highly visible aspect to the site is considered to positively contribute to the setting of the walled garden and its rural character. The access road would disrupt the appearance of this simple rural setting and furthermore would be an overly long and convoluted feature as a consequence, thereby urbanising and domesticating this area and detracting from the rural character of the site. The resultant loss of two trees would further disrupt the continuity of the setting of the wall. The Chilterns Conservation Board has also raised this as an issue and suggested that the driveway, along with garage, should be rerouted around the back of the walled garden, thereby providing a rural green foreground to the house, allowing the house to sit better in the landscape.
- Domesticated appearance and paraphernalia - The proposed planting / garden would introduce a degree of formality and domestication to the walled garden contrary to the present rural nature of the site which would further detract from the simple rural setting of this heritage asset. In addition, as already mentioned, it would not be possible to prevent spillage of domestic paraphernalia onto open areas to the frontage, thereby further harming the walled garden setting.

- Garaging - This was originally to resemble the close-by listed dovecot to the south, with a pyramidal roof, but no elevations had been submitted. A subsequent change of plans to a flat roof design means this is no longer the case. The Conservation and Design Officer had concerns regarding the visual impact that such a structure in this location would have on views along Stocks Road. However, whilst the change in design to a flat roof would limit its prominence, nevertheless the flat roof and untraditional application of flint and other 'bug hotel' materials, whilst welcome in principle, would appear insensitive to the Chilterns vernacular, and the wide span garage doors would further emphasis the unsympathetic scale and form of the building as being out of context with the Chilterns. Omission or reduction in the size of the triple garage would have addressed the visual concerns better than the flat roof design.

Furthermore, given the distance of the proposed garaging from the new dwelling there remains some doubt as to whether it would be used for that purpose with the consequence that cars would be likely to be parked further up the site, thereby detracting further from its open character and having the effect of domesticating the land to the detriment of the heritage asset, the AONB and the Rural Area.

- Alterations to wall to form visibility splay - It is noted that about 18m of the wall to the frontage is to be lowered/ rebuilt. Whilst some rebuilding may be necessary to create the new access and would not be contentious due to it being rebuilt for the existing dwelling, there is concern at the loss of a substantial length of wall for a visibility splay. This would be harmful to this part of the heritage asset and the wider setting of the walled garden.
- Blocking up of pedestrian gateway - the blocking up of the gateway through the main wall would cause harm to this feature and consideration needs to be given to the method of blocking up this gateway to ensure that a metal gate can be expressed as part of the opening so that the character of the connection can be expressed as originally conceived as part of the earlier permission.
- Enhancements - The matter of enhancement by the development has already been discussed in relation to the relevant para. 55 test above and, on balance, considered not to enhance its immediate setting due to overriding harm to the heritage asset and existing rural character of the area. The applicant has acknowledged that human settlement within landscapes is an inherent part of the natural beauty of designated AONBs and that the reason for their designation relates to the enhancement as well as conservation of this beauty. The applicant has argued that enhancements to the ecology of the area and the cultural heritage of the slips through reintroduction of horticulture and provision of wild flower meadows, bulb planting, bug hotels and the like should be weighed in the balance as an overall benefit of the scheme that enhances the immediate setting. It is accepted that the reintroduction of horticulture into the slips and the addition of orchard trees into the outer field may, in itself, be considered to enhance the ecology and cultural heritage of the immediate area. However, the impact must of course be balanced against the wider context of the overall proposal for a dwelling.

The introduction of a dwelling and its domestic curtilage would disrupt the natural open appearance of this field and as already mentioned, would harm the setting of the walled garden, both of which are an integral part of the beauty of the AONB. Therefore in this context, it is considered there would be no overall enhancement, but rather a detraction from the natural beauty of the area. Furthermore, the ecological enhancements do not require the enabling development of a house as they could be carried out now. Indeed the erection of the 'The Walled Garden' dwelling was already justified on the grounds of enabling enhancements to the walled garden.

- Defining characteristics - One of the tests of para. 55 is that it should be sensitive to the

defining characteristics of the local area. In this respect it is stated, inter alia, that the proposal would make use of local materials and that the garage would strongly reflect the local vernacular in design and detail. Reference is made to the use of reconstituted stone for the new dwelling. However, stone would not be considered to be a defining characteristic of the Aldbury and surrounding area which is located within the Chilterns AONB. The typical and defining characteristics of this area relate to the use of brick and flint and plain clay tiles, the clay for which is locally mined and kilned and gives the characteristic red/orange glow to its buildings. It is these materials, amongst other aspects, that give the Chilterns its distinctive and defining character, and this is clear from the surrounding buildings, including the walled garden. The use of reconstituted stone, in the absence of other key defining materials to the area, would not help provide a strong vernacular link with the locality. Whilst it is noted on this latest application that flint has now been introduced into the courtyard walls, this is considered to be no more than a tokenistic change given the walls will not be visually apparent from outside the site. Furthermore, its use in the absence of brick is a further departure from the typical vernacular of the area.

Furthermore, with the change in design of the proposed garage, and its unorthodox use of flint in the absence of brick, it is no longer possible to say that this would strongly reflect the local vernacular in design and detail, in particular the nearby dovecot referenced by the applicant. The scheme should have special regards to the quality of the Chilterns AONB in terms of location, design and materials, etc. and in this respect only token reference appears to have been made to the Chilterns Buildings Design Guide.

Impact on AONB - The proposed landscape enhancements are, on balance, considered to conserve the natural beauty of the AONB whilst the wider natural beauty of the designated landscape will not be harmed as a result of the development due to its well screened and enclosed nature. It is also accepted that the arched form and green roof would help soften the appearance of the building in the wider landscape and reflects to some extent the surrounding topography.

The Chilterns Buildings Design Guide is primarily concerned with reinforcing the locally distinctive building traditions of the area, but it does allow exceptionally for contemporary and innovative architecture, subject to similar criteria as the NPPF, viz:

- Be in harmony with the site and surrounding buildings and countryside
- Enhance landscape and immediate setting rather than detract from local character
- Incorporate highest principles of sustainability in terms of design, use of materials and renewable energy provision
- Should have the ability to be repaired and renewed when necessary
- The design should be truly outstanding and ground-breaking, for example in its use of materials, methods of construction or contribution to protecting and enhancing the environment
- Be sympathetic to their surroundings and the defining characteristics of the local area
- Demonstrate the appropriate use of local building materials wherever possible.

For reasons discussed in the previous sections, the proposal is not, on balance, considered to accord with the above criteria.

The Chilterns Conservation Board has also raised concerns with the proposal, in particular in regards to the height of the proposal and the impact of the access and parking / garaging arrangements on the appreciation of the house and how it sits in the landscape. Although arguably the proposal would be truly outstanding and ground-breaking in its design and use of some of its materials (raw earth), the proposal would not be in harmony with the site and surroundings and its defining characteristics, would detract from local character and gives only token support to the use of local building materials. For the above reasons, the proposal is

considered harmful to the Chilterns AONB and would fail to preserve the integrity, setting and distinctiveness of the walled garden, which is a heritage asset. The proposal is therefore considered contrary to the policies for the protection and enhancement of the AONB.

Landscaping and Trees

Policy CS12 and saved Policy 99 seeks the retention and protection of visually important trees as part of development proposals where reasonably possible and Policies CS11, 12 and 13 and saved Policy 100 seek soft landscaping as an integral part of new development to help integrate it into the surroundings. Section 3 of the Environmental Guidelines is also relevant.

The site is bounded on three sides by mature native hedgerows and features a number of trees within the site. These are said in the Tree Statement to be ornamental trees and not to conform to the way in which the orchard planting would have historically taken place. Whilst this is not disputed, this fact does not diminish their contribution to the visual amenities of the area.

Whilst none of the trees are preserved, the site is sensitive from a landscape point of view given its siting in the Chilterns AONB. The Chiltern Society is not supportive of the proposals and has mentioned the history of the site as an orchard, noting that it has a strong sense of history and beauty about it. Indeed, much of the beauty arises out of the simplicity of the field, its uncomplicated natural field enclosures and the relationship and setting it provides with the Walled Garden.

It is noted that four trees are to be removed from the site (two to the south of the walled garden and two to the west to allow for the access) although a significant number are to be planted, comprising a mix of traditional orchard trees and mixed native species. In addition, wild flower, long grass and bulb planting is to be planted together with espaliered fruit trees to the slips walls.

Whilst the landscaping proposals relating to the small copse of trees to the frontage and to the slips walls are supported in principle, this is only a small part of the site and there is concern that the remaining treatment will appear overly domesticated and manicured which would harm the simple, natural appearance of the field and the setting of the walled garden as well as the inherent natural beauty of the AONB. Related to the issue over the cramped setting, it is noted that the southern edge of the building would appear to encroach into the existing hedgeline. However, it seems unlikely that the basement and sunken courtyards could be constructed without impacting adversely on the existing hedgeline, thereby resulting in its local removal at best. This aspect is not even acknowledged let alone mitigated through protective fencing in the arboricultural report, although the architect has since advised that the method of excavating and piling etc. will need careful consideration and would be happy to submit details from an arboricultural consultant to ensure protection and proper methodology. If permission is granted details of how the continuity of the southern hedgeline is to be maintained would need to be conditioned.

There is also concern at the loss of two trees from the existing avenue trees along the frontage, in order to form the access. Their loss would disrupt the continuity of this feature which is considered important to the formality of the Walled Garden and its setting at this point. Furthermore the introduction of a driveway and access along this frontage would result in the loss of the broad natural green setting, not only to the wall, but to the general landscape of the AONB in this location. As mentioned above, the Chilterns Conservation Board has also raised this as an issue. Moreover, it is considered that the potential long term introduction of non-native herbaceous plants, shrubs and trees, together with varying mowing regimes, to the site in association with a residential use would be highly out of keeping with the natural beauty of the area and could not in practice be controlled by the LPA.

On balance, it is not considered that the landscaping of the site or the impacts on the existing planting from this development would conserve, let alone enhance, the natural beauty of the site. The proposal is therefore contrary to Policy CS12, 13, 24 and saved Policy 97.

Impact on Ecology and Wildlife

A Phase 1 Habitat Survey (Preliminary Ecological Appraisal) did not identify any protected species other than badgers, birds and bats. The Ecology Advisor has agreed that recommendations 1 and 2 are suitable in regards to inspections before removal of trees. In respect of enhancements (native species, bat boxes and bird boxes), he has also agreed that recommendations 3, 4 and 5 are appropriate.

An active badger sett was identified in the south east corner of the site and the Ecology Advisor has advised that it is unlikely that the development at present will avoid disturbing this sett as it is very close to the proposed house and patio area. It will certainly be disturbed by the building works which will be well within 30m if not directly affect the sett area. Consequently he considers that a licence will be required and that recommendation 1 in the Badger Report is acceptable, as are recommendations 3 and 4 with regards to monitoring during the development phase.

Ecological enhancements primarily comprise of the planting of an orchard, establishing rough grassland and a small pond. Whilst these are welcomed and would enhance the site, the Ecology Advisor has stated that the proposed bulb planting will detract from the more natural environment by introducing what are most likely to be garden species which should be avoided if a more natural character is sought.

There are considered to be no fundamental ecological constraints associated with the proposed development, but any permission should be subject to details of the enhancements and a management plan by condition, the implementation of which should be for a minimum 5 years. This could be secured indefinitely by a clause in the suggested s106 agreement. The recommendations in the reports should also be secured by condition.

Impact in terms of Highway Safety

Whilst a Design and Access Statement has been submitted, this curiously does not consider access. A separate plan (Development Access Proposals) details the proposed access.

Access to the new dwelling is to be shared with the existing dwelling access serving The Walled Garden. Part of the existing (modern) brick return wall between two pillars would be demolished to enable a new driveway to be formed between the walled garden and the Stocks Road frontage. It is noted that part of the existing (original) brick and flint boundary wall directly fronting Stocks Road would be either lowered to 1 m in height or realigned behind the visibility splay for a length of some 18 m.

The Highway Authority has raised no objections on highway grounds subject to conditions.

The proposed removal of part of the front wall to form visibility would be detrimental to the heritage asset and therefore contrary to Policy CS27, but it is unclear why this alteration should be required in any event given that it is an existing access that serves an existing relatively recently constructed dwelling. Saved Policy 54 does state that at the discretion of the planning authority, normal standards may be relaxed in order to meet wider environmental, transport, safety, design and conservation objectives. In this case the marginal benefits to visibility on a road where traffic does not reach high speeds are not considered to outweigh the harm to the heritage asset. Any permission should therefore exclude this alteration.

In terms of car parking, in accordance with saved Policy 58, standards are set down in Appendix 5 of the Dacorum Borough Local Plan 1991-2011, including provision for cycle

storage. Provision for refuse disposal should accord with the Council's Refuse Storage Guidance Note February 2015, in particular with regards to ensuring its inconspicuous siting.

The site would provide sufficient off-street space for car parking to serve the use. As regards bicycle storage, given that garaging and other storage space is available, separate secure cycle storage would not be required.

With regards to bin storage, it is unclear where this would be accommodated on the site as no details are shown. However, provided this can be accommodated within the compost and utility area at the rear of the site, this would be considered suitably concealed and would not significantly impact on the setting of the walled garden.

The proposal overall would be acceptable in car parking and access terms and would comply with Policy CS12 and saved Policies 54 and 58.

Impact on Neighbours

In general, it is not considered that there would be any material harm to neighbouring residential amenities given the location of the application site although it is noted that the introduction of the grassed roof which would inevitably require access for mowing purposes could result in overlooking of The Walled Garden. However, given the distance of over 23 metres it is considered that the harm to amenities would be within acceptable limits.

The proposal would comply with Policy CS12 and Appendix 3.

Sustainability

Any new development should be consistent with the principles of sustainable design as set out in Policies CS29, CS30 and CS31 of the Core Strategy and saved Policy 129 of the Borough Plan, together with Supplementary Planning Documents for Energy Efficiency and Conservation, and Water Conservation.

The application should be accompanied by a Sustainability Statement as required by para. 18.22 of the Core Strategy and Policy CS29. In addition, the criteria within Policy CS29 should be met and should be demonstrated via a Sustainable Design and Construction Statement, a template checklist for which is available on the DBC website.

The previous application was refused on grounds that details of SUDS, waste recycling and water efficiency were lacking and no details were provided to demonstrate what level of carbon emissions reduction would be met or targeted.

The development is in an inherently unsustainable location, using a greenfield rather than a brownfield site, and on the face of it involving significant energy in the excavation of the basement and the removal of waste by lorry from the site. All of these are unsustainable and it is therefore considered important that it should be demonstrated how these affect the overall energy balance of the development and what weight can be placed upon the claims of being a low carbon exemplar development for the Chilterns.

The current application is now supported by a sustainability statement which is considered to demonstrate that it would comply with key sustainability principles even if certain details such as SUDS, construction waste recycling, use of raw earth and other aspects are either missing or generalised. It is stated that the proposal would seek Passivhaus standards and target zero carbon emissions through such measures as solar gain through orientation of the building, thermal massing, air tightness, ground source heat pumps, 'A+' rated white goods, energy efficient lighting and heat recovery ventilation. Other sustainability measures include low VOC materials, rainwater harvesting, low water use sanitary fittings, permeable paving, tree

planting, and lime mortar for the flint walls.

There remain concerns about the amount of embodied energy required to construct the building and excavate the foundations and whether the overall energy balance would outweigh the inherently unsustainable location, using a greenfield rather than a brownfield site, and involving significant energy in the excavation of the basement and the removal of waste by lorry from the site. If, as stated, the scheme can achieve zero or very low carbon in its use and construction over the lifetime of the development, then this aspect would weigh in favour of the development as being an exemplar within the Chilterns. Whilst further information has been requested the applicant has not provided satisfactory additional information that clearly demonstrates a favourable energy balance to the scheme. It is therefore not considered that significant weight can be given to the claims of being an exemplar of low carbon development in the Chilterns.

Subject to conditions seeking further details of SUDS and rainwater harvesting and construction waste recycling, the proposal would comply with Policy CS29. A condition securing compliance with Passivhaus standards would also be recommended should permission be granted.

Physical and Social Infrastructure

There is no requirement for contributions to physical and social infrastructure for a single dwelling. Dacorum has now introduced CIL from 1st July 2015 which means that levies are now applicable in place of s106 contributions.

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

Other matters

Policy CS12 is relevant in respect of achieving secure, crime free development and Policy CS11 is relevant in respect of incorporating natural surveillance. No details have been submitted. However, the absence of these features would not be considered a matter that could justify refusal.

RECOMMENDATION - That planning permission be **REFUSED** for the following reasons:

- 1 **The site lies within the Rural Area wherein, under Policy CS7 of the Dacorum Core Strategy September 2013, only small-scale development for the uses listed in the policy will be acceptable. The list of uses does not include use for residential purposes. The site is not considered to constitute previously developed land, However, even if it were, in accordance with NPPF, it should not be assumed that the whole of the curtilage should be developed. In this case the site is undeveloped and further development would harm the character and appearance of the countryside, contrary to point (i.) of CS7. Furthermore, as the site is within the Chilterns AONB, it is prima facie of the highest environmental value and therefore, in accordance with NPPF, little weight can be given to the argument that development should be encouraged here. Special circumstances are not considered to exist in the context of Paragraph 55 of the NPPF that would be considered sufficient to set aside the Rural Area policy of restraint on new building in the countryside. The proposal is therefore contrary to the above policy and Policy CS1 of the Dacorum Core Strategy September 2013.**
- 2 **Whilst accepting, with some reservations, that the proposal would on balance satisfy the first two tests of the last bullet point of paragraph 55 of the NPPF**

(be truly outstanding or innovative helping to raise standards of design more generally in rural areas and reflect the highest standards in architecture), nevertheless in the location proposed the new building would not relate well to either the adjacent walled garden or the rural character and appearance of the site and immediate area. The proposal would cause harm to the setting of the designated heritage asset (Stocks House), and harm to the non-designated heritage asset (the walled garden) due to the demolition of part of the 'Slips' wall and development in the setting of the walled garden. There would also be harm to the natural beauty of the Chilterns AONB. Given that it would harm the walled garden and reduce the open undeveloped setting of this heritage asset and wider estate, it follows that it is not possible to say that the dwelling would significantly enhance its immediate setting or be sensitive to the defining characteristics of the local area in accordance with the third and fourth bullet tests of paragraph 55 of the NPPF. As such, special circumstances do not exist to allow an exception to the normal policy requirement under paragraph 55 that local planning authorities should avoid new isolated homes in the countryside. The proposal is therefore contrary to Policies CS7, 12, 13, 24 and 27 of the Dacorum Core Strategy September 2013, and saved Policy 97 of the Dacorum Borough local Plan 1991-2011.

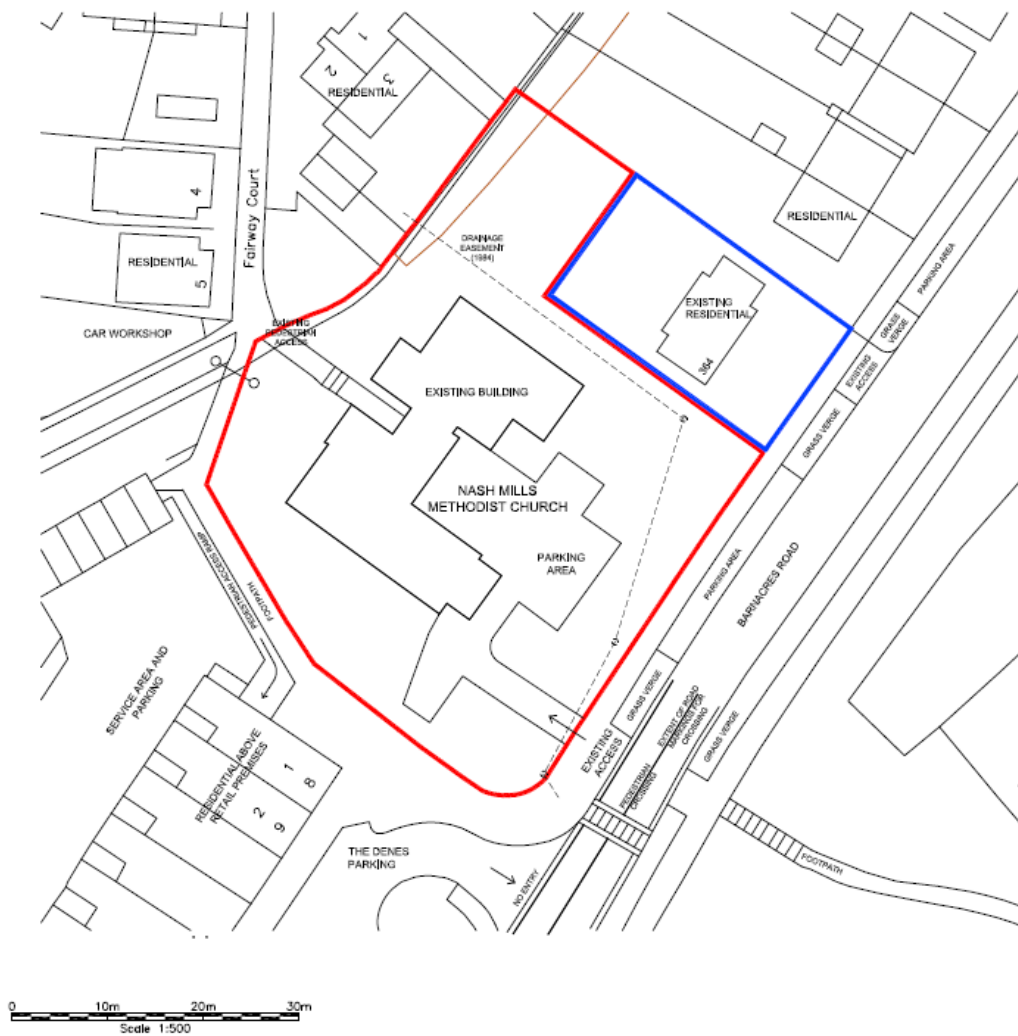
Article 35 Statement

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Local Planning Authority encourages applicants to engage in pre-application discussions as advocated under paragraph 188 of the NPPF. Pre-application advice indicated that whilst there may be scope to make a special case for a new dwelling under Para 55 of the NPPF, a detailed case would need to be set out to demonstrate why an exception to Policy should be made, noting that there were concerns from a conservation and design aspect to the impact on the adjacent heritage asset and to the natural beauty of the AONB. The local planning authority considers that the case for an exception has not been demonstrated in this case. The Council has sought to engage with the applicant with a view to making changes to the proposal at the application stage in order to address some of the objections to the proposal. However, only minor changes and clarification has been received and fundamental objections cannot be overcome. Since no solutions can be found at this stage the Council has complied with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

Item 5c

4/01413/16/FUL - FENCE SCREENING TO THE FRONT AND SIDE OF THE SITE USING 2.4 M PLYWOOD SHEETS. FENCING USING PRO-MESH PERMANENT FENCING ALONG THE REAR AND SIDE OF THE SITE 2.4 M IN HEIGHT

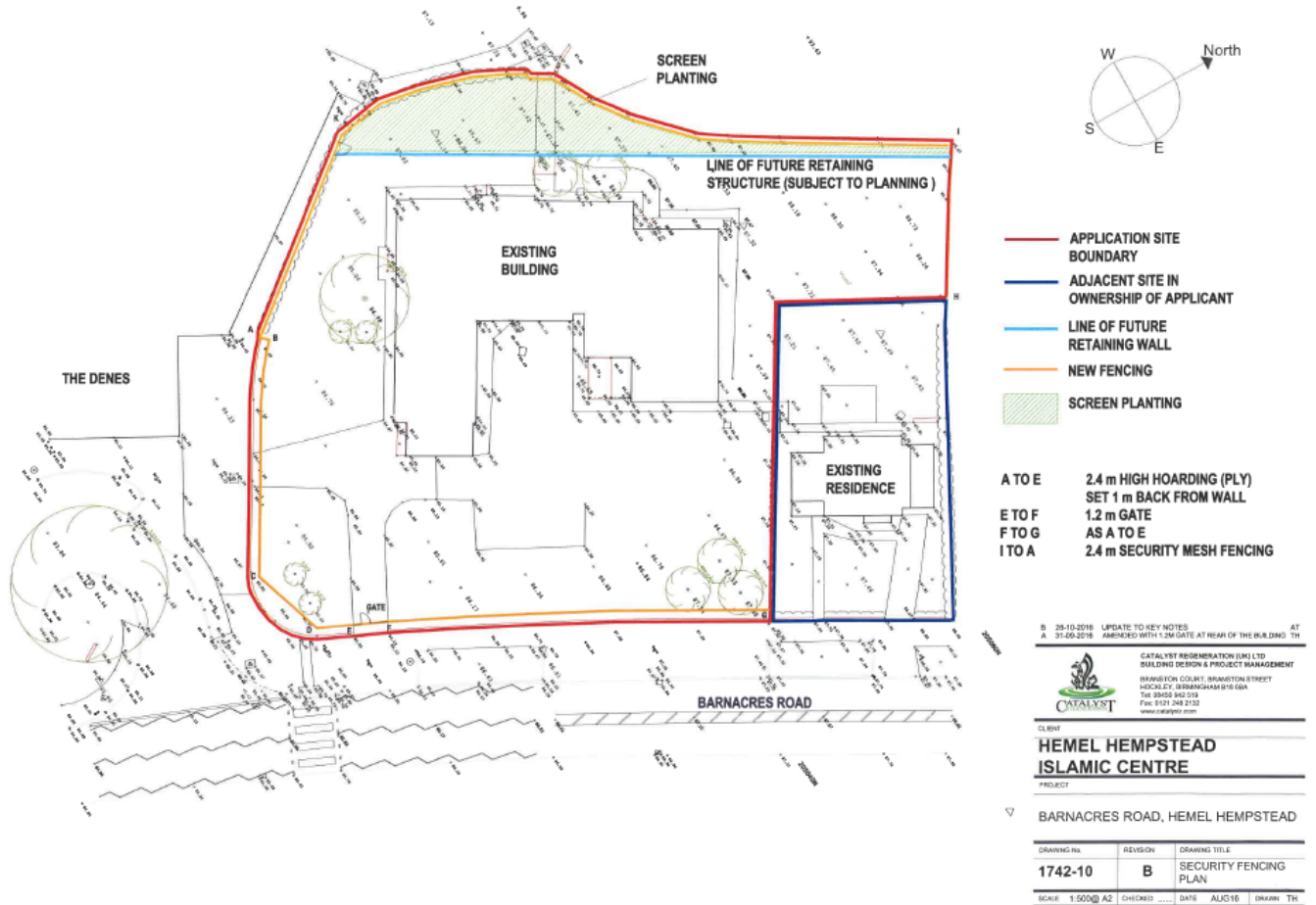
NASH MILLS METHODIST CHURCH, BARNACRES ROAD, HEMEL HEMPSTEAD, HP3 8JS



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NASH MILLS METHODIST CHURCH, BARNACRES ROAD, HEMEL HEMPSTEAD, HP3 8JS.**

APPLICANT: Mr J Hussain.

[Case Officer - Jason Seed]

Summary

The application is recommended for approval as it is considered to comply with Policies CS11, CS12 and CS13 of the Core Strategy and the relevant paragraphs contained within the NPPF.

Site Description

The site comprises the vacant Nash Mills Methodist Church and accompanying land which is situated on the western side of Barnacres Road, Hemel Hempstead. It is understood that the site has been vacant for some time and the church is falling into a state of disrepair.

The surrounding area comprises a mix of uses including The Denes shopping parade to the immediate south and residential properties heavily present within the remaining surrounding area, most notably Fairway to the west and north-west and those present within Barnacres Road.

The site is not subject to any relevant planning designations, although it is situated within CIL Charging Zone 3 and is also located within close proximity to the High Barns Outer Area which is identified on the Proposals Map as being positioned to the east and south of the site.

Proposal

The application seeks full planning permission for the erection of hoarding and security fencing along the south-eastern, south / south-western and north-western boundaries. The application has been submitted to provide a solution in response to the concerns which were raised with the applicant by the Council's Anti-Social Behaviour Team, Council's Planning Enforcement Team and Herts Design-Out Crime advisor.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Nash Mills Parish Council.

Relevant Planning History

None

Considerations

Policy and Principle

Policy CS11 of the Core Strategy states that development should incorporate natural surveillance to deter crime and the fear of crime. Policy CS12 of the Core Strategy further states that development should respect adjoining properties in terms of security.

Policy CS13 states that new development will be expected to contribute to the quality of the public realm by providing active frontages and natural surveillance.

Paragraph 58 of the National Planning Policy Framework (NPPF) states that decisions should aim to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and this is repeated again within Paragraph 69 of the NPPF in respect of promoting healthy communities.

It is therefore considered that the principle of the development is acceptable, subject to other planning considerations.

Impact on Street Scene

The proposed fencing will be most visible when viewed from Barnacres Lane to the immediate south-east of the proposal site. From this vantage point, a 2.4m high plywood fence will be visible, with a gate positioned within it towards the southernmost corner of the site. The same fence arrangement will be evident when viewed from the footpath located to the south / south-west of the site, although the proposed 2.4m high security mesh fencing will also be partially visible from this receptor. The mesh fencing will be visible from the area / properties located to the west, north-west and north of the proposal site.

Whilst it is accepted that the plywood hoarding will have a limited visual impact upon the street scene, this impact will only be temporary and a condition requiring this section of the fence to be removed after a period of 18 months will ensure that this is the case. It is considered that the limited and temporary visual harm which would result from approval of the application is significantly outweighed by the benefit of the securing the site against further trespass. It is further considered that very similar erections are evident at most construction sites and as such, will be not creating a feature which is so alien as to warrant a refusal of planning permission.

The security mesh fencing is not temporary and will be retained following the removal of the plywood fencing. It is considered that this fencing has a high degree of visual permanence which minimises its impacts and these will be further mitigated through the introduction of site landscaping which, once established, will provide a green backdrop.

Impact on Trees and Landscaping

It is noted that during the determination of the planning application, matters in respect of existing and potential hedge / planting removal have been raised by local residents. However, whilst the loss of trees and hedges is not encouraged by the Planning Department, the site is not covered by any Tree Preservation Orders or other limitations or restrictions which would prevent such removal.

However, the proposal plans illustrate that screen planting is to be provided to the rear of the site and following discussions with the applicant, it was agreed that a landscaping condition could be attached to any forthcoming planning permission which would secure a landscaping scheme to provide further details on this respect and which would mitigate against the loss of existing vegetation and would also reduce the visual impact of the fencing which is to be permanently retained. This approach agrees with the comments provided by the Council's Trees and Woodlands Officer.

As such, it is considered that the proposal is acceptable in respects of matters pertaining to trees and landscaping.

Impact on Highway Safety

It is considered that any potential impact on highway safety is limited to those parts of the fencing which front Barnacres Road and more particularly, the northward visibility of vehicles

accessing The Denes. Whilst the proposed fencing is 2.4 high along the adjacent boundary, this is to be set in 1m from the site's boundary wall. Furthermore, the boundary wall is set back a significant distance from the road's edge due to the pavement which is immediately adjacent. The junction of The Denes / Barnacres Lane is set well forward of the proposal site's boundary wall and as such; the introduction of the fencing will not obscure views northwards of the site, where vehicles would be travelling south-north in any case.

The residential property which is situated directly north-east of the proposal site will be equally unaffected due to the separation distance between the drive, the pavement and Barnacres Road which ensures that driver visibility is not compromised.

Impact on Neighbours

A number of representations have been received from local residents expressing concerns pertaining to the visual impact of the proposals, the adequacy of the proposed security measures, loss of vegetation, and the creation of a new access.

Each of these matters is addressed within this report, except the creation of a new access. The applicant has confirmed that no new access is proposed under this application.

Suitability of the Proposed Measures

Concerns have been raised by both the Parish Council and local residents regarding the adequacy of the proposed measures with regards to securing the site against trespass.

Prior to submission of the application, the applicant sought advice from the Design-Out Crime Officer at Herts Constabulary at an on-site meeting. The advisor confirmed that the proposed measures would be sufficient to reasonably secure the site and advised that mesh fencing, when comparable with alternatives (such as palisade fencing) provided a much more secure option as it is more robust and provides visual permeability and therefore natural surveillance. It is considered that, even once the landscaping on the site has matured, the fencing will still provide a far greater level of ongoing security than the alternatives and will provide visual permanence and thus natural surveillance in the interim.

The original application proposed plywood fencing which would have been situated on Highways land (Barnacres Road) which, whilst not a matter of planning consideration, the applicant may have encountered difficulties securing the appropriate licences from the Highway Authority and as such, the application, if approved, may not have been implementable. A solution was sought which saw the fence moved inside of the wall and within the red line boundary, but concerns were expressed that the wall may have been used to assist mounting the fencing and facilitating entry to the site.

Finally, the fence was moved approx. 1m inside of the boundary wall to reduce the potential for such a situation to arise and it is considered that the applicant has gone to reasonable effort in ensuring that the proposed measures are fit for purpose. A gate is provided within the plywood fencing for maintenance purposes and to allow the exit in the unlikely event that a trespass occurs and a member of the public cannot get back over the plywood fencing.

It should be noted that in response to the planning application the Design-Out Crime Officer has been consulted and has stated that they fully support the proposals to secure the site to prevent it being used for Crime and Anti-Social Behaviour, and therefore reduce the call on Police time and resources.

As such, it is considered that the proposed fence is fit for purpose and will assist the site in complying with the objectives of Core Strategy Policies CS11, CS12 and CS13 and the relevant paragraphs of the NPPF.

Conclusions

The proposed fencing is considered to provide a solution to the security risk that is currently present at the proposal site. Whilst it is acknowledged that the plywood fencing will have a limited visual impact, this will be minimised by the imposition of a condition limiting its erection to a period not to exceed 18 months. The mesh fence that will remain is considered to result in minimal visual impact which will be further minimised through the introduction of landscape planting, securable by condition. Finally, it is considered that the acknowledged benefits of securing the site against trespass far outweigh any temporary visual harm which may arise and as such, the proposal complies with Policies CS11, CS12 and CS13 of the Core Strategy and the relevant paragraphs contained within the NPPF and is therefore recommended for approval.

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

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

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

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

**Procter Pro-sure Fencing Specification
TBC**

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 approved drawings, application forms and documents.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policy CS12 of the Core Strategy

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

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

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

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

- 5 **The fence illustrated within Drawing No. XX which extends from 'A' to 'E' and 'F' to 'G' will permanently removed within 18 months of the date of this decision and all resulting debris will be removed from the site.**

Reason: To protect the visual amenity of the site and surrounding area in accordance with Policy CS12 of the Core Strategy.

ARTICLE 35 STATEMENT

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

Agenda Item 5d

Item 5d

4/02175/16/FHA - TWO-STOREY SIDE EXTENSION, SINGLE-STOREY FRONT EXTENSION AND HIP-TO-GABLE ROOF ENLARGEMENT INCLUDING NEW ROOFLIGHTS, BOX DORMER AND LOFT CONVERSION

160 BRIDGEWATER ROAD, BERKHAMSTED, HP4 1EE



Item 5d

4/02175/16/FHA - TWO-STOREY SIDE EXTENSION, SINGLE-STOREY FRONT EXTENSION AND HIP-TO-GABLE ROOF ENLARGEMENT INCLUDING NEW ROOFLIGHTS, BOX DORMER AND LOFT CONVERSION

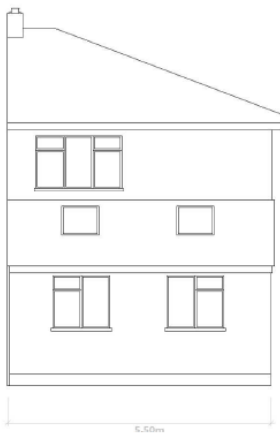
160 BRIDGEWATER ROAD, BERKHAMSTED, HP4 1EE



Existing



Proposed



Existing



Proposed

**4/02175/16/FHA - TWO-STOREY SIDE EXTENSION, SINGLE-STOREY FRONT EXTENSION AND HIP-TO-GABLE ROOF ENLARGEMENT INCLUDING NEW ROOFLIGHTS, BOX DORMER AND LOFT CONVERSION.
160 BRIDGEWATER ROAD, BERKHAMSTED, HP4 1EE.
APPLICANT: MR KENNEDY.**

[Case Officer - Rachel Marber]

Summary

The proposed single storey front extension, two storey side extension and hip to gable loft conversion through size, position and design would not result in severe detriment to the appearance of the parent dwellinghouse or surrounding street scene. Furthermore, the proposed would not adversely impact upon the residential amenity of neighbouring residents. The proposal therefore coheres with the NPPF (2012), saved appendices 3, 5 and 7 of the Dacorum Local Plan (1991), policies CS4, CS11 and CS12 of the Core Strategy (2013) and the Chilterns Park (BCA14) area character appraisal.

Site Description

The application site comprises of a two-storey semi-detached property located to the north side of Bridgewater Road. The plot benefits from a fairly sizable driveway, which could accommodate for at least four domestic cars. The plot also benefits from a modest garden, which continues the upward slope to the rear. There is an existing single-storey full-width rear extension. The site is located within the Chilterns Park Character Area (BCA14).

The property forms part of a wider road of relatively similar properties. Many properties have undergone extensions including front and side extensions. The area has an overall verdant character aspect emphasised by the tree lined street and generous build line of properties to the north.

Proposal

The application seeks planning permission for a two storey side extension and associated hip to gable loft conversion which incorporates one rear dormer and 3 front and rear roof lights. In addition to a full width, single storey front extension.

Referral to Committee

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

Relevant History

4/00416/12/LDP HIP TO GABLE END LOFT CONVERSION WITH SKYLIGHTS TO FRONT AND REAR AND SINGLE STOREY REAR EXTENSION
Granted
05/04/2012

Site Constraints

Area of Archaeological Significance

Residential Area of Town Village

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

Adopted Core Strategy

CS4 - The Towns and Large Villages
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design

Saved Policies of the Dacorum Borough Local Plan

Appendix 3 - Gardens and Amenity Space
Appendix 5 – Parking Provision
Appendix 7 - Small-scale House Extensions

Supplementary Planning Guidance

Chilterns Park Character Area (BCA14)

Summary of Representations

158 Bridgewater Road, Berkhamsted

We do not do so lightly, but must object to the application in its current form. I have always understood that generally more than very small-scale additions to the front of dwellinghouses are discouraged, demonstrated by the fact that the General Permitted Development Order only allows very modest front extensions to provide porches. The application proposal goes way beyond what could be described as a minimal front extension. Large extensions can dramatically alter the appearance of a property and have a detrimental impact on the character of a streetscene where a group of houses were erected at the same time (as per Bridgewater Road). In addition, there can be impact on the outlook and sense of enclosure of occupiers of neighbouring houses, especially given that living rooms etc. will be sited to the front of the house. The front extension at no. 160 proposes to remove the curved bay of the house (noted as a feature of the area in the Council's Area Based Policies) which matches that of our property and extend directly on the boundary line to approximately 1.85m in length, or what is not clearly marked but appears approximately 1.5m beyond the existing bay. It is clear this introduces a boundary type wall on the front of the house where none exists, directly adjoining our front bay window and substantially reducing the outlook from our living room. The location of the chimney stack on the party wall is such that seating can only be opposite, currently facing a hedge and trees which would be replaced by a large, blank brick wall, which although again not marked on the plan appears some 3 meters in height. The boundary is south-westerly facing, thereby obscuring sunlight creating a dark corner and much diminished outlook in our main living space. It appears that nos. 152 and 164 have been used as precedent, however it is felt these are errors that do not enhance the appearance of the area and should not be repeated. In any case both have material differences in their design compared to what is proposed at 160. No 152 has purposefully been set back from the

boundary line by some half a metre and also extends forward c. 1.2m, as opposed to approximately 1.5m sought under application ref 4/02175/16/FHA. Both these changes mean lesser impact on the neighbouring property. The front building line on no. 164 should be disregarded as what could be achieved. The house has been unsympathetically extended detracting from the appearance of the area. Also critically, the addition does not extend to the boundary and the impact is only upon its own living room, not that of any adjoining property. In summary, even in the context of anomalous permissions that seem contrary to policy, there is still no precedent for any front extensions that impair the neighbouring property as severely as what is proposed under application 4/02175/16/FHA.

The top floor is also badly conceived, as it does away with the three-way pitch roof and just puts a dual pitch in instead. This will increase the bulk of the house considerably given it will be a minimal distance with the boundary line. What is evident is that there will be no characteristics of a purposefully designed pair of semi's if consent were granted to the current application. This is clearly contrary to the Council's Development Principles for the area referred to as BCA14 – Chiltern Park, that specifically states 'the building line should be followed'. In the context of the overall proposals, the front addition in particular contributes a relatively small proportion of the new floor space, at the expense of severely impacting our ability to enjoy our own property. Our neighbours gave us no prior notice of their intentions. Upon receipt of the planning notice we approached and had a cordial conversation expressing our concerns. We had very much hoped they would withdraw the application to revise their plans, but have since been unable to get this confirmed. Given the stakes and limited consultation period, this has left us in a difficult position as we now feel we have no choice but to object to the application. If the proposals could be amended to remove the front addition we would be pleased to withdraw our objection. As a minimum the proposed extension to the front bay window should be removed from the design given my points above. I would be very grateful for acknowledgement and feedback on my comments.

Further comments

Following my email beneath, you may be aware Berkhamsted Town Council are also concerned and object to the subject application. We wish to reiterate, our objection relates very specifically to the demolition and extension to the front bay window. The overall proposals add c. 943 sq ft of new new space almost doubling the size of the dwelling, whilst the extension to the bay contributes only c. 30 sq ft, so 3% of this. At the same time, there is no example on Bridgewater Road of any semi-detached property where the entire front elevation has been brought forward of the original building line. This is an important application as if approved, it has the potential to set precedent and dramatically change the street scene in Bridgewater Road. We would urge you to please persuade the applicant (we have tried) to make what is a very minor amendment to their overall plans and remove the addition to the front bay window. Finally I note that the Dacorum website shows our comments but still register '0' responses and '0' against the application, which perhaps needs correcting?

Further comments

Thank you for notification of two additional plans submitted by the applicants.

These correct a discrepancy, whereby the original floor plan showed the front extension marginally set back from our boundary, whilst the front elevation plan did not. The front

elevation plan now also shows this set 30cm off our boundary in line with the original floor plan. These however remain inconsistent with the 'plan view' which still shows the extension on the boundary. The side elevation plan is also now denoted '*to match building line of adjacent property*'. It does not specify which adjacent property but in either case is misleading. Both 164 Bridgewater Road and 158 Bridgewater Road have small front extensions, in the case of our property at 158 being a garage conversion we inherited. However in both cases these are only small parts of the front elevation and on the opposite side to the party wall. These therefore have zero impact on the amenity of neighbouring properties which are detached and therefore meters away from the nearest window. They are also in line with planning policy which I understand permits small front additions subservient to the original building line. This is in stark contrast to the subject proposals, proposed to be 30cm from our main bay window and with virtually the entire front elevation brought forward of adjoining properties. We still object to the current application because: It is highly detrimental to the aesthetics of the property by removing the curved bay that matches our own, a feature of the property. It is questionable the boundary hedge would survive, but regardless this is c. 1.8m high whilst the wall that would replace the bay and extend forwards is 3 meters high, diminishing our outlook and obscuring natural light. There is no precedent for any semi on Bridgewater Road where virtually the entire front elevation is extended forward. If approved this application potentially opens the floodgates to a drastic change to the existing street scene.

To reiterate, we have no objection to 910 sq ft of the 940 sq ft proposals, including the front addition to the other side of the property similar to 158 and 164 Bridgewater Road. It is specifically the extension to the bay, 30 sq ft and enough room for one sofa, that should be removed for all the reasons above.

Further comments

1) The proposed dormer is denoted as 1m from the edge of the detached side of the property, but not on the party wall side which certainly appears closer. The Local Plan, Appendix 7 (vi) (b) clearly states '*the dormer margins should be set in a minimum of 1m from the flank walls (including party walls with adjoining properties)*'. This measurement should be added and should be a minimum of 1m.

2) The front elevation plan appears to show the front extension roof as two sections each at a different pitch, and unclear how they will join. There are no measurements on any plan showing the max height of either of these roof sections. The higher part appears (from the side elevation plan) to match the height of the existing rear extension, which (in breach of its GPDO consent) is at least 3.4m. These critical measurements should be added making the max height of both parts of the front roofs clear.

3) The Dacorum Local Plan, Appendix 7 (iii) states '*A front extension may be acceptable, if it is fairly small (e.g. a porch, bay window or small room extension)*'. Bringing all parts of the front elevation forward of their original positions is obviously inconsistent with this. The extension to the bay is a bridge too far.

4) Appendix 7 (ii) states '*Any extension should maintain the common design characteristics of the row or street within which a house is located, with particular regard to: c) where features such as windows, doors, roof and wall materials, **bays**, porches, etc are of a consistent design, it is important for any extension or alteration to reflect the original character of a house; this should not alter the character of an area by reducing the space around and between dwellings*'. Again, extension of the bay particularly is inconsistent with this.

5) *The applicant incorrectly advised the committee that the depth of the proposed extension to the front bay has been reduced. The revised side elevation plan does correct an error, where the existing bay was omitted entirely from the earlier drawing, but both versions show the same proposed depth of 1.85m from the main building line behind the bay.*

6) *The applicant has referred to a plan showing application of the 45 degree rule. This has not been provided to us nor on DBC website.*

Contamination

I have no additional comments to make in respect to contamination.

Berkhamsted Town Council

Original Comments

The Committee suspended Standing Orders to allow a member of the public to speak. Neil Saunders, the adjoining semi-detached neighbour to 160 Bridgewater Road, objected strongly to the single storey front extension as it impacted on his adjoining front bay window, excluding light and presenting a blank wall right against the boundary. He had no wish to stop his neighbours from improving their home, but felt this extension was unacceptable and created an unwelcome precedent for other semi-detached houses nearby. The Committee reinstated Standing Orders and the meeting resumed.

Objection

The front extension element of the application was unacceptable for multiple reasons:

- Breaking the front building line
- Bulk and mass – ref. CS12
- Out of keeping with the configuration of the semi-detached house and the street scene generally – ref. CS11
- Loss of amenity to neighbouring property

Amended Comments

“The Chairman suspended standing orders enabling the applicant to talk. He explained that he had been working with guidance from DBC to ensure that the revised plans heeded previous objections. Therefore, the proposed development had been moved back so that the building line was not broken and the extension would now be smaller. His view on the issue of bulk and mass was that other premises in the road had been subject to similar development. The proposals had now been stepped away from the boundary to mitigate any loss of amenity and the hedge along the majority of the front extension had been retained. The pitch of the roof had also been reduced. He pointed out that many curved bays in properties of a similar age had been removed.

the owner of 158 Bridgewater Road, did not concur with the view that the pitch had been reduced. Additionally, although the distance from his own property had been increased there would nonetheless be loss of amenity through obscuring of light and diminished outlook. The

front elevations would seem to be centimetres from his living space and the removal of the front bay window would set a worrying precedent in Brownlow Road. In conclusion, his concerns related to a small percentage of the proposals and he hoped that they would be addressed by the applicant.

The Chairman reinstated standing orders and the meeting resumed. Following a discussion it was agreed that bulk, mass and building line objections would appear no longer to be a concern. However, the drawings were not clear enough for the precise nature of other changes to be fully understood. Therefore previous objections still stand. DBC is asked to ensure that the applicant comes back with a clearer set of drawings.

Object.

The proposals are out of keeping with the configuration of the semi-detached house and the street scene generally.

CS11 refers. Loss of amenity to neighbouring property.”

Key Considerations:

Principle of Development

The application site is located within a residential area, wherein accordance to policy CS4 of the Core Strategy (2013) the principle of a residential extension is acceptable subject to compliance with the relevant national and local policies outlined below. The main issues to the consideration of this application relate to the impact of the proposed extension upon the character and appearance of the existing dwellinghouse, immediate street scene and residential amenity of neighbouring properties.

Effect on Appearance of the Existing Building and Street Scene

Saved appendix 7 of the Dacorum Local Plan (1991), policies CS11, CS12 of the Core Strategy (2013) and the NPPF (2012) all seek to ensure that any new development/alteration respects or improves the character of the surrounding area and adjacent properties in terms of scale, massing, materials, layout, bulk and height.

Moreover, under the development guidelines of the Residential Character Area BCA14 (Chilterns Park), extensions should normally be subordinate in terms of scale and height to the parent dwelling.

In accordance with the submitted application the proposed extensions would be of simple, traditional design, comprising of exposed brickworks walls downstairs and cream render walls as first floor level, with tile hang to match existing and UPVC windows and doors. These materials are considered acceptable and in-keeping with the existing dwellinghouse; complying with policy CS12 of the Core Strategy (2013).

It should be noted that several properties along the street have been granted planning permission for flush, full height two-storey side extensions, roof enlargements and loft

conversions. Direct neighbours Nos. 158 and 162 have also received full height two-storey side extensions. As such, the proposed two storey side extension would appear congruous within the street scene. A 1 metre separation distance from the neighbouring boundary with No.162 has also been maintained, preserving the open and suburban character of the area and preventing a terracing effect from occurring.

Furthermore, the application property already has permission for the hip-to-gable loft conversion under Class A of the General Permitted Development Order, granted in 2012. Several properties within the street have already undergone hip-to-gable roof enlargements including Nos. 122, 126, 138, 140 and 166 Bridgewater Road. Especially No. 144 Bridgewater Road which has undergone a flush two storey side extension and hip-to-gable loft conversion in a scheme very similar to the current proposal (4/01782/16/FHA) granted August 2016.

The proposed rear box dormer would be set in from the flank elevation by a metre and would not be overtly visible from the street scene. Thus, the proposed dormer would have no adverse impact on the street scape, preserving both the character and appearance of the existing dwellinghouse and wider street scene.

The six proposed front velux roof lights would not require planning consent under Class C of the General Permitted Development Order (2015).

Similarly, in regards to the single storey front extension other properties within the immediate street scene contain full width front extensions, such as No. 152 Bridgewater. The proposed front porch has also been amended to wrap around the existing bay window feature at first floor level; this would maintain to a degree this characteristic element.

Overall, it is considered that the single storey front extension, two storey side extension and associated roof alterations would not severely detriment the appearance of the parent dwellinghouse and street scene; accordingly the proposed coheres with the NPPF (2012), saved appendix 7 of the Dacorum Local Plan (1991), policies CS4, CS11 and CS12 of the Core Strategy (2013) and the Chilterns Park (BCA14) area character appraisal.

Effect on Amenity of Neighbours

The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved appendix 3 of the Local Plan (1991) and policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact upon neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way visual intrusion, loss of light and privacy. Moreover, saved appendix 7 of the Local Plan advises that alterations should be set within a line drawn at 45 degrees from the nearest neighbouring habitable window.

The two storey side extension would maintain the existing front and rear build line of the parent property. With a single storey rear element which would fall just short of the projection of the existing rear extension. As such the proposal would not breach the 45 degree line as drawn from the neighbouring habitable windows, and as such would not result in a loss of outlook or daylight serving the neighbouring properties.

Furthermore, due to the marginal scale (1.3 metre depth and 3.4 – 3.6 metre height) the single storey front extension is not considered to result in significant loss of daylight and sunlight to neighbouring properties. In conjunction with the north facing orientation of the application site it is not considered that during peak sunlight hours that any noteworthy loss to neighbouring properties would result.

No loss of privacy would result from the proposal, with only two obscure glazed windows proposed on the flank elevation of the side extension.

Thus, the proposal would not further impact upon the residential amenity or privacy of neighbouring residents and is acceptable in terms of the NPPF (2012), saved appendices 3 and 7 of the Local Plan (1991) and policy CS12 of the Core Strategy (2013).

Impact on Car Parking Provision

The Council's Parking Standards within saved appendix 5 of the Local Plan (1991) requires 2.25 off street parking spaces for four bed dwellings within Residential Zones 3-4. The application seeks to increase the number of bedrooms from two to four, which would require an increase in parking provision. Nonetheless, on-site parking provision would be sufficient to accommodate four domestic cars, and on street parking is available. Subsequently, it is not considered that the proposal would impact on the safety and operation of the adjacent highway. The proposal meets the requirements of policy CS12 of the Core Strategy (2013) and saved appendix 5 of the Local Plan (1991).

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

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

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

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

Reason: To ensure a satisfactory appearance to the development, in accordance with policy CS12 of the Core Strategy (2013).

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

Front Elevation (indexed 19/09/16)
Side Elevation (indexed 19/09/16)
Rear Elevation (indexed 09/08/16)
Ground-Floor Plan (indexed 23/08/16)
First-Floor Plan (indexed 23/08/16)
Loft Floor Plan (indexed 23/08/16)
Plan View (indexed 29/09/16)

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

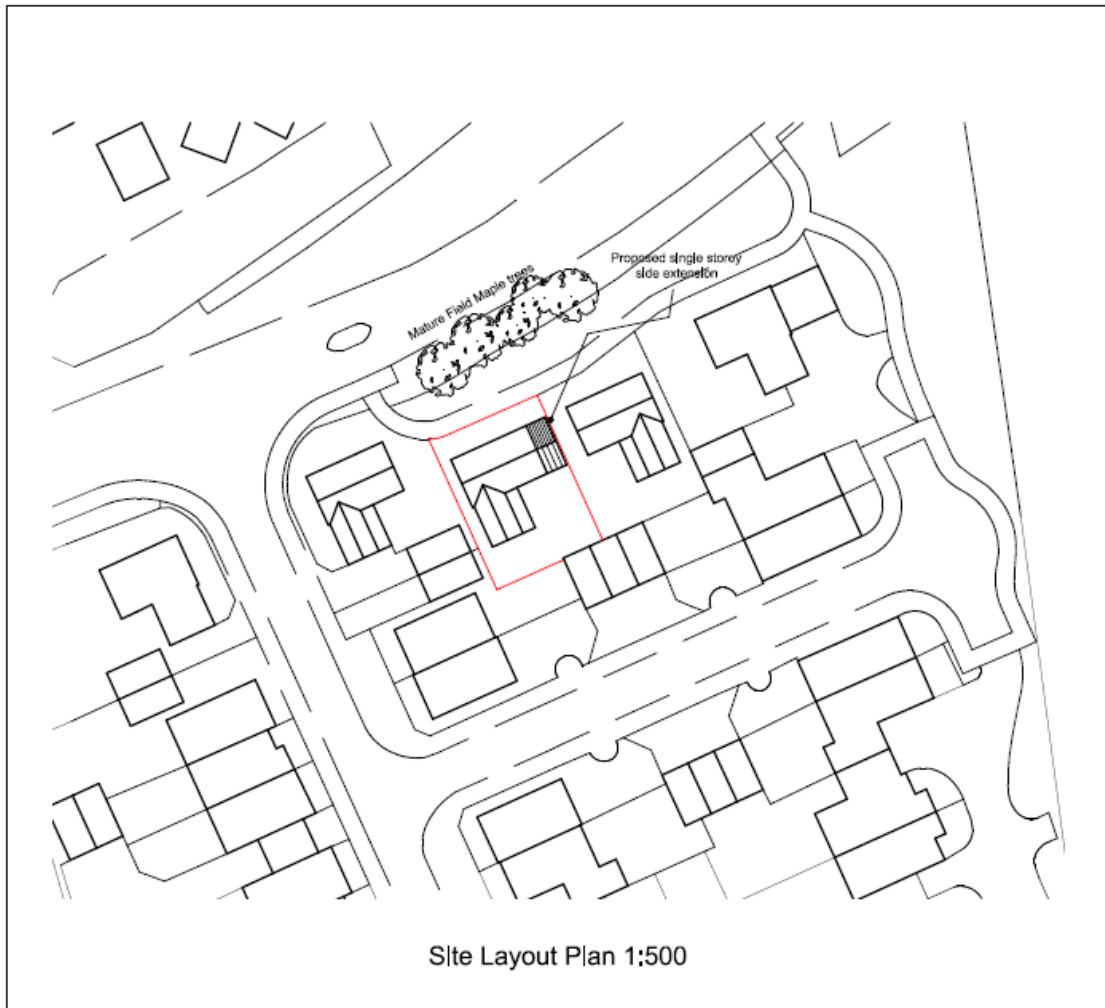
Article 35 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015.

Item 5e

4/02508/16/FHA - SINGLE STOREY SIDE EXTENSION

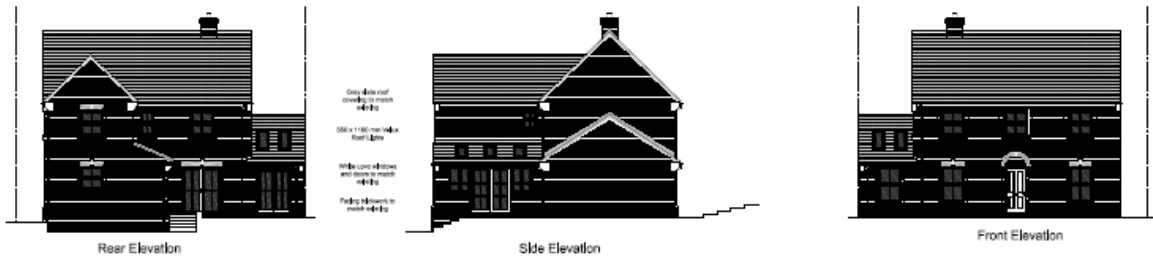
2 PHOENIX WALK, HEMEL HEMPSTEAD, HP2 7RR



Item 5e

4/02508/16/FHA - SINGLE STOREY SIDE EXTENSION

2 PHOENIX WALK, HEMEL HEMPSTEAD, HP2 7RR



**4/02508/16/FHA - SINGLE STOREY SIDE EXTENSION.
2 PHOENIX WALK, HEMEL HEMPSTEAD, HP2 7RR.
APPLICANT: Mr R Hardway.**

[Case Officer - Rachel Marber]

Summary

The proposed single storey side extension through size, position and design would not result in severe detriment to the appearance of the parent dwellinghouse or surrounding street scene. Furthermore, the proposed would not adversely impact upon the residential amenity of neighbouring residents. The proposal therefore coheres with the NPPF (2012), saved appendices 3 and 7 of the Dacorum Local Plan (1991), policies CS4, CS11 and CS12 of the Core Strategy (2013) and the Redbourn Road (HCA30) area character appraisal.

Site Description

The application site comprises of a two-storey detached property located on the south side of Phoenix Walk. The application site was granted planning permission in February 2010 (4/00529/08/MOA). As a result the application dwelling forms part of a wider cul-de-sac of similarly constructed dwellinghouses; the overall character of the area is very evident.

Proposal

The application seeks planning permission for a single storey side extension in order to enlarge the ground floor lounge. The scheme has been amended since originally submitted with the ridge height of the extension reduced from 5.4m to 4.4m.

Referral to Committee

The application is referred to the Development Control Committee due to being called in by Cllr Wyatt-Lowe.

Relevant History

4/00775/12/VAR VARIATION OF SECTION 106 AGREEMENT

Granted
30/08/2013

4/00033/12/DRC DETAILS OF CONTAMINATION/REMEDATION AND CONSTRUCTION METHOD STATEMENT AS REQUIRED BY CONDITIONS 10,11,& 13 OF PLANNING PERMISSION 4/00529/08 (RESIDENTIAL DEVELOPMENT WITH ASSOCIATED AMENITY SPACE AND VEHICULAR ACCESS)

Granted
11/06/2012

4/00745/11/RES SUBMISSION OF RESERVED MATTERS FOR 33 DWELLINGS PURSUANT TO OUTLINE PLANNING PERMISSION 4/00529/08 (RESIDENTIAL DEVELOPMENT WITH ASSOCIATED AMENITY SPACE AND VEHICULAR ACCESS)

Granted

26/08/2011

4/00529/08/MO RESIDENTIAL DEVELOPMENT WITH ASSOCIATED AMENITY SPACE
A AND VEHICULAR ACCESS
Granted
24/02/2010

Site Constraints

No specific policy constraints, established residential area of Hemel Hempstead

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

Adopted Core Strategy

CS4 - The Towns and Large Villages
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design

Saved Policies of the Dacorum Borough Local Plan

Appendix 3 - Gardens and Amenity Space
Appendix 5 – Parking Provision
Appendix 7 - Small-scale House Extensions

Supplementary Planning Guidance

Redbourn Road area character (HCA30)

Summary of Representations

4 Phoenix Walk

Objection (as summarised)

- Application described a single storey, however proposed extension's height is level with the eaves of the existing building. Indication that the side extension would be created into two storeys.
- Council's brief for development states that there should be strong and consistent control of building lines with appropriate breaks between buildings. Break between the application site and our property as a result of the extension will be substantially reduced leading to a lop sided appearance and destroying the present symmetry of the two houses.
- The three houses in Phoenix Walk and the first house Brockwood Drive are all detached and are identical in design. The four together present a symmetrical appearance which would be destroyed by a side extension at the Site.

- Application if granted will create precedent.
- Linked houses led to a risk of fire spreading to all of the houses. Without direct vehicular access by the Fire Brigade this presents an unacceptable safety risk.
- Loss of garden spaces as a result of extension, resulting in overdevelopment of site.
- Loss of outlook and overbearing from our double patio doors. Potential loss of privacy as a result of close proximity of extension to our property and velux roof lights.
- Noise nuisance would result from closer proximity.

The objections set out in those letters show that the proposed extension is in breach of the Council's Core Strategy and Policy Guidelines. In particular it is in breach of the following:-

Dacorum's Core Strategy CS11 in particular CS11 (a), (b) and (c) Dacorum's Core Strategy CS12 in particular CS12 (c), (f) and (g) Dacorum's Planning Guidance Appendix 3 in particular A3.1, A3.3, A3.5, A3.6 (i), (ii), (iii), (iv) and (vi).

Dacorum's Planning Guidance Appendix 7 in particular A7.2 (i), (ii) and (iv).

To clarify this, the proposed extension is in breach of :-

Core strategy CS11

- (a) - to respect the density in an area and to enhance spaces between buildings and the general character.
- (b) - to preserve attractive street scape.
- (c) - to co-ordinate street scape design.

Core strategy CS12

- (c) - to avoid visual intrusion, loss of privacy and disturbance to surrounding properties.
- (f) - to integrate with street scene character.
- (g) - to respect adjoining properties in terms of
 - i. Layout,
 - ii. Site coverage,
 - iv. Scale,
 - vi. Bulk and
 - viii. Amenity space.

Planning guidance appendix 3

- A3.1 - must be adequate space without creating a cramped appearance.
- A3.3 - must consider the spatial quality of layouts and attention to sequence of spaces.
- A3.5 - respect overall street scene.
- A3.6 (i) - to respect privacy of residents, staggered building lines and maintain distance between neighbours.
- A3.6 (ii) - provide private open space and for larger family homes to provide larger garden space to ensure compatibility with surrounding area.
- 3.6 (iii) - maintain a sufficient space around house to avoid a cramped layout and to maintain residential character to ensure privacy and to enable movement around the building for maintenance and other purposes.
- 3.6 (iv) - to have a 45 degree angle of light as a basic minimum to all significant windows of habitable rooms.
- 3.6 (vi) - to minimise noise nuisance.

Planning guidance appendix 7

A7.2 (i) - not to be unduly close to, in this case, our house.

A7.2 (ii) (b) - not to detract or destroy building pattern of houses of uniform design.

A7.2 (ii) (c) - not to reduce the space around and between dwellings to give a cramped appearance.

A7.2 (iv) - to be set back from front wall of existing house,

- to leave a gap between proposed extension and boundary
- to avoid a terraced or semidetached effect and
- to respect space standards.

Additional Comments (as summarised)

- Extension breach 45 degree line for living roof front window and patio doors
- Side extension would be visually overbearing and oppressive but will create a claustrophobic effect and visual intrusion.
- Gap between neighbouring property and site are characteristic of the visual amenity of the area
- Velux windows will overlook out patio and garden but also look into our living room.

Extension should be amended to be set in 1 metre from the boundary in order to allow access for maintenance, avoid overhanging guttering or fascias and to preserve a visual break between the two detached houses. This would avoid creating a terraced effect.

Key Considerations:

Principle of Development

The application site is located within a residential area, wherein accordance to policy CS4 of the Core Strategy (2013) the principle of a residential extension is acceptable subject to compliance with the relevant national and local policies outlined below. The main issues to the consideration of this application relate to the impact of the proposed extension upon the character and appearance of the existing dwellinghouse, immediate street scene and residential amenity of neighbouring properties.

Effect on Appearance of the Existing Building and Street Scene

Saved appendix 7 of the Dacorum Local Plan (1991), policies CS11, CS12 of the Core Strategy (2013) and the NPPF (2012) all seek to ensure that any new development/alteration respects or improves the character of the surrounding area and adjacent properties in terms of scale, massing, materials, layout, bulk and height.

Moreover, under the development guidelines of the Residential Character Area Redbourn Road (HCA30), extensions should normally be subordinate in terms of scale and height to the parent dwelling.

In accordance with the submitted application the proposed extensions would be of simple, traditional design, comprising of facing brickworks walls, grey slate tiles and white UPVC windows and doors. These materials are considered acceptable and in-keeping with the

existing dwellinghouse; complying with policy CS12 of the Core Strategy (2013).

Under Class A of the GPDO a single storey side extension upto the boundary with No. 4 Phoenix Walk could be constructed without formal planning consent. The proposed single storey side extension therefore only requires planning consent as the amended height would be 0.4 metres (approximately) higher than the 4 metre height requirement of the Class A specification. Nonetheless, this forms a strong fall-back position for the assessment of the planning application.

Similarly, the two proposed front and rear roof lights can be constructed without formal planning consent under Class C of the GDPO.

Moreover, due to the marginal scale and subordinate height of the single storey side extension in relation to the main property (3.7 metres) below ridge height, the proposed addition is considered nominal to the appearance of the main property and street scene. The amended height reduction has also ensured that a larger sky gap is retained between No.4 and No.2 Phoenix Walk, retaining the open and suburban character of the area.

Thus, it is considered that the single storey side extension would not severely detriment the appearance of the parent dwellinghouse and street scene; accordingly the proposed coheres with the NPPF (2012), saved appendix 7 of the Dacorum Local Plan (1991), policies CS4, CS11 and CS12 of the Core Strategy (2013) and the Redbourn Road (HCA30) area character appraisal.

Effect on Amenity of Neighbours

The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved appendix 3 of the Local Plan (1991) and policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact upon neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way visual intrusion, loss of light and privacy.

The single storey side extension would maintain the existing front and rear build line of the parent property. As such the proposal would not be overtly visible from neighbouring property No. 4 Phoenix Walks' front or rear habitable windows.

No Loss of privacy would result from the proposed due to no existing or proposed side facing windows on the single storey side extension or No.4's flank elevation.

Thus, the proposal would not further impact upon the residential amenity or privacy of neighbouring residents and is acceptable in terms of the NPPF (2012), saved appendix 3 of the Local Plan (1991) and policy CS12 of the Core Strategy (2013).

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

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

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

- 2 **The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings or such other materials as may be agreed in writing by the local planning authority.**

Reason: To ensure a satisfactory appearance to the development, in accordance with policy CS12 of the Core Strategy (2013).

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

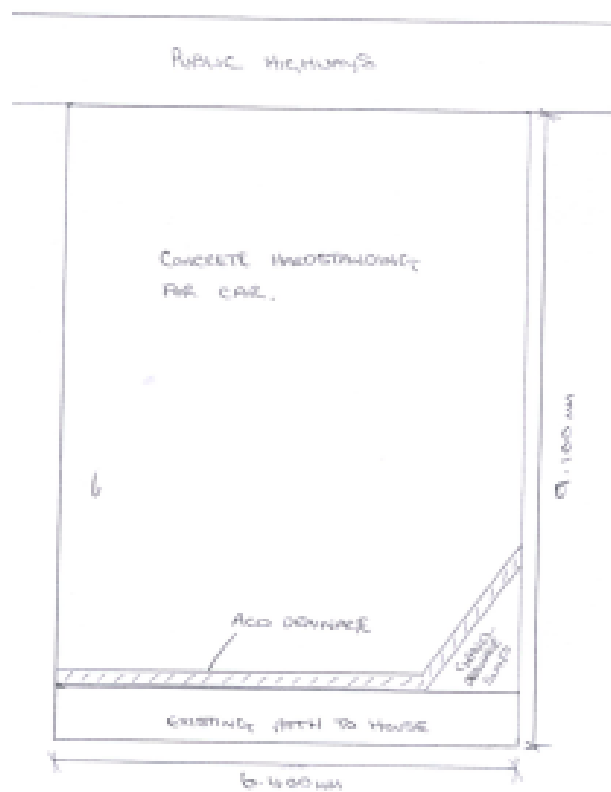
WPD-044-16-2

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

Item 5f

4/02258/16/FHA - INSTALL A DROPPED KERB

45 WATER END ROAD, POTTEN END, BERKHAMSTED, HP4 2SH



**4/02258/16/FHA - INSTALL A DROPPED KERB.
45 WATER END ROAD, POTTEN END, BERKHAMSTED, HP4 2SH.
APPLICANT: Mrs Sharon Abbott.**

[Case Officer - Briony Curtain]

Summary

This application is recommended for approval.

The proposed vehicle crossover would be an acceptable addition to the application site and would not detract from the character and appearance of the original dwelling, or the wider street scene. Most of the properties in the area have existing full width crossovers to the front. The proposal would not have a harmful impact on the amenity of neighbouring properties. The car parking arrangements are sufficient noting that provision for the disposal of surface water has been incorporated into the scheme. There would be no significant adverse impact on the safety or operation of the adjacent highway. The proposal is therefore in accordance with the National Planning Policy Framework, and Policies CS12 (Quality of Site Design) and CS13 (Quality of the Public Realm) of Decorum's Core Strategy.

Site Description

The application site is located to the northern side of Water End Road in the village of Potten End and comprises a mid-terrace two-storey residential dwelling. Most of the properties in this section of the road have parking to the front.

Proposal

Planning permission is sought for the construction of a vehicle crossover to Water End Road.

The submitted plans illustrate that the surface water off the proposed hard standing would be directed to a new aco drain and a gravel drainage sump.

The existing vehicle crossover would be extended in width to a total of 6.4m and an area of hardstand created behind (the hardstand does not form part of the proposal as this would be lawful under normal PD Rights).

Referral to Committee

The application is referred to the Development Control Committee as the site is within the Council's ownership.

Planning History

None

Policies

National Policy Guidance

National Planning Policy Framework

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS6 - Selected Small Villages in the Green Belt

CS8 - Sustainable Transport
CS12 - Quality of Site Design
CS13 - Quality of Public Realm

Saved Policies of the Dacorum Borough Local Plan

Policy 58

Appendix 5

Summary of Representations

Nettleden with Potten End Parish Council

Awaiting comments

Hertfordshire Highways

Recommend condition approval.

Considerations

The proposal is acceptable in principle in accordance with Policy CS6 of the Core Strategy. The main issues of relevance to the consideration of this application relate to the impact of the proposed vehicle crossover on the character and appearance of the original building, and the street scene, the impact on neighbouring properties, and the impact on car parking / highway safety.

Impact on appearance of original building, and street scene

The existing front boundary treatment to Water End Road consists of an existing dropped kerb with landscaping and fencing adjacent. Some other properties including the adjoining dwellings of the terrace already have crossovers, albeit most of these retain some soft landscaping either to the front or side. As a result, despite the loss of the hedging, the proposed dropped kerb would harmonise well in its setting and not have an adverse impact on the area or village.

In summary, the proposal represents an appropriate form of development that would not detract from the appearance of the original building or the street scene. The proposal is therefore in accordance with the NPPF, and Policies CS12 and CS13 of the Core Strategy.

Impact on neighbouring properties

The application site is mid-terrace and thus has two directly adjoining properties, both of which have areas of hardstand to the front for parking. There would not be an adverse impact on neighbouring properties either side with respect to visual intrusion. As such, the proposal is in accordance with Policy CS12 (c) of the Core Strategy.

Impact on highway safety and car parking

The application proposes to cover the front garden in concrete hard standing that could accommodate two on site car parking spaces to dimensions required by Policy 58. It is important to note that the provision of hard standing to the front of the dwelling would be permitted development as long as provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse. The plans clearly illustrate this and as such this part of the scheme does not form part of the current proposal. Surface water would be disposed of via the provision of an aco drain in front of the property, which is considered to be satisfactory.

As such, planning permission is only required for the construction of the vehicle crossover to

Water End Road (as it is a classified road). The vehicle crossover would span the width of the site (6.4m) and would not cause significant harm to the safety or operation of the adjacent highway (which is subject to a 30mph speed limit with low pedestrian traffic). The road is fairly straight in this location and subject to a condition requiring clear visibility splays would allow the safe entry and exit of the site.

The construction of a vehicle crossover to the application site would decrease the number of available on street car parking spaces by one. However, the provision of two spaces on-site which facilitates the free flow of traffic on the public highway is preferable.

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

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

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

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

Proposed plan

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

Article 35:

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

Item 5g

4/02292/16/FUL - INSTALLATION OF 16 PARKING BAYS ON THE AMENITY GREEN - 8 AT EACH END AND TWO ASSOCIATED VEHICLE CROSSOVERS.

AMENITY LAND, FLATFIELD ROAD, HEMEL HEMPSTEAD



**4/02292/16/FUL - INSTALLATION OF 16 PARKING BAYS ON THE AMENITY GREEN - 8
AT EACH END AND TWO ASSOCIATED VEHICLE CROSSOVERS..
AMENITY LAND, FLATFIELD ROAD, HEMEL HEMPSTEAD.
APPLICANT: Resident Services.**

[Case Officer - Matt Heron]

Summary

The applicant has shown that there is considerable local support for the loss of this amenity space for parking provision and has therefore demonstrated that the open space is surplus to local requirements, in accordance with national policy.

As such, as not all of the existing amenity space would be lost, there is access to other open spaces within the surrounding area and as the proposal would not significantly disrupt the wider Green Infrastructure Network, it is considered that the loss of the area of amenity land would not significantly harm the health and well-being of the local community. The principle of the development is therefore acceptable.

The proposal has also been assessed in terms of its impacts on the character of the area, the living conditions of the occupants of neighbouring properties, highways and parking matters and on other relevant material planning considerations. It has been concluded that the proposal is acceptable in terms of the above and is therefore in accordance with identified local and national policy in this regard.

Site Description

The application site is located within a residential area of Hemel Hempstead. The site itself comprises an area of open amenity space which is enclosed by residential units on all boundaries. To south, east and west of the site there are two storey terraced units, constructed of buff brickwork under pitched roofs, and to the north of the site there are pairs of semi-detached units constructed of facing brickwork and render under pitched roofs.

Proposal

The application seeks permission for the construction of 16 parking bays on the amenity green. These would be laid out in two sections of eight bays at each end of the amenity green. There would also be the construction of two new associated vehicular crossovers.

Referral to Committee

The application is referred to the Development Control Committee as Dacorum Borough Council has an interest in land at the application site.

Relevant History

None relevant.

Policies

National Policy Guidance

National Planning Policy Framework (the Framework)

Adopted Core Strategy

NP1 – Supporting Development
CS1 – Distribution of Development
CS4 – The Towns and Large Villages
CS8 – Sustainable Transport
CS9 – Management of Roads
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS29 – Sustainable Design and Construction
CS25 – Landscape Character
CS26 – Green Infrastructure
CS31 - Water Management
CS32 – Air, Soil and Water Quality

Saved Policies of the Dacorum Borough Local Plan

Policy 10 – Optimising the use of Urban Land
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
Appendix 5 – Parking Provision

Summary of Representations

Comments received from consultees:

Dacorum Environmental Health – No objection.

Hertfordshire County Council Transport, Programmes and Strategy – No objection received.

Comments received from local residents:

None received.

Key Considerations:

The main planning considerations in the determination of this application are:

1. The principle of the development
2. The quality of the design and the impact on the character of the area
3. The potential impact on the living conditions of the occupants of surrounding

neighbouring dwellings

4. Highways and parking

5. Other Material Planning Considerations

- (i) Contaminated Land
- (ii) Flooding and Drainage

The principle of the development

Saved Local Plan Policy 116 states that open land forming part of the urban structure will be protected from inappropriate development and that changes of use of such land must ensure that developments; relate well to the character of existing development, not compromise the future of the wider area of open land in which the development is set, do not harm the character of the area and result in an environmental improvement to the site.

In addition to the above, Policies CS25 and CS26 seek to ensure proposals preserve or improve landscape features and that the Green Infrastructure Network is protected, extended and enhanced. Notwithstanding this, Policy CS26 does state that development of open space can aid in contributing to a greater range of uses for urban green spaces.

The above mentioned local policies are broadly consistent with Section 8 of the Framework, as Paragraph 73 recognises that access to high quality open spaces can make an important contribution to the health and well-being of communities. Furthermore, Paragraph 74 states that existing open space should not be built on unless a number of criteria can be demonstrated. One such criteria is that an assessment has been undertaken which clearly shows that the open space is surplus to requirements.

This application is the subject of a two year process ('The Verge Hardening Project') that has highlighted and prioritised the areas of extreme parking stress in the Borough, checked the feasibility and cost effectiveness of parking schemes in those areas, and undergone a pre-application process to determine the most appropriate areas and methods to deliver the needed additional parking.

The applicant has also submitted consultation responses received as a result of the Verge Hardening Project from surrounding neighbouring properties. This demonstrates large scale support for this development within the local community.

Taking all of the above into account, though it is acknowledged that the application site does provide a visual break from more intensive built urban form, it is considered that the applicant, through conducting a full consultation process which shows considerable support for the loss of this amenity space for parking provision, has clearly demonstrated that the open space is surplus to local requirements, in accordance with national policy.

As such, as not all of the existing amenity space would be lost, there is access to other open spaces within the surrounding area (Bennets End Playing Fields as an example) and as the proposal would not significantly disrupt the wider Green Infrastructure Network, it is considered

that the loss of the area of amenity land would not significantly harm the health and well-being of the local community. Subject to the proposal being acceptable with regards to other relevant material planning considerations (see discussion below) there is no compelling objection to the principle of development.

The quality of the design and the impact on the character of the area

Core Strategy Policies CS11 and CS12 state that development within settlements should respect the typical density in the area and integrate with the streetscape character. Chapter 7 of the Framework emphasises the importance of good design in context and, in particular, paragraph 64 states permission should be refused for development of poor design that fails to improve the character and quality of an area and the way it functions.

Furthermore, saved Appendix 5 of the Local Plan states that *"achievement of parking provision at the expense of the environment and good design will not be acceptable. Large unbroken expanses of parking are undesirable. All parking must be adequately screened and landscaped"*.

Though it is acknowledged that the application site provides a visual break from surrounding built form, the proposed parking spaces are separated at each end of the site and would, therefore, not result in a large, unbroken, expanse of hardstanding. As such, it is considered that the form and layout of the proposed spaces would not result in significant harm to the overall character of the area to the extent that would warrant a refusal of permission. It is, however, considered reasonable to impose a condition requesting full specifications of the materials to be used for hardstanding prior to the laying of the parking spaces to ensure the development is of a high standard.

Turning to landscaping, it is also noted that the proposal would result in the loss of established vegetation at the site. However, on discussion with Dacorum Trees and Woodland Department, it is not considered that this vegetation is of significant amenity value to protect. Taking this into account, as the applicant may remove this existing vegetation without consent from the Local Authority and as there would be proposed hedging to screen the parking spaces, it is considered that the proposal would be acceptable in this regard. It is, however, considered reasonable to impose a condition requesting the submission of a detailed Landscaping Plan, comprising details of proposed vegetation and its maintenance, prior to first use of the proposed spaces.

Having regard to all of the above, and subject to the imposition of identified conditions, the proposal would, on balance, be visually acceptable. As such, the proposal complies with identified local and national policy in this regard.

The potential impact on the living conditions of the occupants of surrounding neighbouring dwellings

Policy CS12 aims to preserve neighbouring amenity. Furthermore, guidance in paragraph 17 of the NPPF is to always seek to secure high quality design and good standard of amenity for all existing and future occupiers of land and buildings.

Given the build, form and nature of the proposal, the development would not result in

significant harm to the living conditions of the occupants of neighbouring units, in terms of overbearing, overlooking and loss of light.

Turning to noise and disturbance, it is acknowledged that the development would result in increased vehicular movements to and from the application site. However, given the residential context in which the development would be located and as Dacorum Environmental Health have raised no objection to the proposal, it is not considered that the development would result in significant and demonstrable harm to living conditions in this regard.

Taking all of the above into account, the proposal would not significantly harm the living conditions of the occupants of surrounding residential units, in terms of overbearing, overlooking, loss of light and noise and disturbance. The proposal therefore complies with relevant local policy and national policy in this regard.

Highways and parking

Policy CS12 seeks to ensure developments have sufficient parking provision. Paragraph 39 of 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. Saved Policies CS8, 57 and 58 (and associated Appendix 5) of the Local Plan promote an assessment based upon maximum parking standards. This is not consistent with Policy CS12 and the Framework and, accordingly, more weight is given to the 'case by case' approach to parking provision prescribed in national policy and CS12

The proposed development would result in the provision of 16 parking bays. In an area with recognised historic on-street parking problems, this would help alleviate existing on-street parking pressures. This weighs significantly in favour of the proposal.

Turning to highway safety, Hertfordshire County Council Transport, Programmes and Strategy (HCCTPS) have been consulted and consider that the development would not prejudice vehicular or pedestrian safety. However, it is recommended that conditions are imposed ensuring visibility splays are maintained from each access and parking spaces are 2.4m x 4.8m respectively, are surfaced appropriately and are used for parking purposes only.

Notwithstanding the above, it is also recommended by HCCTPS that a condition is imposed ensuring materials and equipment used during construction are stored within the site only and do not restrict the flow of vehicular traffic. However, as the applicant must adhere to separate highways legislation restricting the storage of materials in an area that would impinge vehicular or pedestrian movements and as the applicant must obtain legal consent to store materials on land outside of their ownership, it is not considered reasonable or necessary to impose this condition.

Other Material Planning Considerations

(i) Contaminated Land

Policy CS32 seeks to maintain soil quality standards and ensure any contaminated land is appropriately remediated.

Dacorum Environmental Health Department have been consulted and consider that, as the site is located within the vicinity of potentially contaminative former land uses, a standard contamination condition should be imposed. This condition would require an initial investigation and risk assessment and is phased so if no risk is identified at the desk top study stage then there is no need to proceed further and the condition can be 'discharged'.

This condition is considered reasonable and would ensure that any contaminated land at the site is appropriately dealt with.

(ii) Flooding and Drainage

Policy CS31 seeks to minimise the risk of flooding. The application site is not located within Flood Zones 2 or 3 – indicating a low probability of flooding. Furthermore, the applicant has submitted a soakaway system which will be incorporated into the proposal. Taking this into account, and given the scale and nature of the proposal, it is not considered that the proposal would be susceptible to flooding or increase the overall risk of flooding in the area. As such, the development is considered acceptable in this regard.

Conclusion

The applicant has demonstrated that there is considerable local support for the loss of this amenity space for parking provision, and has therefore demonstrated that the open space is surplus to local requirements, in accordance with national policy.

As such, as not all of the existing amenity space would be lost, there is access to other open spaces within the surrounding area and as the proposal would not significantly disrupt the wider Green Infrastructure Network, it is considered that the loss of the area of amenity land would not significantly harm the health and well-being of the local community.

The proposal has also been assessed in terms of its impacts on the character of the area, the living conditions of the occupants of neighbouring properties, highways and parking matters and on other relevant material planning considerations. It has been concluded that the proposal is acceptable in terms of the above and is therefore in accordance with identified local and national policy.

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

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

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

- 2 The development hereby permitted shall not be carried out other than in accordance with the following approved plans/documents: DBC/016/018 & details of soakaway system to be incorporated as outlined in drawing no. HST/500/004.**

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

ensure that the proposal is acceptable in terms of flooding and drainage, in accordance with Policies CS31 of the Dacorum Core Strategy 2013.

- 3 **Prior to the construction of the parking spaces hereby approved, full specifications of the materials to be used for hardstandings shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, the development shall be carried out and retained as approved.**

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

- 4 **Prior to first use of the parking spaces hereby approved full details on a suitably scaled plan of soft landscape works must be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be in addition to those shown on the approved plans and shall be carried out and retained as approved. The landscaping details to be submitted shall include:-**

- a) planting plans, including specifications of species, sizes, planting centres, planting method and number and percentage mix;
- b) management and maintenance details.

Reason: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policies 99 and 100 of the Dacorum Local Plan 2004.

- 5 **All planting, seeding or turfing and soil preparation comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following first occupation of the building; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies 99 and 100 of the Dacorum Local Plan 2004.

- 6 **A 0.65m X 0.65m visibility splay shall be provided and permanently maintained each side of the accesses, measured from the edge of the access way to of the footway, within which there shall be no obstruction to visibility between 600mm and 2m above the carriageway/footway level.**

Reason: To provide adequate visibility for drivers entering or leaving the site in the interests of highway safety, in accordance with Policy CS8 of the Dacorum Core Strategy 2013.

- 7 **The proposed parking spaces shall have measurements of 2.4m x 4.8m respectively and shall be used for parking purposes only.**

Reason: To ensure the adequate provision of off-street parking at all times in order to minimise the impact on the safe and efficient operation of the adjoining highway, in accordance with Policy CS8 of the Dacorum Core Strategy 2013.

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

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway, in accordance with Policy CS8 of the Dacorum Core Strategy 2013.

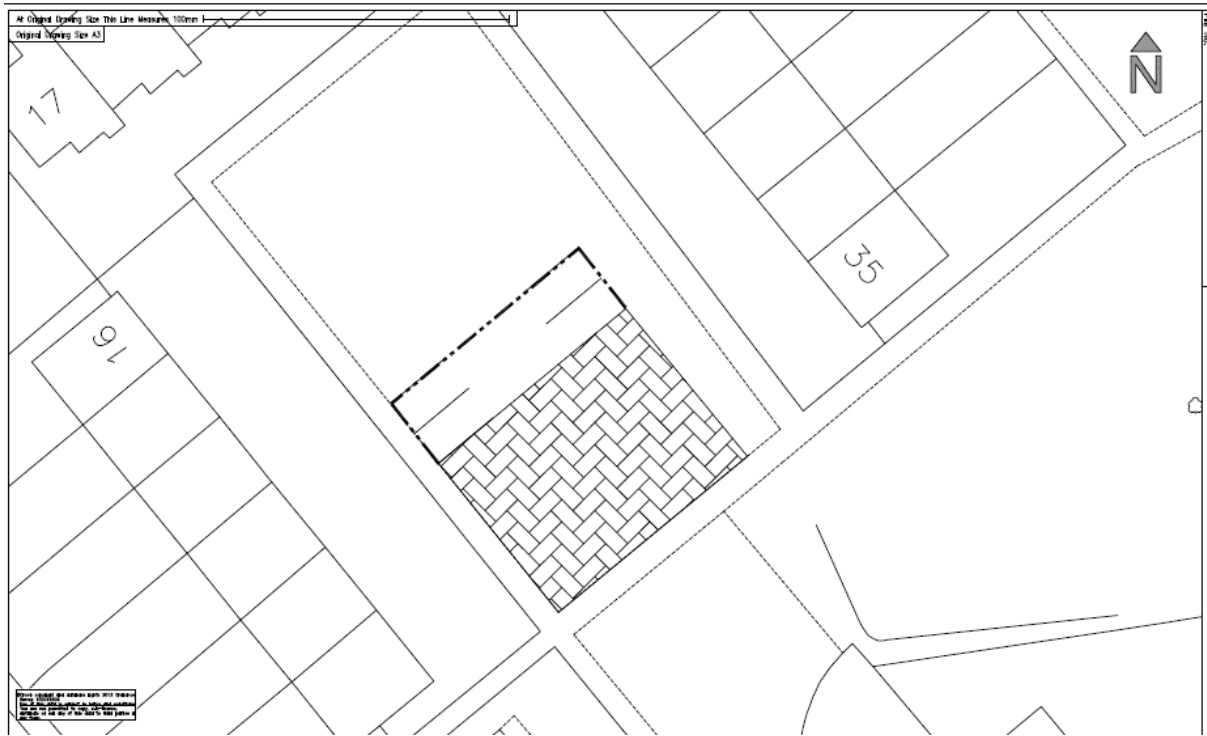
Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Agenda Item 5h

Item 5h

4/02407/16/FUL - EXTENSION OF EXISTING PARKING WITH 4 ADDITIONAL BAYS ON AMENITY GREEN

AMENITY LAND, HETCHLEYS, HEMEL HEMPSTEAD



**4/02407/16/FUL - EXTENSION OF EXISTING PARKING WITH 4 ADDITIONAL BAYS ON AMENITY GREEN.
AMENITY LAND, HETCHLEYS, HEMEL HEMPSTEAD.
APPLICANT: Resident Services.**

[Case Officer - Matt Heron]

Summary

The applicant has shown that there is considerable local support for the loss of this amenity space for parking provision and has therefore demonstrated that the open space is surplus to local requirements, in accordance with national policy.

As such, as not all of the existing amenity space would be lost, there is access to other open spaces within the surrounding area and as the proposal would not significantly disrupt the wider Green Infrastructure Network, it is considered that the loss of the area of amenity land would not significantly harm the health and well-being of the local community. The principle of the development is therefore acceptable.

The proposal has also been assessed in terms of its impacts on the character of the area, the living conditions of the occupants of neighbouring properties, highways and parking matters and on other relevant material planning considerations. It has been concluded that the proposal is acceptable in terms of the above and is therefore in accordance with identified local and national policy in this regard.

Site Description

The application site is located within a residential area of Hemel Hempstead. The site forms part of an area of open amenity space which, at present, is partly covered by hardstanding for a number of existing parking bays.

The site is enclosed by single storey and two storey residential units to north, east and west and is accessed from the south.

Proposal

The application seeks permission for the extension of the existing parking bays to create four additional bays. The hardstanding to facilitate this would be constructed of block pavements (Hanson Aqua Flow Blocks) to match the existing hardstanding.

Referral to Committee

The application is referred to the Development Control Committee as Dacorum Borough Council has an interest in land at the application site.

Relevant History

None relevant.

Policies

National Policy Guidance

National Planning Policy Framework (the Framework)

Adopted Core Strategy

NP1 – Supporting Development
CS1 – Distribution of Development
CS4 – The Towns and Large Villages
CS8 – Sustainable Transport
CS9 – Management of Roads
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS29 – Sustainable Design and Construction
CS25 – Landscape Character
CS26 – Green Infrastructure
CS31 - Water Management
CS32 – Air, Soil and Water Quality

Saved Policies of the Dacorum Borough Local Plan

Policy 10 – Optimising the use of Urban Land
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
Appendix 5 – Parking Provision

Summary of Representations

Comments received from consultees:

Hertfordshire County Council Transport, Programmes and Strategy – No objection.

Comments received from local residents:

None received.

Key Considerations:

The main planning considerations in the determination of this application are:

1. The principle of the development
2. The quality of the design and the impact on the character of the area
3. The potential impact on the living conditions of the occupants of surrounding neighbouring dwellings

4. Highways and parking
5. Other Material Planning Considerations
 - (i) Flooding and Drainage

1. The principle of the development

Saved Local Plan Policy 116 states that open land forming part of the urban structure will be protected from inappropriate development and that changes of use of such land must ensure that developments; relate well to the character of existing development, not compromise the future of the wider area of open land in which the development is set, do not harm the character of the area and result in an environmental improvement to the site.

In addition to the above, Policies CS25 and CS26 seek to ensure proposals preserve or improve landscape features and that the Green Infrastructure Network is protected, extended and enhanced. Notwithstanding this, Policy CS26 does state that development of open space can aid in contributing to a greater range of uses for urban green spaces.

The above mentioned local policies are broadly consistent with Section 8 of the Framework, as Paragraph 73 recognises that access to high quality open spaces can make an important contribution to the health and well-being of communities. Furthermore, Paragraph 74 states that existing open space should not be built on unless a number of criteria are demonstrated. One such criteria is that an assessment has been undertaken which clearly shows that the open space is surplus to requirements.

This application is the subject of a two year process ('The Verge Hardening Project') that has highlighted and prioritised the areas of extreme parking stress in the Borough, checked the feasibility and cost effectiveness of parking schemes in those areas, and undergone a pre-application process to determine the most appropriate areas and methods to deliver the needed additional parking.

The applicant has also submitted consultation responses received as a result of the Verge Hardening Project from surrounding neighbouring properties. This demonstrates large scale support for this development within the local community.

Taking all of the above into account, though it is acknowledged that the application site does provide a visual break from more intensive built urban form, it is considered that the applicant, through conducting a full consultation process which shows considerable support for the loss of this amenity space for parking provision, has clearly demonstrated that the open space is surplus to local requirements, in accordance with national policy.

As such, as not all of the existing amenity space would be lost, there is access to other open spaces within the surrounding area and as the proposal would not significantly disrupt the wider Green Infrastructure Network, it is considered that the loss of the area of amenity land would not significantly harm the health and well-being of the local community. Subject to the proposal being acceptable with regards to other relevant material planning considerations (see discussion below) there is no compelling objection to the principle of development.

2. The quality of the design and the impact on the character of the area

Core Strategy Policies CS11 and CS12 state that development within settlements should respect the typical density in the area and integrate with the streetscape character. Chapter 7 of the Framework emphasises the importance of good design in context and, in particular, paragraph 64 states permission should be refused for development of poor design that fails to improve the character and quality of an area and the way it functions.

Furthermore, saved Appendix 5 of the Local Plan states that *"achievement of parking provision at the expense of the environment and good design will not be acceptable. Large unbroken expanses of parking are undesirable. All parking must be adequately screened and landscaped"*.

Though it is acknowledged that the application site provides a visual break from surrounding built form, the proposed parking spaces are limited in scale and when considered in conjunction with the existing parking bays would not result in a large, unbroken, expanse of hardstanding. As such, and given that the hardstanding would be constructed of Hansen Aqua Flow Blocks to match the colour and texture of the existing hardstanding, it is considered that the form and layout of the proposed spaces would not result in significant harm to the overall character of the area to the extent that would warrant a refusal of permission.

Turning to landscaping, it is also noted that the proposal would result in the loss of established vegetation at the site. However, on discussion with Dacorum Trees and Woodland Department, it is not considered that this vegetation is of significant amenity value to protect. Taking this into account, and as the applicant may remove this existing vegetation without consent from the Local Authority, it is considered that the proposal would be acceptable in this regard.

Having regard to all of the above, the proposal would, on balance, be visually acceptable. As such, the proposal complies with identified local and national policy in this regard.

3. The potential impact on the living conditions of the occupants of surrounding neighbouring dwellings

Policy CS12 aims to preserve neighbouring amenity. Furthermore, guidance in paragraph 17 of the NPPF is to always seek to secure high quality design and good standard of amenity for all existing and future occupiers of land and buildings.

Given the build, form and nature of the proposal, the development would not result in significant harm to the living conditions of the occupants of neighbouring units, in terms of overbearing, overlooking and loss of light.

Turning to noise and disturbance, it is acknowledged that the development would result in increased vehicular movements to and from the application site. However, given the scale of the proposal and the residential context in which the development would be located, it is not considered that the proposal would result in significant and demonstrable harm to living conditions in this regard.

Taking all of the above into account, the proposal would not significantly harm the living conditions of the occupants of surrounding residential units, in terms of overbearing, overlooking, loss of light and noise and disturbance. The proposal therefore complies with relevant local policy and national policy in this regard.

4. Highways and parking

Policy CS12 seeks to ensure developments have sufficient parking provision. Paragraph 39 of 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. Saved Policies CS8, 57 and 58 (and associated Appendix 5) of the Local Plan promote an assessment based upon maximum parking standards. This is not consistent with Policy CS12 and the Framework and, accordingly, more weight is given to the 'case by case' approach to parking provision prescribed in national policy and CS12

The proposed development would result in the provision of four parking bays. In an area with recognised historic on-street parking problems, this would help alleviate existing on-street parking pressures. This weighs significantly in favour of the proposal.

Turning to highway safety, Hertfordshire County Council Transport, Programmes and Strategy (HCCTPS) have been consulted and consider that the development would not prejudice vehicular or pedestrian safety. As such, subject to the inclusion of relevant informatives, the proposal is considered acceptable in this regard.

6. Other Material Planning Considerations

(i) Flooding and Drainage

Policy CS31 seeks to minimise the risk of flooding. The application site is not located within Flood Zones 2 or 3 – indicating a low probability of flooding. Furthermore, the applicant has submitted details of the proposed block paving which demonstrates that water would permeate through the hardstanding.

Taking this into account, and given the scale and nature of the proposal, it is not considered that the proposal would be susceptible to flooding or increase the overall risk of flooding in the area. As such, the development is considered acceptable in this regard.

Conclusion

The applicant has demonstrated that there is considerable local support for the loss of this amenity space for parking provision, and has therefore demonstrated that the open space is surplus to local requirements, in accordance with national policy.

As such, as not all of the existing amenity space would be lost, there is access to other open spaces within the surrounding area and as the proposal would not significantly disrupt the wider Green Infrastructure Network, it is considered that the loss of the area of amenity land would not significantly harm the health and well-being of the local community.

The proposal has also been assessed in terms of its impacts on the character of the area, the

living conditions of the occupants of neighbouring properties, highways and parking matters and on other relevant material planning considerations. It has been concluded that the proposal is acceptable in terms of the above and is therefore in accordance with identified local and national policy.

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

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

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

- 2 The development hereby permitted shall not be carried out other than in accordance with the following approved plans/documents: DBC/016/20 & e-mail dated 27 October 2016 confirming use and details of Hansen Aqua Blocks to match the existing hardstanding.**

Reason: For the avoidance of doubt, in the interests of proper planning, to ensure a satisfactory design and to ensure that the proposal is acceptable in terms of flooding and drainage, in accordance with Policies CS11, CS12 and CS31 of the Dacorum Core Strategy 2013.

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Informative:

1. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

6. APPEALS UPDATE

A. LODGED

4/02360/16/ENA MR MUBASHAR HUSSAIN
APPEAL AGAINST ENFORCEMENT NOTICE
17 TANNSFIELD DRIVE, HEMEL HEMPSTEAD, HP2 5LG
[View online application](#)

B. WITHDRAWN

None

C. FORTHCOMING INQUIRIES

4/02187/15/FUL CASH
CHANGE OF USE OF LAND TO A RESIDENTIAL CARAVAN SITE FOR 8
GYPSY FAMILIES - EACH WITH TWO CARAVANS WITH CONSTRUCTION
OF A UTILITY BUILDING AND ASSOCIATED HARD STANDING.
LAND WEST OF THE BOBSLEIGH HOTEL, HEMPSTEAD ROAD,
BOVINGDON, HEMEL HEMPSTEAD, HP3
[View online application](#)

4/02222/16/ENA RUSS
CHANGE OF USE FROM ANCILLARY PARKING TO CAR SALES / CAR
WASH.
LAND OPPOSITE 127 HEMPSTEAD ROAD, WD4 8AL
[View online application](#)

D. FORTHCOMING HEARINGS

None

E. DISMISSED

4/00269/16/ENA

MR N MARTIN
APPEAL AGAINST ENFORCEMENT NOTICE - SCAFFOLDING USE
WOODLANDS, NOAKE MILL LANE, WATER END, HEMEL
HEMPSTEAD, HP1 3BB
[View online application](#)

This appeal related to the serving of an Enforcement Notice requiring the cessation of the commercial scaffolding business at Woodlands, Noake Mill Lane.

There were preliminary discussions before and during the first day of the Public Inquiry (25 May 2016) regarding the wording and attached map of the Enforcement Notice with the end result being that the allegation was altered to be a change of use of the site from residential to a mixed use of residential and commercial scaffolding business. The map was similarly varied so that the Notice not only attacked the area where the scaffolding use took place (originally hatched green) but the entire land within the planning unit (outlined in red). The Public Inquiry resumed on 09 August 2016. Due to the need to adjourn the Public Inquiry the Inspector awarded a partial award of costs to the appellant for their work in preparing for and attending the first date.

The Inspector agreed with the Council that the appellant's business in relation to the storage and distribution of golf equipment at no point reached a scale whereby it became a primary use of the planning unit. As such the Inspector considered the description of the alleged breach (as amended in May) to be correct.

The appellant did not dispute that the operation of the commercial scaffolding business has occurred and is part of a mixed use. Accordingly, the appeal on ground (b) failed. The ground (d) appeal also failed as the appellant could not demonstrate 10 years continuous usage for the alleged use (mixed use residential / commercial scaffolding business).

In terms of the ground (c) appeal the assessment to be made related to the change, if any, in the definable character of the use of the land between the primary residential use and the commercial scaffolding business. The Inspector was not persuaded that, on the balance of probability, outside storage was a regular feature of the appellant's business for the storage and distribution of golf equipment. The evidence indicated that, on the balance of probability, a significant percentage of the appellant's business for the storage and distribution of golf equipment took place entirely off-site and that the stock which was delivered to Woodlands was largely stored within the outbuildings. In contrast, the scaffolding business results in a significant amount of outside storage in the yard, a visible presence from outside of the site, frequent deliveries by large vehicles and the generation of noise through the handling of metallic products. In the Inspector's view, as a matter of fact and degree, the character of the use of the appeal site for a mixed use of residential and commercial scaffolding business is materially different from the use of site for residential with an ancillary business use for the storage and distribution of golf equipment. As such the Inspector concluded that the introduction of the scaffolding business has resulted in a material change in the definable character of the residential use of the land, that a material change of use has occurred, and that the ground (c) appeal had to fail.

The ground (f) appeal was also unsuccessful as the Inspector agreed with the Council that the Notice did not attack an office use ancillary to the residential use of the site and that varying the Notice was unnecessary. Finally the Inspector extended the period for compliance from 2 months to 4 months, balancing out the need for the appellant to find alternative premises and the harm the scaffolding use causes to the neighbouring property.

4/00645/16/FUL

RiverGate Homes Ltd and Paul and Elizabeth Rooksby
CONSTRUCTION OF 4 DWELLINGS AND ASSOCIATED PARKING
AND LANDSCAPING.
LAND ADJ. TO 26, STATION ROAD, BERKHAMSTED, HP4 2EY
[View online application](#)

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:

? Whether the proposed development would provide suitable living conditions for the future occupiers; and

? The effect of the proposed development on highway safety in the surrounding area.

Reasons

Living conditions of the future occupiers

3. The appeal site is a long narrow strip of land between Station Road and a railway line to the north. The site tapers from north-west to south-east and has a significant change in level between the road frontage and the rear of the site. This becomes more pronounced at the south-east end of the site. A number of large nature trees are present just outside the boundary of the appeal site to the north east. Due to the ground level changes on the site it would be necessary to provide substantial retaining structures at the rear of the properties to allow the houses to be built.

4. Policy CS12 of the Dacorum Core Strategy 2013 (Core Strategy) and the Saved Appendix 3 of the Dacorum Borough Local Plan 2004 (Local Plan) seek to ensure that high quality development is achieved which provides suitable living conditions for future residents and protects the living conditions of existing residents. The National Planning Policy Framework (the Framework) also seeks high quality new housing and that new development provides a good standard of amenity for all occupiers. Appendix 3 addresses the matter of private amenity space at new dwellings and recommends that rear garden areas should have a minimum depth of 11.5 metres. This is not achieved by any of the proposed dwellings with the rear gardens ranging between three and six metres in depth.

5. The Appendix does allow on infill developments garden depths which are below 11.5m but of equal depth to adjoining properties. The appeal site would be considered an infill development and the garden depths are similar to those at the adjacent properties at 26 and 27 Station Road. I saw on my site visit that the gardens of properties on the south side of Station Road also vary in depth, with those at the west end also being relatively short. My attention has been drawn to other properties in the wider area with smaller rear gardens and yards, although I saw these were, in general, older properties that were constructed before the Local Plan was adopted.

6. The Appendix also requires that all gardens should be of a width, shape and size to ensure the space is functional and compatible with the surrounding area. Although the rear gardens of the proposed dwellings are not deep, it is evident from the submitted drawings that in overall area they are not disproportionately small as the proposed dwellings would have frontages approximately 7.5 metre wide. and the length of appeal site allows for amenity space to be provided at the side of the dwellings. However, due to the ground level changes on the site, the garden areas would have to be terraced and retaining structures introduced, which would in some respects limit the functionality of the amenity space, particularly to the immediate rear of the dwellings.

7. Although amenity space is provided at the side of the dwellings, in the case of Plots 1 and 2, this is a narrow space enclosed between the gable of the house and a 1.8 metre high fence adjacent to the driveways. Whilst, the overall area of the gardens is not dissimilar to other gardens in the vicinity, they are irregular shapes and defined by gable walls, high fences and retaining structures which would diminish the quality and utility of the spaces.

8. There are public open spaces within reasonable walking distance of the appeal site and Appendix 3 does make allowances for reduced rear garden depths where the development is in proximity to open space or amenity land. Nevertheless, whilst this would cater for some recreational needs and to a certain extent compensate for the poorer quality of the external spaces adjacent to the dwellings, the function of amenity space around a dwelling has to be considered within the context of the development as a whole.

9. Whilst I am satisfied that the retaining structures could be designed in such a way that, where they are visible from Station Road, they would not cause harm to the appearance of the area, the extensive use of retaining structures within the amenity spaces would have an effect on the living conditions of the occupiers of the new dwellings, particularly on Plots 3 and 4, which I shall turn to next.

10. The proposed houses on Plots 3 and 4 would have a small open space to the rear that would be approximately 2 to 2.5 metres deep and bounded by the retaining structure which would be approximately 3 metres high at this point. The ground floor of the proposed houses would be a combined kitchen and dining with a window in the kitchen area and a French window in the dining area facing onto the retaining structure. The combination of the very small external area to the rear of the living accommodation with the height and proximity of the retaining structure would, in my view, result in an excessively overbearing effect on the ground floor rear of the proposed houses and

provide a very poor outlook from them. Additionally, as the rear of the properties face north east, they would receive little or no direct sunlight and consequently the interior of the ground floor rear of the houses on Plots 3 and 4 would be very dark.

11. This would be exacerbated by the presence and proximity of the trees beyond the site boundary, which are very tall and have dense canopies in addition to being at a higher level than the proposed dwellings. The upper floor rear windows of all of the proposed dwellings, whilst being above the level of the retaining structure would still experience a significant degree of shading from these trees. Although the trees are deciduous, the upper floors of all of the plots would experience this shading for a substantial part of the year.

12. The site backs onto a main railway line and an area used for the storage of timber and building products. A noise and vibration study was submitted with the planning application and I note that the Council's Environmental Health Officer did not disagree with the findings of this. From the evidence before me, I have no reason to reach a different conclusion.

13. This notwithstanding, I consider that the combination of the restricted functionality of the amenity areas and the effect of the retaining structures and the trees beyond the site boundary would result in the development not providing satisfactory living conditions within the proposed houses. The proposal would as a consequence be inconsistent with Core Strategy Policy CS12 and the Framework.

14. I therefore find that the proposal would not provide satisfactory living conditions for the future occupants of the dwellings. It would not comply with the relevant requirements of Core Strategy Policy CS12, the guidance in Saved Appendix 3 of the Local Plan and the requirements of the Framework to deliver high quality homes and provide a good standard of amenity for the future occupiers of buildings.

Car Parking and highway safety

15. Saved Policy 51 of the Local Plan requires that development proposals be assessed specifically in highway and traffic terms and should have no significant impact upon, among others, the design and capacity of parking areas and the implications for on-street parking. Core Strategy Policy CS12 further requires that development should provide a safe and satisfactory means of access for all users.

16. The area of land between the carriageway and the appeal site is currently within the highway boundary and is used on an informal basis for the parking of cars. It is finished in unbound stone chippings and is not formally marked out. At the time of my site visit, this area was fully occupied with parked vehicles, as was another smaller area to the west beyond 26 and 27 Station Road. Vehicles parked on the south side of Station Road restricted the effective width of the carriageway along a substantial proportion of its length.

17. There are parking restrictions in the form of double and single yellow lines on Gravel Path and around the junctions with Station Road, Ellesmere Road and George Street. At the time of my site visit the available on street parking on Station Road and the nearby streets was very heavily used and only a limited number of spaces were available.

18. It is not suggested that the proposed development does not provide sufficient on-site parking to accommodate the car parking associated with the new dwellings, or that the accesses to the new dwellings from Station Road are unsatisfactory, and the reason for refusal focusses on the loss of on-street parking.

19. The appeal proposal would formalise the publically available parking on this land and would provide 10 parking spaces. The parking survey submitted by the appellant shows that the capacity of the informal parking on the site frontage is approximately 17 spaces and that it is mainly used by residents in the area with between 11 and 13 cars being parked in the evenings and at the weekend. Whilst the Council question the validity of some elements of the survey, this part is not in dispute.

20. The proposal would result in a small loss of between 2 and 4 parking spaces available to these residents, however, the use of these spaces is on an informal basis and not limited to residents. There is a very limited amount of on-street parking capacity nearby which could accommodate some of the displaced cars. Whilst it is evident that there is a high demand for parking in the area, the proposed development would lead to only a very small reduction in the overall level parking provision, which would not, in my view, be so significant as to warrant refusing planning permission on this ground.

21. The number of vehicle movements and manoeuvres generated by the development would not significantly exceed the number of manoeuvres arising from the current use of the frontage for parking. Whilst vehicle conflicts currently occur on Station Road, due to its width being restricted by vehicles parked on the south side, the vehicle movements generated by the site would not significantly worsen this situation. I also note that the Highways Authority have not raised an

objection to the proposal in this regard.

22. I therefore find that the proposed development would not cause harm to highway safety in the area and would comply with the relevant requirements of Saved Policy 51 of the Local Plan and Core Strategy Policy CS12 which seek to ensure that new development has a safe and satisfactory access and has no significant impact on the capacity of the road network or on street parking.

Other Matters

23. The appeal site is located within the Berkhamsted Conservation Area which covers a large part of the central area of the town. The scale and external appearance of the proposed dwellings take clear design cues from the surrounding buildings. The appeal site in its present form makes a positive contribution to the character and appearance of the conservation area, however, the proposed development would retain the mature trees at the rear of the site which make a strong visual contribution and the design of the proposed new dwellings would be consistent with the surroundings. Therefore, I am of the opinion that the development would not cause harm to the character and appearance of the conservation area and I note that the Council's Conservation Officer had no objections to the proposal.

24. I also note that the appeal site is within an established residential area with good transport and accessibility to shops, services and facilities. However, none of these factors either singly or cumulatively outweigh the unsatisfactory living conditions that would result for future occupiers of the development.

Conclusion

25. I have found that the proposed development would not cause harm to road safety in the vicinity of the appeal site. However, Policy CS12 and the Framework are clear that new development should provide high quality homes that provide a good standard of amenity for future occupiers and I have found that the development would not provide acceptable living conditions for future occupants. This significantly and demonstrably outweighs any small scale benefits that would result from the development.

26. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

4/00752/15/LBC

Crossley-Smith

INSTALLATION OF CONSERVATION ROOFLIGHT.

1 THE RED HOUSE, NETTLEDEN ROAD NORTH, LITTLE
GADDESSEN, BERKHAMSTED, HP4 1PL

[View online application](#)

Decision

1. The appeal is dismissed.

Preliminary matter

2. The appeal proposal is a resubmission of a previous proposal which was refused listed building consent by the Council. That decision was upheld on appeal. Bearing in mind the need for consistency in planning decisions, the previous appeal decision is of some materiality to my assessment. However, I have assessed the appeal proposal on the basis of the evidence which has been provided to me, which includes a planning and heritage statement.

3. At appeal the appellants have expressed dissatisfaction with the manner in which the Council handled the application. Whilst I note their concerns, my assessment is limited to the merits of the proposal.

Main Issues

4. The main issues in this case are whether the proposed works would preserve the Grade II listed building known as The Red House or any features of special architectural or historic interest that it possesses, and whether or not they would preserve the character or appearance of the Little Gaddesden Conservation Area.

Reasons

5. The Red House dates from 1870 and was originally the Agent's house and estate office for the Ashridge Estate. It has subsequently been divided into three dwellings: the appellants occupy Nos 1 and 2, which have been recombined, whilst No 3 is occupied separately. The principal elements of this impressive house are of two storey height with attic accommodation. They possess a complex form which features steeply pitched gable roofs and prominent ornate chimneys, and the principal garden-facing elevations also possess an exuberant and richly detailed approach to design, featuring extensive use of polychrome brickwork. I saw on my visit that there are other houses in the vicinity

which share some features of this design approach, together with some dwellings of obviously greater antiquity. The character of the locality is clearly influenced by its location and role within the estate of nearby Ashridge House, which can be glimpsed across The Green through a gap between trees. It follows that The Red House makes an important positive contribution to the conservation area.

6. The proposed rooflight would be installed in the rear roof slope of a single storey element (the outbuilding) of the listed building. This lies to the rear of the principal elements of the house and adjoins the boundary with the extensive plot of Lutece, a detached dwelling. I understand that the outbuilding was originally detached from the house, but was quite recently attached to it during the 1990s by a linking projection which has also extended the outbuilding by a modest amount to the south west. This modern element provides a kitchen and breakfast room to Nos 1 and 2: the rooflight would serve an adjoining utility room within the larger historic section of the outbuilding. The remainder of this section now forms part of No 3. The outbuilding has always formed part of the listed building, albeit initially by virtue of being a structure within the building's curtilage, although this does not of itself indicate that it makes any particular contribution to the significance of the listed building.

7. The list description records that the yards behind the house were the estate workshops. The appellants refer to a review of historic OS maps and other documents which are suggestive that the workshop buildings were located close to the former traction engine shed. However, I have not been provided with any details of the review. The scale and position of the historic element of the outbuilding does not seem to me obviously inconsistent with use for estate operations as opposed to merely ancillary domestic functions. There is thus some possibility that the former use was the original purpose of the outbuilding, which would enhance its importance, noting also that the Red House was not built simply as a dwelling but for the undertaking of estate functions through the estate office.

8. The historic section of the outbuilding has a plain and modest appearance, this being particularly apparent at the rear, where the rear elevation consists of a plain brick wall, the only modern intervention here being a small air vent. This is a location where there are no public views, but this is not a matter which counts materially in favour of the proposal given that listed buildings are designated in the light of their inherent qualities, not the extent to which these can be appreciated by the public. Although the rear roof slope is faced with relatively recent concrete tiles, this does not detract substantially from the attractive simplicity of the pitched roof form, and there is no suggestion in the evidence before me that this is not original. The rear roof slope is interrupted only by a plain chimney which appears to be of considerable age, and thus possesses a high degree of integrity. The modern extension to the outbuilding displays considerable respect to these qualities, constructed of plain brickwork with simple fenestration.

9. The outbuilding clearly does not possess the rich architectural detailing and elaborate form of the principal elements of the house, but this does not mean that it is of little or no importance. In my view this contrast instead serves to confirm the status of the outbuilding, despite the modern extension, as a distinct and appealing subsidiary structure which possesses some charm and continues to speak of its historic role in supporting the house and possibly the broader functioning of the estate. It therefore makes a material contribution to the significance of the listed building.

10. The essential plainness and simplicity of the outbuilding are however qualities which make it very sensitive to further alterations, this being particularly the case at the rear. The appellants assert that many such outbuildings would have incorporated rooflights. However, I have not been provided with detailed examples, and in any case there is no suggestion that the appeal outbuilding ever possessed a rooflight or that the proposal would amount to restoring a missing feature. I acknowledge that the proposed rooflight would be of a traditional flush fitting design, but in its context it would nevertheless appear as a prominent and detrimental intervention. It would unacceptably harm the integrity of the rear roof slope and diminish the character of the outbuilding, thereby lessening the contribution this makes to the special architectural and historic interest of the listed building.

11. Moreover, although the concrete tiles of the roof slope are clearly not historic fabric and the utility room has an apparently modern ceiling, there is no evidence that the roof structure between them is also modern. Whilst the appellants assert that the rooflight could be inserted between structural timbers, there is no supporting evidence to demonstrate that this would be feasible. There is therefore some possibility that the proposal would result in a loss, albeit minor, of historic fabric. This adds to my concerns.

12. I appreciate that there have been various extensions and alterations to other elements of the listed building. One example is a conservatory which occupies much of an internal courtyard between the outbuilding and the principal elements of the house, but to my mind this increases the

vulnerability of the outbuilding to alterations rather than serving to justify them. My attention has also been drawn to a number of existing rooflights, but they are located within the complex roof forms comprised in the principal elements of the listed building and I have been given little information about the context and considerations which led to their approval. I am therefore not persuaded that these existing rooflights provide a precedent for the appeal proposal or serve to justify it.

13. For the reasons given above, I conclude that the proposed works would fail to preserve the special architectural and historic interest of the listed building, the desirability of which is a matter to which I am required to have special regard by section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). For the same reasons, although there would be no public views of the rooflight, the proposal would nevertheless diminish the contribution that the listed building makes to the conservation area, albeit to a very modest degree. I therefore conclude that the proposed works would fail to preserve the character and appearance of the conservation area, the desirability of which is a matter to which special attention must be paid pursuant to section 72 of the Act. There would also be conflict with Policy CS27 of the Core Strategy² and Policy 119 of the Local Plan³, which reflect the above statutory duties and aim to protect the historic environment.

14. For the purposes of the National Planning Policy Framework, the listed building and the conservation area are designated heritage assets. Within their overall context, I consider that the proposal would lead to less than substantial harm to their significance. Paragraph 134 of the Framework requires that such harm be weighed against the public benefits of the proposal.

15. The appellant contends that the rooflight would provide benefits through providing increased light and ventilation. I do not see that the former would amount to a material public benefit. The utility room is already provided with some natural light from partly glazed doors to the courtyard and breakfast room. Moreover, this is not a habitable room, and some reliance on artificial light is not detrimental to the living conditions of occupiers of Nos 1 and 2. As to improved ventilation, I acknowledge that the appliances installed in the utility room would generate some heat and humidity, but this would not be likely to be continuous in a domestic context. Nor is there evidence that the appliances are currently causing any substantive harm to the fabric of the outbuilding, or that less intrusive means of providing additional ventilation would not be practical or effective.

16. The Act requires that considerable importance and weight are to be given to the desirability of preserving the listed building and the conservation area: I conclude that the public benefits of the proposal would be very modest and would not outweigh the material harm which would be caused to the designated heritage assets. Moreover, the great weight to be apportioned to the conservation of designated heritage assets anticipated in paragraph 132 of the Framework affirms this conclusion: it follows that the proposal would be contrary to the historic environment policies of the Framework.

17. I have taken into account all other matters raised in the evidence before me. However, nothing arises which disturbs my conclusions on the main issues. The appeal is therefore dismissed.

F. ALLOWED

4/00544/16/FHA

MRS DUNCAN

TWO STOREY SIDE AND SINGLE STOREY REAR EXTENSION, NEW CAR PORT AND ALTERATIONS TO APPEARANCE OF THE HOUSE KINGSMEAD, KINGS LANE, CHIPPERFIELD, KINGS LANGLEY, WD4 9EN

[View online application](#)

Appeal Approved subject to original conditions:

No harm to Chipperfield Conservation area- proposed extensions respect the style and scale of existing building. Dwelling has a generous front build line and boundary treatment minimising is visual appearance from street scene.

Proposed car port would not project beyond side facing window of The Old Cottage. Any view from this window towards the carport would be oblique, while views from the windows and doors on the rear elevation of The Old Cottage would be even more at an angle. There would not be an unacceptably harmful effect on the living conditions of occupiers of The Old Cottage in terms of outlook.

Some light would be lost to rear garden of The Old Cottage but the car port is marginal in scale so this detriment would not be significantly harmful.

Outbuilding sited away from development and not a key material consideration for this application.

Proposed side extension would remain considerable distance from Corner Cottage; views to applicant site would also be screened by boundary treatment. Obscure glazed side facing windows conditioned; any harm to neighbouring property would not be unacceptable.

No impact to Little Cophthall due to separation distance and boundary treatment.

Council have not indicated any impact to Green Belt, agreement made.

Gravel driveway not usually noisy and small enlargement would not have unacceptable further effects.

Not an excessive amount of proposed work at application site.

Effect on future works to The Old Cottage is not a key planning material consideration. The proposed development would not block views of The Old Cottage and given the siting of the extensions and the subservient height and footprint of the carport no harm to its historic character would result.